

224655

LAW OFFICES OF
LOUIS E. GITOMER

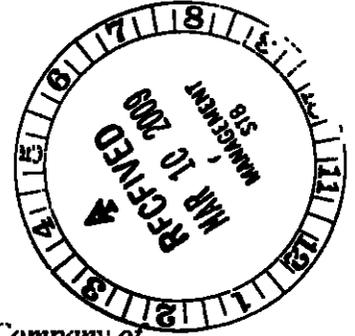
LOUIS E GITOMER
LOU_GITOMER@VERIZON NET

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

MELANIE B YASBIN
MELANIE@LGRAILLAW.COM
(410) 296-2205

March 10, 2009

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423



RE: Docket No AB-511 (Sub-No. 4), *Central Railroad Company of Indianapolis—Abandonment Exemption—Howard County, IN*

Dear Acting Secretary Quinlan

Enclosed are the original and 10 copies of a Verified Notice of Exemption for the Central Railroad Company of Indianapolis ("CERA") to abandon a 5.18 miles of line in Howard County, IN, consisting of 2.38 miles between milepost 181.26 and milepost 183.64, on CERA's mainline, and 2.8 miles between milepost 51.5 and milepost 54.3, on CERA's Tipton Industrial Lead. Also enclosed are a check from CERA for the filing fee of \$3,700, and a computer diskette containing the Notice in Word and pdf format.

Please time and date stamp the additional copy of this letter and the Petition and return them with our messenger. Thank you for your assistance.

If you have any questions please call or email me

ENTERED
Office of Proceedings

MAR 10 2008

Part of
Public Record
Enclosures

FILED

MAR 10 2009

SURFACE
TRANSPORTATION BOARD

Sincerely yours,

Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

FEE RECEIVED

MAR 10 2009

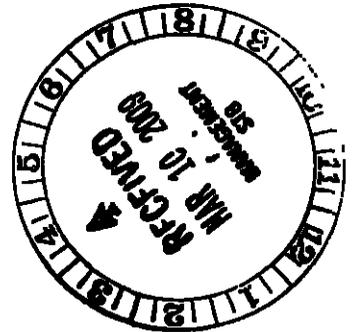
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO AB-511 (Sub-No 4X)

CENTRAL RAILROAD COMPANY OF INDIANAPOLIS—ABANDONMENT
EXEMPTION—HOWARD COUNTY, IN

VERIFIED NOTICE OF EXEMPTION



Scott G. Williams, Esq
Senior Vice President and General Counsel
RailAmerica, Inc
7411 Fullerton Street
Suite 300
Jacksonville, FL 32256
(904) 538-6329

Louis E. Gitomer, Esq
Melanie B. Yasbin, Esq
600 Baltimore Avenue
Suite 301
Towson, MD 21204
(410) 296-2250

Attorneys for Central Railroad
Company of Indianapolis

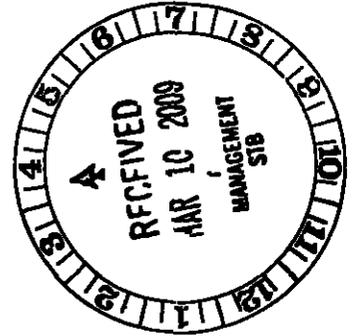
Dated March 10, 2009

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO AB-511 (Sub-No 4X)

CENTRAL RAILROAD COMPANY OF INDIANAPOLIS—ABANDONMENT
EXEMPTION—HOWARD COUNTY, IN

VERIFIED NOTICE OF EXEMPTION



Central Railroad Company of Indianapolis (“CERA”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C F R § 1152.50 for CERA to abandon 5.18 miles of line in Howard County, IN, consisting of 2.38 miles between milepost 181.26 and milepost 183.64, on CERA’s mainline (“West Kokomo line segment”), and 2.8 miles between milepost 51.5 and milepost 54.3, on CERA’s Tipton Industrial Lead (“South Kokomo line segment”) (collectively “the line segments”). No local rail traffic has moved over any of the line segments during the past two years. Any overhead rail traffic can be rerouted over other rail lines.

Based on information in the possession of CERA, the line segments do not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

There are no local shippers on any of the line segments. There has been no traffic on the West Kokomo line segments for over 2 years. The last shipper on the South Kokomo line segment was Daimler-Chrysler (“Chrysler”). Chrysler has not received any shipments since September 2006. There have been no shipments over the South Kokomo line segment in 2007, 2008, or 2009 to date.

1 Proposed consummation date The proposed abandonment date is April 29, 2009

2 Certification required by 49 C.F.R. § 1152.50(b) See Exhibit A

3 Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4)

(a) General

(1) Exact name of applicant Central Railroad Company of Indianapolis

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105 CERA is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought CERA seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon 5.18 miles of line in Howard County, IN, consisting of 2.38 miles on CERA's mainline, between milepost 181.26 and milepost 183.64, and 2.8 miles on CERA's Tipton Industrial Lead, between milepost 51.5 and milepost 54.3.

(4) Map See Exhibit B

(7) Name, title, and address of representative of applicant to whom correspondence should be sent Melanie B. Yasbin, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2205

(8) List of all United States Postal Service ZIP Codes that the line segments proposed for abandonment traverse The line segments traverse ZIP Codes 46901 and 46902

(e) Rural and community impact

(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

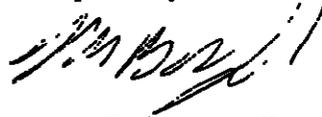
CERA believes that the properties proposed for abandonment are suitable for other public purposes.

4. The level of labor protection. The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Combined Environmental and Historic Report. The Combined Environmental and Historic Report is attached as Exhibit D.

Respectfully submitted,



Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
600 Baltimore Avenue
Suite 301
Towson, MD 21204
(410) 296-2250

Scott G. Williams, Esq.
Senior Vice President and General Counsel
RailAmerica, Inc.
7411 Fullerton Street
Suite 300
Jacksonville, FL 32256
(904) 538-6329

**Attorneys for Central Railroad
Company of Indianapolis**

Dated March 10, 2009

EXHIBIT A-VERIFICATION AND CERTIFICATION

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF TEXAS)
)
COUNTY OF BEXAR) ss

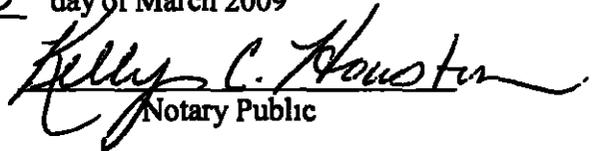
I, Sandra K. Franger being duly sworn depose and state that I am a Vice President of RailAmerica, Inc., and Vice-President of its subsidiary, Central Railroad Company of Indianapolis ("CERA"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

I hereby certify that no local traffic has moved over CERA's 5.18 miles of line consisting of 2.38 miles on CERA's mainline, between milepost 181.26 and milepost 183.7 (or is it 183.64), and 2.8 miles on CERA's Tipton Industrial Lead, between milepost 51.5 and milepost 54.3, in Howard County, IN for at least two years prior to the date hereof, and that any overhead traffic on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CERA by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.


