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April 8, 2010

JOHN H. BROADLEY

James A. Glass, PhD
Deputy State Historic Preservation Officer
Indiana Department of Natural Resources
Division of Historic Preservation & Archaeology
402 West Washington Street W274
Indianapolis, IN 46204-2739

Re: Docket No. AB 295 (Sub-No. 7X), The Indiana Rail Road Company—
Abandonment Exemption—Martin and Lawrence Counties, IN. Your reference
DPHA #7321

Dear Mr. Glass:

This is in response to your letter of February 23, 2010 regarding the historic review process for the captioned abandonment. To address your specific concerns:

1. You are correct that the rail line of the Monon Railroad adjacent to the Monon Railroad Depot (#093-038-27083) is not part of the proposed abandonment and that that line will be left in its current condition.
2. The Indiana Rail Road Company ("INRD") agrees that the portion of the Bedford Industrial Track adjacent to the Milwaukee Road Depot (#093-038-27082) will remain intact and in its current condition.
3. INRD will not remove the ballast along the section of line going through archaeological sites 12Lr275 and 12Lr457.
4. Your request that the tunnel in Martin County (site 12Mn693) must be avoided by all project activities and that the rails and ties in the tunnel must be left intact puzzles us and presents significant problems for the following reasons:

The rails and ties in the tunnel were laid in the 1980's and are of a common type used throughout the US rail industry. They have no historic value or significance, nor are they significant to the structural integrity of the tunnel.

James A. Glass, PhD

April 8, 2010

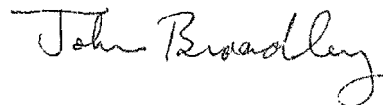
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Moreover, leaving the rails and ties in place in the tunnel will greatly complicate the removal of ties and ballast from the portion of the line east of the tunnel. The usual practice is to remove the rails using a rail train which will work from the Bedford end of the line. Leaving rail and ties in the tunnel will not affect this operation. The next step is to remove the ties by putting them on trucks which will move along the ballasted right-of-way in a "one-way" operation. The trucks will enter the right-of-way at an entry point; drive to the location where ties are being loaded; pick up a load of ties; and continue driving in the same direction to the next exit point from the right-of-way. If the rails are left in the tunnel, it will not be possible to move trucks through the tunnel. This will prevent a one-way operation (all trucks moving in one direction) and will require that between the tunnel and Indian Springs trucks picking up ties must operate in both directions on the right-of-way and turn around at some point on the right-of-way. The same problem will arise west of the tunnel.

Please let me know whether you will modify your request that the rail and ties remain in place in the tunnel, or if there are any alternative steps INRD can take to protect the aspects of the tunnel you are seeking to protect. If you believe you cannot modify your request regarding the tunnel, INRD will comply your request.

Could you please confirm to me and to the Surface Transportation Board, Section of Environment, that INRD's January 22, 2010 response to your December 18, 2009 letter, and this response to your February 23, 2010 letter will comply with and complete the Section 106 process of the NHPA.

Yours very truly,



John Broadley

Cc: Victoria Rutson
Section of Environment
Surface Transportation Board

John Rickoff
Executive Vice President
The Indiana Rail Road Company

Peter Ray
Vice President Engineering
The Indiana Rail Road Company



Indiana Department of Natural Resources

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Mitchell E. Daniels, Jr., Governor
Robert E. Carter, Jr., Director



February 23, 2010

John H. Broadley
John H. Broadley & Associates, P.C.
Canal Square
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Washington, D.C. 20007

Federal Agency: Surface Transportation Board

Re: Response to request for additional project information regarding the abandonment of a rail line from milepost 241.35 at Crane to milepost 262.5 in Bedford and abandonment of the Bedford Industrial Track from milepost 0.00 to milepost 1.65 (Docket No. AB 295 [Sub-No. 7X]; DHPA #7321)

Dear Mr. Broadley:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated January 22, 2010 and received on January 25, 2010 for the above indicated project from Crane to Bedford, Martin and Lawrence counties, Indiana.

Thank you for submitting the requested information concerning the proposed abandonment and salvage of the old Chicago, Milwaukee, St. Paul and Pacific Railroad line between Crane and Bedford by the Indiana Railroad Company. Based on the information provided to our office, we do not believe the characteristics that qualify the previously identified historic properties for inclusion in the National Register will be diminished as a result of this project with the following conditions:

1. It is our understanding that the rail line (Monon Railroad) adjacent to the Monon Railroad Depot (#093-038-27083) is not part of this proposed abandonment and that this line will be left in its current condition.
2. The rail line (Bedford Industrial Track) adjacent to the Milwaukee Road Depot (#093-038-27082) must remain intact and its current condition.
3. Archaeological site 12Mn693 (19th century tunnel) in Martin County must be avoided by all project activities. Rails and ties must remain intact.
4. The rails and ties may be removed along the section of line through archaeological sites 12Lr275 and 12Lr457. However, the removal of the ballast may impact potentially undisturbed archaeological deposits underneath the rail line. We would advise using smaller, less invasive equipment that would minimize ground disturbance to any soil underneath the existing rail line.

If any archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations.

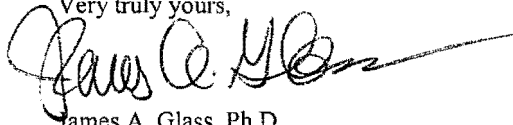
Upon completing its own identification and evaluation efforts, it would be appropriate for the Surface Transportation Board to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Refer to the following comments for guidance:

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- 1) If the Surface Transportation Board believes that a finding of "no adverse effect" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11(e) to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.5[b-c] and 800.2[d][2]).
- 2) If, on the other hand, the Surface Transportation Board believes that a finding of "adverse effect" accurately reflects its assessment, then it shall provide notification to the Advisory Council on Historic Preservation by providing the documentation in 36 C.F.R. § 800.11(e) as stated in 36 C.F.R. § 800.6(a)(1). Additionally, the Surface Transportation Board may proceed to provide documentation of its finding as set forth in 36 C.F.R. § 800.11(e) to the Indiana SHPO, all consulting parties, and make the documentation available for public inspection and proceed to seek ways to avoid, reduce and mitigate effects as stated in 36 C.F.R. § 800.6 (a)(2-5).

A copy of the revised 36 C.F.R. Part 800 that went into effect on August 5, 2004, may be found on the Internet at www.achp.gov for your reference. If you have questions about archaeological issues please contact Cathy Draeger-Williams at (317) 234-3791 or cdraeger-williams@dnr.IN.gov. If you have questions about buildings or structures please contact Chad Slider at (317) 234-5366 or cslider@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #7321.

Very truly yours,



James A. Glass, Ph.D.
Deputy State Historic Preservation Officer

JAG:CWS:CDW:cdw

cc: David C. Navecky, Environmental Protection Specialist, Surface Transportation Board
cmc: Nancy Albertson, Cultural Resource Program Manager
Norm West, EPA Chicago Office
Angie Krieger, Hoosier National Forest

Ms. Karie Brundis
Assist. Director