Sandra K. Franger

SUBSCRIBED AND SWORN TO before me this 5th day of March 2009

My Commission Expires. 4-30-2010


Notary Public

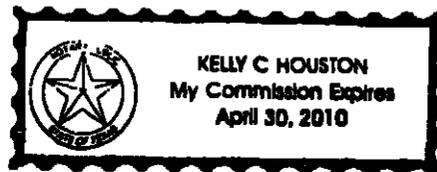


EXHIBIT B—MAP OF LINE

EXHIBIT C—CERTIFICATE OF SERVICE

Pursuant to 49 C F R § 1152 50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-511 (Sub-No 4X) was mailed via first class mail on February 25, 2009, to the following parties

State Public Service Commission

Utility Regulation Commission
Indiana Government Center, South
302 West Washington Street, Room 306
Indianapolis, IN 46204

Indiana Transportation Department
Indiana Government Center, North
100 North Senate Avenue, Room N7555
Indianapolis, IN 46204-2249

Military Traffic Management Command

MTMCTEA
ATTN Railroads for National Defense
720 Thimble Shoals Blvd
Suite 130
Newport News, VA 23606-2574

National Park Service

Mr Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC

National Park Service

U S Department of Interior
National Park Service
Land Resources Division
800 North Capitol St , N E
Room 540
Washington, DC 20002

U S Department of Agriculture

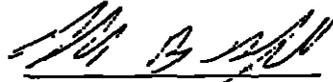
U S Department of Agriculture
Chief of the Forest Service
Mailstop 1144
1400 Independence Avenue, S W
Washington, DC 20250



Melanie B Yasbin
March 10, 2009

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No AB-511 (Sub-No 4X) was advertised on February 27, 2009 in the Kokomo Tribune, a newspaper of general circulation in Howard County, as required by 49 C F R § 1105 12



Melanie B Yasbin

March 10 , 2009

AFFIDAVIT OF PUBLICATION

**STATE OF INDIANA
County of Howard**

City of Kokomo

ISSUED

The subscriber, being duly sworn, deposes and says that
he (she) is the said Sue Tarvin of **KOKOMO TRIBUNE**
and that the foregoing notice for
CENTRAL RAILROAD COMPANY
was published in said newspaper in one editions
of said newspaper issued between 02/27/2009 and 02/27/2009
Cost: 108.48

Sue Tarvin

SUBSCRIBED AND SWORN BEFORE ME THIS 27th day of February, A D. 2009

Carolyn Pitt

Notary Public

My Commission Expires October 1, 2016

Central Railroad Company of
Indianapolis ("CERA") gives notice that on
or about March 10, 2009, it intends to file
with the Surface Transportation Board
Washington, DC 20423, a notice of
Exempt Abandonments permitting CERA to
abandon 5.18 miles of line in Howard
County, IN, consisting of 2.35 miles
between milepost 181.25 and milepost
183.64, on CERA's mainline, and 2.8 miles
between milepost 51.5 and milepost 54.3
on CERA's Tipton Industrial Lead, which
traverses through United States Postal
Service ZIP Codes 46801 and 46802. This
proceeding will be docketed as No. AB-511
(Sub-No. 40).
The Board's Section of Environmental
Analysis will generally prepare an
Environmental Assessment (EA) which will
normally be available 25 days after the
filing of the notice of exemption. Comments
on environmental and energy matters
should be filed no later than 15 days after
the EA becomes available to the public and
will be addressed in a Board decision.
Interested persons may obtain a copy of
the EA or make inquiries regarding
environmental matters by writing to the
Section of Environmental Analysis, Surface
Transportation Board, Washington, DC 20423
or by calling that office at 202-245-
0235.
Appropriate offers of financial assistance
to continue rail service can be filed with the
Board. Requests for environmental
conditions also can be filed with the Board.
An original and 10 copies of any pleading
that raises matters other than
environmental issues (such as offers of
financial assistance) must be filed directly
with the Board's Office of the Secretary,
395 E Street, SW, Washington, DC 20423
[See 49 CFR 1104.1(a) and 1104.3(a)].
and one copy must be served on
applicant's representative [See 49 CFR
1104.12(a)]. Questions regarding offers of
financial assistance may be directed to the
Board's Office of Congressional and Public
Services at 202-245-0233. Copies of any
comments or requests for conditions
should be served on the applicant's
representative Melara B. Yastin, Law
Offices of Louis E. Gabor, LLC, 800
Baltimore Avenue, Suite 301, Towson, MD
21204, 410-296-2206, email at
Melara@louisgw.com

EXHIBIT D

**COMBINED ENVIRONMENTAL AND HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-511 (Sub-No. 4X) was mailed via first class mail on February 5, 2009, to the following parties:

**Indiana Department of Transportation
Railroad Section
100 N. Senate Avenue
1GC-N, Room N901
Indianapolis, IN 46204**

**Indiana Department of Natural Resources
Division of Historic Preservation and Archeology
402 West Washington Street
Indiana Government Center South, Room W274
Indianapolis, IN 46204**

**Indiana Department of Environmental Management
Indiana Government Center
100 N. Senate Avenue
Indianapolis, IN 46206-6015**

**Honorable Greg Goodnight
Mayor, Kokomo
100 South Union Street
Kokomo, IN 46901**

**Honorable Richard Miller
President, Howard County Council
Howard County Administrative Center
220 N. Main Street
Kokomo, IN 46901**

**U.S. Army Corp. of Engineers
Louisville District
PO Box 59
Louisville, KY 40201-0059**

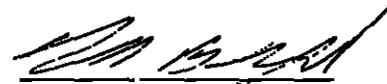
**Natural Resources Conservation Service
USDA
6013 Lakeside Boulevard
Indianapolis, IN 46278**

**Environmental Protection Agency
Region 5
Metcalf Building
Office of Strategic Environmental Analysis
77 West Jackson Boulevard
Mailcode B-19J
Chicago, IL 60604**

**National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282**

**U S. Fish and Wildlife Service
One Federal Drive
BHW Federal Building
Fort Snelling
Twin Cities, MN 55111-4056**

**U S National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226**



**Melanie B Yasbin
March 10, 2009**

COMBINED ENVIRONMENTAL AND HISTORIC REPORT
(49 C F R 1105.7 and 1105.8)

Docket No AB-511 (Sub-No 4x)

**CENTRAL RAILROAD COMPANY OF INDIANAPOLIS-ABANDONMENT EXEMPTION-
HOWARD COUNTY, IN (THE KOKOMO CLUSTER)**

Dated February 5, 2009

ENVIRONMENTAL REPORT

(1) Proposed Action and Alternatives Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project

Central Railroad Company of Indianapolis ("CERA") proposes to abandon 5.18 miles of line in Howard County, IN, consisting of 2.38 miles between milepost 181.26 and milepost 183.64, on CERA's mainline ("West Kokomo line segment"), and 2.8 miles between milepost 51.5 and milepost 54.3, on CERA's Tipton Industrial Lead ("South Kokomo line segment") (collectively "the line segments") Upon receipt of abandonment authority, CERA proposes to salvage the tracks and materials in the line segments and dispose of the rights-of-way CERA plans to leave the bridge structures located at milepost 53.95 on the South Kokomo line segment and mileposts 183.09 and 183.64 on the West Kokomo line segment intact

Abandonment of the line segments will result in the removal of the rail, crossties and possibly the upper layer of ballast. CERA does not intend to disturb any sub grade or sub grade structures Removal of the line segments will result in the elimination of 39 public road crossings (18 on the West Kokomo line segment and 21 on the South Kokomo line segment) and three private crossings located on the South Kokomo line segment

There has been no traffic on the West Kokomo line segment for over 2 years. The last shipper on the South Kokomo line segment was Daimler-Chrysler ("Chrysler"). Chrysler has not received any shipments since September 2006. There have been no shipments over the South Kokomo line segment in 2007, 2008, or 2009 to date.

The only alternative to a full abandonment would be for CERA not to abandon the line segments. No service has been provided on either of the line segments since September 2006. Chrysler has confirmed that it has no future plans for rail service. The West Kokomo line segment is located in an area of little economic growth, where industrial development is unlikely to occur. With little, if any, potential traffic, CERA has decided to seek abandonment of the line segments.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

No passenger traffic will be diverted to other modes as a result of the proposed abandonment. Chrysler, the only shipper on South Kokomo line segment, has not used the line since September 2006. No traffic moved over either of the line segments in 2007, 2008, or 2009 to date. There is no freight traffic to be diverted to motor carrier. Accordingly, the proposed abandonment should have no adverse effects on regional or local transportation systems and patterns.

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) CERA considers the proposed abandonment to be consistent with existing land use plans

CERA contacted the City of Kokomo and the County of Howard, IN, by letters dated February 5, 2009 See Exhibit 2 No response has been received as of this date A copy of this Combined Environmental and Historic Report ("CEHR") has been mailed to the appropriate local and state agencies for their information and further comment.

(ii) CERA does not believe that there is any prime agricultural land that will be affected CERA notified the United States Department of Agriculture ("USDA") Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated February 5, 2009, and requested assistance in identifying any potential effects on prime agricultural land See Exhibit 2 In a letter dated February 11, 2009, the USDA stated that abandonment of the line segments will not cause a conversion of prime farmland See Exhibit 5

(iii) The line segments do not pass through a designated coastal zone

(iv) CERA believes that the line segments may be suitable for interim trail use/ rail banking based on The City of Kokomo's recreational master plan which identifies the line segments as key connective components between downtown and the outskirts of the community

(4) Energy (i) Describe the effect of the proposed action on transportation of energy resources (ii) Describe the effect of the proposed action on recyclable commodities (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why (iv) If the proposed action will cause diversions from rail to motor carriage of more than (A) 1,000 rail carloads a year, or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given

(i) The proposed abandonment will have no effect on the transportation of energy resources

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities

(iii) The proposed abandonment will have minimal effect on overall energy efficiency since there has been no traffic on any of the line segments since September 2006

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year, or an average of 50 rail carloads per mile per year for any part of the line segments of rail traffic to motor carriage.

(5) Air. (i) If the proposed action will result in either (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) an increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify the materials and quantity; the frequency of service, safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills, contingency plans to deal with accidental spills, and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials

(6) Noise If any of the thresholds identified in item (5)(1) of this section are surpassed, state whether the proposed action will cause (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify the materials and quantity, the frequency of service, whether chemicals are being transported that, if mixed, could react to form more hazardous compounds, safety practices (including any speed restrictions), the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. CERA will cease operating over the line segments. As a result of the abandonment, CERA will remove 39 public road crossings and three private crossings.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) CERA is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the line segments.

(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) CERA does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. CERA notified the

U S Fish and Wildlife Service ("USF&W") of the proposed abandonment by letter dated February 5, 2009, and requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat. See Exhibit 2. A copy of this CEHR was supplied to the USF&W for its information and further comment. By email dated February 23, 2009, the USF&W stated that it has no comments on this proposed abandonment. USF&W states that project is within the range of the federally endangered Indiana Bat (*Myotis sodalists*), but concurs that the project is not likely to adversely affect the Indiana Bat. See Exhibit 5.

(ii) CERA is unaware of any wildlife sanctuaries or refuges, National or State parks or forests that would be adversely affected by the proposed abandonment.

CERA notified the National Parks Service of the proposed abandonment by letter dated February 5, 2009, and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. See Exhibit 2. To date, no response to this request has been received. A copy of this CEHR has been supplied to the National Park Service for its information and comment.

(9) Water (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U S C § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U S C § 1342) are required for the proposed action.

(i) CERA is confident that the proposed abandonment will be consistent with applicable water quality standards. CERA contacted the Indiana Department of Environmental Management ("INDEM") and the United States Environmental Protection Agency ("USEPA") by letters dated February 5, 2009. See Exhibit 2. To date, no response to this request has been

received. A copy of this CEHR has been supplied to the INDEM and USEPA for their information and comment.

(ii) CERA believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. Upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access, along with existing public and private crossings. No new access roads are contemplated. CERA does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the line segments and will not be discarded along the right-of-way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, CERA does not believe a permit under Section 404 of the Clean Water Act will be required.

CERA contacted the U.S. Army Corps of Engineers by letter dated February 5, 2009, and has received no response to date. See Exhibit 2. A copy of this CEHR has been supplied to the U.S. Army Corps of Engineers for its information and comment.

(iii) CERA believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. CERA contacted the INDEM and the USEPA by letter dated February 5, 2009. See Exhibit 2. A copy of this CEHR has been supplied to the INDEM and USEPA for their information and further comment.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

In an email received from the National Geodetic Survey (NGS) CERA was informed that one geodetic survey marks may be located in the area. See Exhibit 5. Based on NSG's comments, CERA proposes consulting with NGS at least 90 days prior to beginning salvage activities, if marks will be disturbed by the abandonment. CERA does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any additional mitigating actions. CERA will, of course, adhere to any remedial actions suggested by the recipients of this CEHR, which are required by the Board.

HISTORIC REPORT

1 A U.S.G.S topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action,

U.S. Geological Survey Maps have been supplied to the Indiana Department of Natural Resources, Division of Historic Preservation and Archeology See Exhibit 3

2 A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area,

West Kokomo line segment- The 2.38 mile right-of-way varies in width From milepost 181 26 to milepost 182 the line segment ranges from 12 feet wide to 66 feet wide, from milepost 182 to milepost 183 it ranges from 66 feet wide to 50 feet wide, and from milepost 183 to milepost 183 64 it ranges from 100 feet wide to 66 feet wide The line segment consists of 22 acres of land. The line segment begins at milepost 183 64 where it crosses over W Defenbaugh Street and runs northeast crossing Wildcat Creek at milepost 183 09 Continuing northeast, the line segment crosses W Markland Street and run parallel to Shambaugh Run The line segment continues northeast, crossing W Sycamore Street and W Jefferson Street and terminates at milepost 181 26, at about Webster Street

South Kokomo line segment-The 2 8 mile right-of-way varies in width From milepost 51 5 to milepost 52 the line segment ranges from 59 feet wide to 63 feet wide, from milepost 52 to milepost 53 it ranges from 60 feet wide to 25 feet wide, and from milepost 53 to the end of the line segment it is 60 feet wide. The line segment consists of 24 acres of land The southern end of the line segment begins at milepost 51 5 at U.S. Route 31 and runs northwest, crossing Wildcat Creek at milepost 53 95 The line segment crosses E Lincoln Road and runs parallel to

Home Ave Continuing northwest, the line segment enters Kokomo, crosses S Main Street and then runs parallel to S. Main Street terminating at milepost 54.3 at Taylor Street

3 Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area,

Photographs of the bridges on the Line that are 50 years old or older are attached as Exhibit 4 The bridge at milepost 53.95 on the South Kokomo line segment is a through truss The bridge at milepost 183.09 on the West Kokomo line segment is an open deck plate girder bridge The bridge crossing W Defenbaugh Street, on the West Kokomo line segment, at milepost 183.64 is an open deck pile trestle bridge

4. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known,

None

5 A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action,

The line segments were leased from the Norfolk and Western Railway Company ("N&W") in 1989 CERA purchased the lines from Norfolk Southern Railway Company, the successor of the N&W, on October 1, 2002 Service on the line segments was provided on an "as needed" basis.

6 A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic,

CERA possesses the valuation maps of the line segments, but is not aware of any other documentation in its possession

7 An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities),

CERA believes that the bridges and structures on the line segments are not unusual or

noteworthy for inclusion on the National Register of Historic Places. It is also CERA's opinion that there are no archeological resources or other railroad related historic properties in the project area. Moreover, since CERA is agreeable to converting the line segments to interim trail use/rail banking, CERA does not plan to alter, remove or dispose of any of the bridges that are on the line segments.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain

CERA believes that there are no existing records as to the nature of any known subsurface ground disturbance or fill, or environmental conditions that might affect the archeological recovery of any potential resources

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American)

CERA does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, CERA will promptly supply the necessary information

CERA contacted the Indiana Department of Natural Resources, Division of Historic Preservation and Archeology ("INDNR"). See Exhibit 2. No response has been received. A copy of this CEHR has been mailed to INDNR.

EXHIBIT 1 - MAP

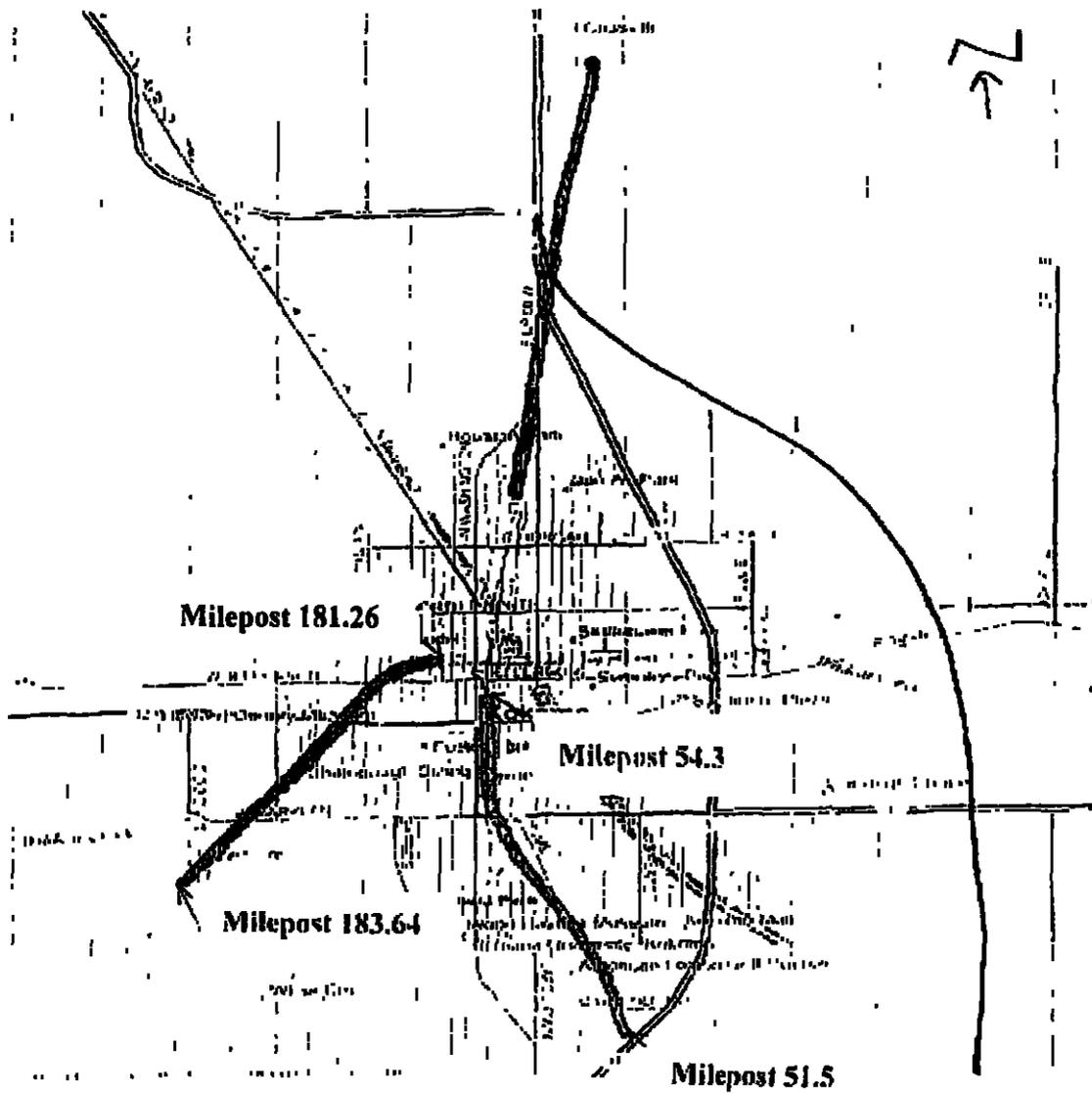


EXHIBIT 2 – LETTERS

LAW OFFICES OF
LOUIS E. GITOMER

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM
(410) 296-2205

THE ADAMS BUILDING SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466 6532
FAX (410) 332-0885

February 5, 2009

Indiana Department of Natural Resources
Division of Water
402 West Washington Street, Room W2615
Indianapolis, IN 46204

RE: Docket No. AB-511 (Sub-No. 4X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN*

Dear Madam/Sir,

On or about February 25, 2009, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indianapolis ("CERA") to abandon 5.18 miles of line consisting of 2.38 miles between milepost 181.26 and milepost 183.64, on CERA's mainline and 2.8 miles between milepost 51.5 and milepost 54.3, on CERA's Tipton Industrial Lead, in Howard County, IN.

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 F Street, S.W., Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-511 (Sub-No. 4X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie B. Yasbin who may be contacted by telephone at 410-296-2205, email at Melanie@lgrail.com, or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours

Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

LAW OFFICES OF
LOUIS E. GITOMER

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

MELANIE B. YASBIN
MELANIE@IGRAILLAW.COM
(410) 296-2205

THE ADAMS BUILDING SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21284 4022
(202) 466-6532
FAX (410) 332-0885

February 5, 2009

Environmental Protection Agency
Metcalf Building
Office of Strategic Environmental Analysis
77 West Jackson Boulevard
Mailcode B-191
Chicago, IL 60604

RE: Docket No. AB-511 (Sub-No. 4X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN*

Dear Madam/Sir:

On or about February 25, 2009, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indianapolis ("CERA") to abandon 5.18 miles of line consisting of 2.38 miles between milepost 181.26 and milepost 183.64, on CERA's mainline, and 2.8 miles between milepost 51.5 and milepost 54.3, on CERA's Tipton Industrial Lead, in Howard County, IN.

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 F Street, S.W., Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-511 (Sub-No. 4X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie B. Yasbin who may be contacted by telephone at 410-296-2205, email at MelanieB@igraillaw.com or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

LAW OFFICES OF
LOUIS E. GITOMER

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

MELANIE B. YASBIN
MELANIE@LGRATLAW.COM
(410) 296-2205

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21284-4022
(202) 466-6532
FAX (410) 332-0885

February 5, 2009

Honorable Richard Miller
President, Howard County Council
Howard County Administrative Center
220 N. Main Street
Kokomo, IN 46901

RE Docket No. AB-511 (Sub-No. 4X), *Central Railroad Company of Indianapolis-
Abandonment Exemption—Howard County, IN*

Dear Sir:

On or about February 25, 2009, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indianapolis ("CERA") to abandon 5.18 miles of line consisting of 2.38 miles between milepost 181.26 and milepost 183.64, on CERA's mainline, and 2.8 miles between milepost 51.5 and milepost 54.3, on CERA's Tipton Industrial Lead, in Howard County, IN.

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-511 (Sub-No. 4X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie B. Yasbin who may be contacted by telephone at 410-296-2205, email at Melanie@lgratlaw.com, or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21284.

Sincerely yours,

Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

LAW OFFICES OF
LOUIS E. GITOMER

LOUIS E. GITOMER
LOU_GITOMER@VFRIZON.NET

MELANIE B. YASBIN
MELANIE@IGRAHLAW.COM
(410) 296-2205

THE ADAMS BUILDING SUITE 301
600 BALTIMORE AVENUE
TOWSON MARYLAND 21204-4022
(202) 466-6572
FAX (410) 332-0885

February 5, 2009

Honorable Greg Goodnight
Mayor, Kokomo
100 South Union Street
Kokomo, IN 46901

RE: Docket No. AB-511 (Sub-No. 4X), *Central Railroad Company of Indianapolis--
Abandonment Exemption—Howard County, IN*

Dear Mayor Goodnight:

On or about February 25, 2009, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indianapolis ("CERA") to abandon 5.18 miles of line consisting of 2.38 miles between milepost 181.26 and milepost 183.64, on CERA's mainline, and 2.8 miles between milepost 51.5 and milepost 54.3, on CERA's Tipton Industrial Lead, in Howard County, IN.

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-511 (Sub-No. 4X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie B. Yasbin who may be contacted by telephone at (410)-296-2205, email at Melanie@Igrahlaw.com or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson MD 21204.

Sincerely yours,

Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

LAW OFFICES OF
LOUIS E. GITOMER

LOUIS E. GITOMER
LOU_GITOMER@VFRIZON.NFT

MELANIE B. YASBIN
MELANIE@LGRAHLAW.COM
(410) 296-2205

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21286-4072
(202) 466-6532
FAX (410) 332-0885

February 5, 2009

U.S. National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

RE: *Docket No. AB-511 (Sub-No. 4X), Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN*

Dear Madam/Sir:

On or about February 25, 2009, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indianapolis ("CERA") to abandon 5.18 miles of line consisting of 2.38 miles between milepost 181.26 and milepost 183.64 on CERA's mainline, and 2.8 miles between milepost 51.5 and milepost 54.3, on CERA's Lipton Industrial Lead, in Howard County, IN.

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-511 (Sub-No. 4X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie B. Yasbin who may be contacted by telephone at 410-296-2205, email at Melanie@lgrahlaw.com or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21284.

Sincerely yours,

Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

LAW OFFICES OF
LOUIS E. GITOMER

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

MELANIE B. YASBIN
MELANIE@LGRAHLAW.COM
(410) 296-2205

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21284-3022
(202) 466-6532
FAX (410) 332-0885

February 5, 2009

Natural Resources Conservation Service
USDA
6013 Lakeside Boulevard
Indianapolis, IN 46278

RE: Docket No. AB-511 (Sub-No. 4X), *Central Railroad Company of Indianapolis--
Abandonment Exemption-- Howard County, IN*

Dear Madam/Sir:

On or about February 25, 2009, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indianapolis ("CIRA") to abandon 5.18 miles of line consisting of 2.38 miles between milepost 181.26 and milepost 183.64 on CIRA's mainline, and 2.8 miles between milepost 51.5 and milepost 54.3, on CIRA's Tipton Industrial Lead, in Howard County, IN.

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-511 (Sub-No. 4X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SLV (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie B. Yasbin who may be contacted by telephone at 410-296-2205, email at Melanie@lgrahlaw.com, or mail at Law Offices of Louis F. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

LAW OFFICES OF
LOUIS E. GITOMER

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM
(410) 296-2205

THE ADAMS BUILDING SUITE 301
600 BALTIMORE AVENUE
TOWSON MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

February 5, 2009

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Spring MD 20910-3282

Re: Docket No. AB-511 (Sub-No. 4X), *Central Railroad Company of Indianapolis--
Abandonment Exemption--Howard County, IN*

Dear Sir:

On or about February 25, 2009, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indianapolis ("CERA") to abandon 5.18 miles of line consisting of 2.38 miles between milepost 181.26 and milepost 183.64, on CERA's mainline, and 2.8 miles between milepost 51.5 and milepost 54.3, on CERA's Lipton Industrial Lead, in Howard County, IN.

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-511 (Sub-No. 4X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie B. Yasbin who may be contacted by telephone at 410-296-2205, email at Melanie@lgraillaw.com, or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

LAW OFFICES OF
LOUIS E. GITOMER

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

MELANIE B. YASBIN
MELANIE@LGRALLLAW.COM
(410) 296-2205

THE ADAMS BUILDING SUITE 301
600 BALTIMORE AVENUE
TOWSON MARYLAND 21204 4022
(202) 466 6532
FAX (410) 332-0885

February 5, 2009

Indiana Department of Natural Resources
Division of Historic Preservation and Archeology
402 West Washington Street
Indiana Government Center South, Room W256
Indianapolis, IN 46204

RE: Docket No. AB-511 (Sub-No. 4X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN*

Dear Madam/Sir:

On or about February 25, 2009, we expect to be filing with the Surface Transportation Board (STB) a notice of exemption seeking authority for Central Railroad Company of Indianapolis (CIRA) to abandon 5.18 miles of line consisting of 2.38 miles between milepost 181.26 and milepost 183.64, on CIRA's mainline, and 2.8 miles between milepost 51.5 and milepost 54.3, on CIRA's Tipton Industrial Lead, in Howard County, IN.

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, telephone 202-345-0295 and refer to the above Docket No. AB-511 (Sub-No. 4X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie B. Yasbin, who may be contacted by telephone at 410-296-2205, email at Melanie@lgralllaw.com, or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

LAW OFFICES OF
LOUIS E. GITOMER

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

MELANIE B. YASBIN
MELANIE@LGRATT.LAW.COM
(410) 296-2205

THE ADAMS BUILDING SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466 6532
FAX (410) 332 0885

February 5, 2009

Indiana Department of Transportation
Railroad Section
100 N. Senate Avenue
1GC-N, Room N901
Indianapolis IN 46204

RE *Docket No. AB-511 (Sub-No. 4X), Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN*

Dear Madam/Sir:

On or about February 25, 2009, we expect to be filing with the Surface Transportation Board (STB) a notice of exemption seeking authority for Central Railroad Company of Indianapolis (CIRA) to abandon 5.18 miles of line consisting of 2.38 miles between milepost 181.26 and milepost 183.64, on CERA's mainline, and 2.8 miles between milepost 51.5 and milepost 54.3, on CERA's Tipton Industrial Lead, in Howard County, IN.

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-511 (Sub-No. 4X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie B. Yasbin who may be contacted by telephone at 410-296-2205, email at Melanie@lgrattlaw.com or in person at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

LAW OFFICES OF
LOUIS E. GITOMER

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM
(410) 296-2205

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204 4022
(202) 466 6932
FAX (410) 732 0885

February 5, 2009

Indiana Department of Environmental Management
Indiana Government Center
100 N. Senate Avenue
Indianapolis, IN 46206-6015

RE: Docket No. AB-511 (Sub-No. 4X), *Central Railroad Company of Indianapolis
Abandonment Exemption—Howard County, IN*

Dear Madam/Sir:

On or about February 25, 2009, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indianapolis ("CERA") to abandon 5.18 miles of line consisting of 2.38 miles between milepost 181.26 and milepost 183.64, on CERA's mainline, and 2.8 miles between milepost 51.5 and milepost 54.3, on CERA's Tipton Industrial Lead, in Howard County, IN.

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-511 (Sub-No. 4X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie B. Yasbin, who may be contacted by telephone at (410) 296-2205, email at Melanie@lgraillaw.com, or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

LAW OFFICES OF
LOUIS E. GITOMER

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

MELANIE B. YASBIN
MFLANIB@IGRAILLAW.COM
(410) 296-2205

THE ADAMS BUILDING SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21284-4022
(202) 466-6532
FAX (410) 332-0885

February 5, 2009

U.S. Army Corp. of Engineers
Louisville District
PO Box 59
Louisville, KY 40201-0059

RE Docket No. AB-511 (Sub-No. 4X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN*

Dear Madam/Sir:

On or about February 25, 2009, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indianapolis ("CIRA") to abandon 5.18 miles of line consisting of 2.38 miles between milepost 181.26 and milepost 183.64, on CIRA's mainline, and 2.8 miles between milepost 51.5 and milepost 54.3, on CIRA's Tipton Industrial Lead, in Howard County, IN.

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 L Street, S.W., Washington, DC 20423, telephone 202-345-0295 and refer to the above Docket No. AB-511 (Sub-No. 4X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie B. Yasbin who may be contacted by telephone at 410-296-2205, email at Melaneta@igraillaw.com or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21284.

Sincerely yours,

Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

LAW OFFICES OF
LOUIS E. GITOMER

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

MELANIE B. YASBIN
MELANIE@LGRALLAW.COM
(410) 296-2205

THE ADAMS BUILDING SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21284 4022
(202) 466 6532
FAX (410) 332-0885

February 5, 2009

U.S. Fish and Wildlife Service
One Federal Drive
BIW Federal Building
Fort Snelling, MN 55111-4056

RE: Docket No. AB-511 (Sub-No. 4X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN*

Dear Madam/Sir:

On or about February 25, 2009, we expect to be filing with the Surface Transportation Board (STB) a notice of exemption seeking authority for Central Railroad Company of Indianapolis ("CERA") to abandon 5.18 miles of line consisting of 2.38 miles between milepost 181.26 and milepost 183.64, on CERA's mainline, and 2.8 miles between milepost 51.5 and milepost 54.3 on CERA's Tipton Industrial Lead in Howard County, IN.

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-511 (Sub-No. 4X).

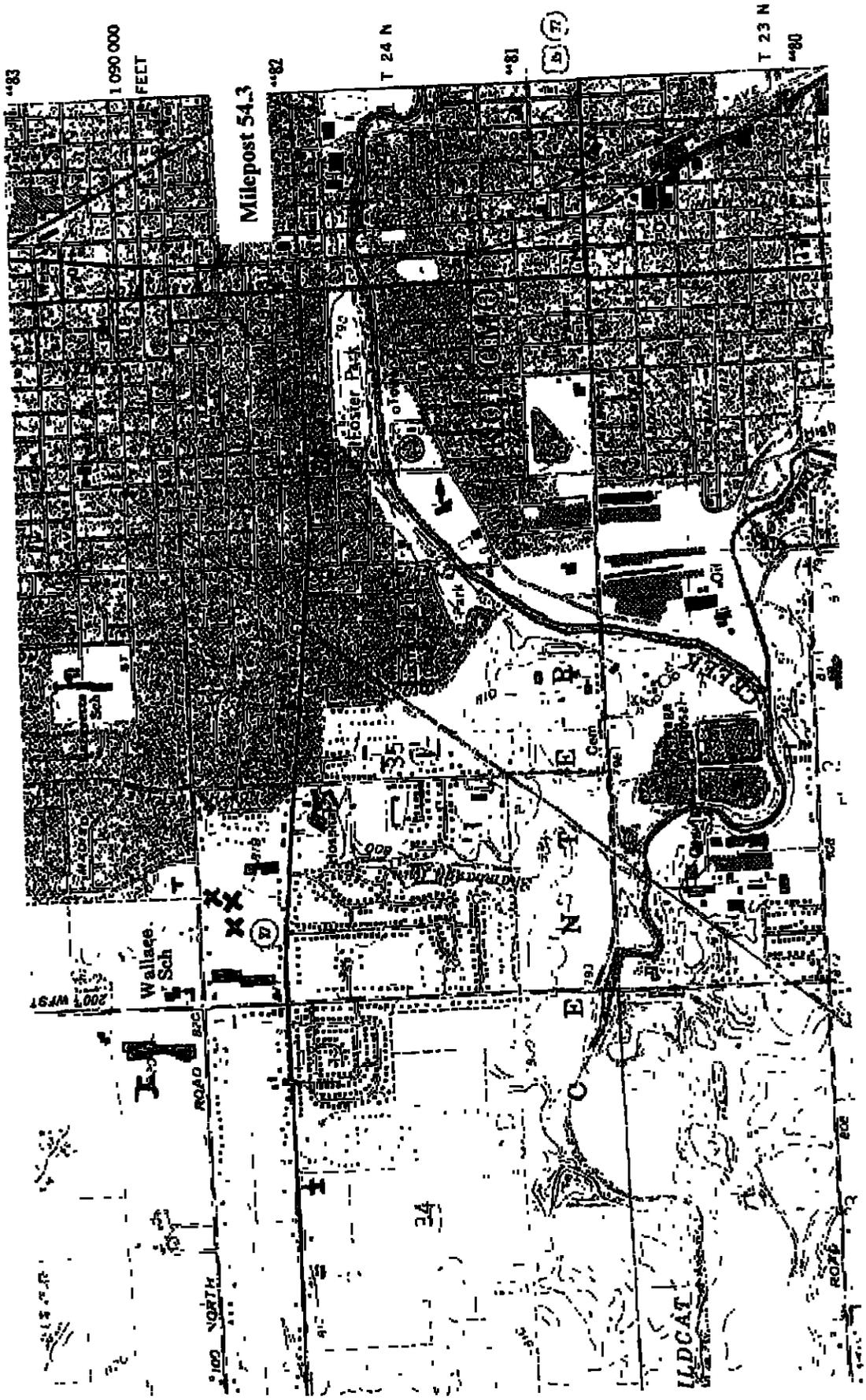
Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie B. Yasbin who may be contacted by telephone at 410-296-2205, email at Melanie@lgrallaw.com or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21284.

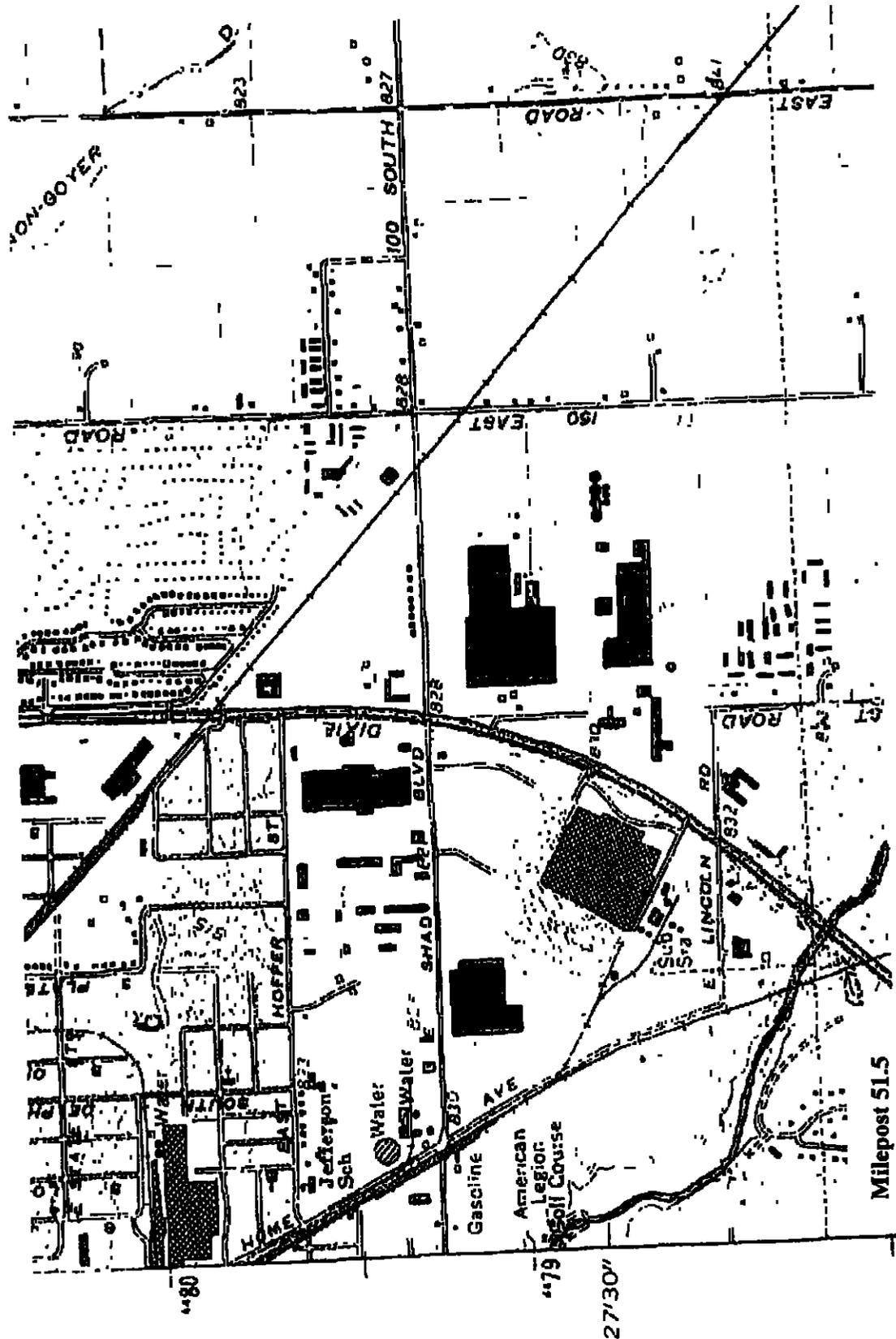
Sincerely yours,

Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

EXHIBIT 3 – USGS MAPS



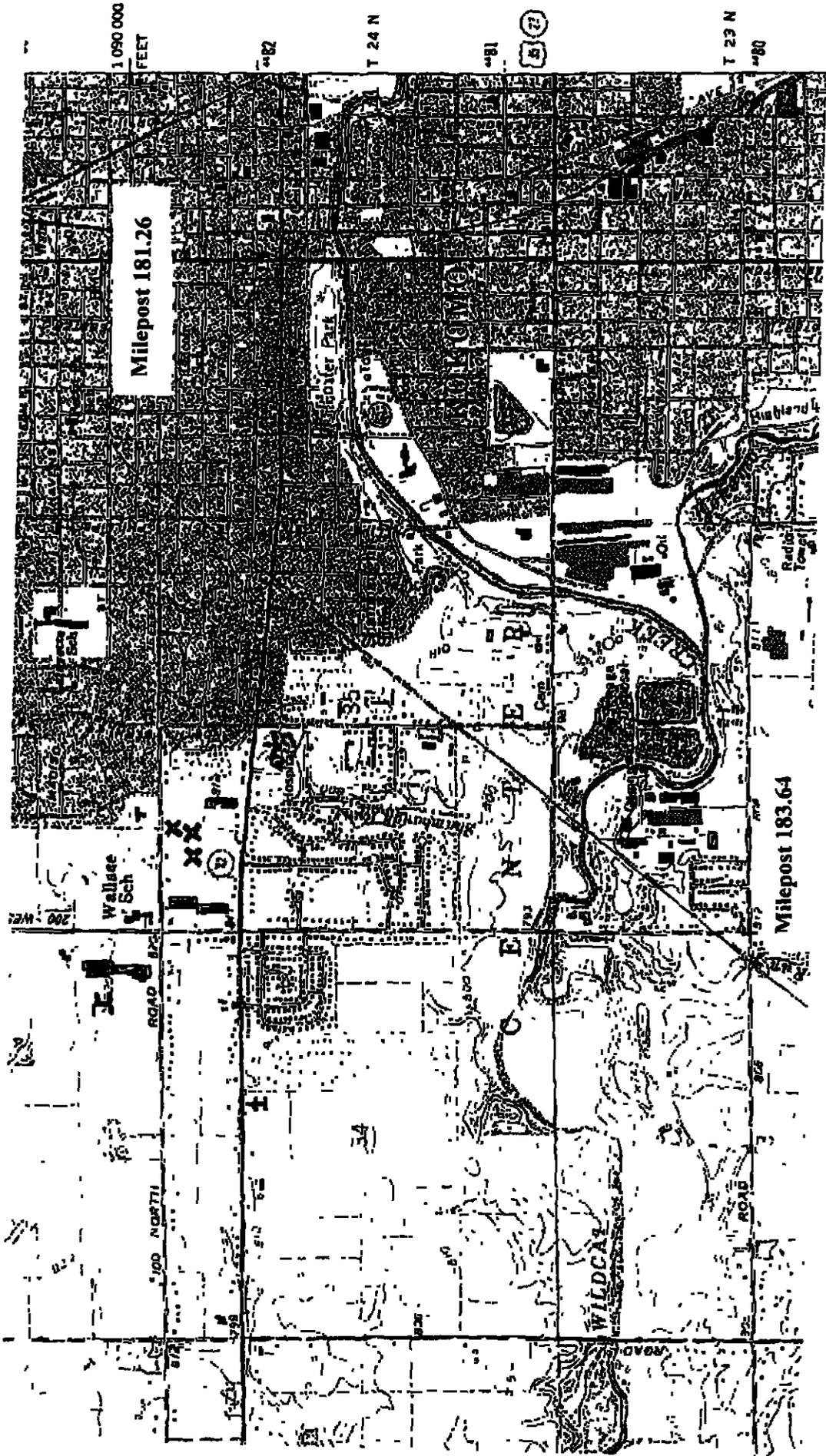


4480

4479

27'30"

Milepost 51.5



Milepost 181.26

Wallace Sch

Milepost 183.64

1 050 000
FEET

R 182

T 24 N

R 181

(27)

T 23 N

R 180

ROAD

ROAD

WILDCAT

ROAD

ROAD

Radio Tower

Forest Park

Cent

E

N

S

W

E

N

S

W

E

N

S

W

E

N

S

W

N

S

W

N

S

W

N

S

W

N

W

N

S

W

N

S

W

N

S

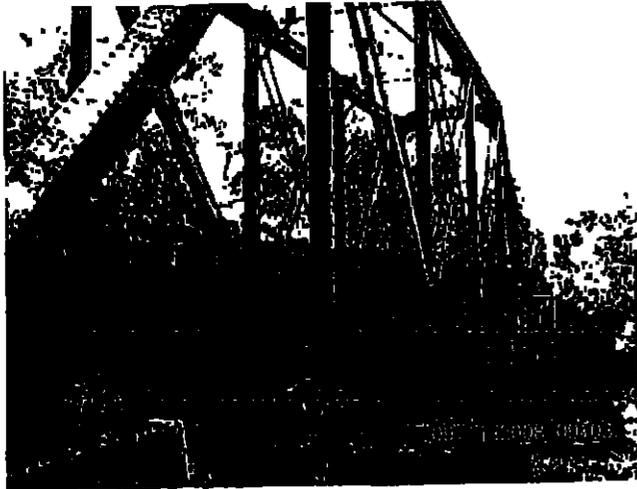
W

N

**EXHIBIT 4 – BRIDGE PHOTOGRAPHS AND
DESCRIPTIONS**



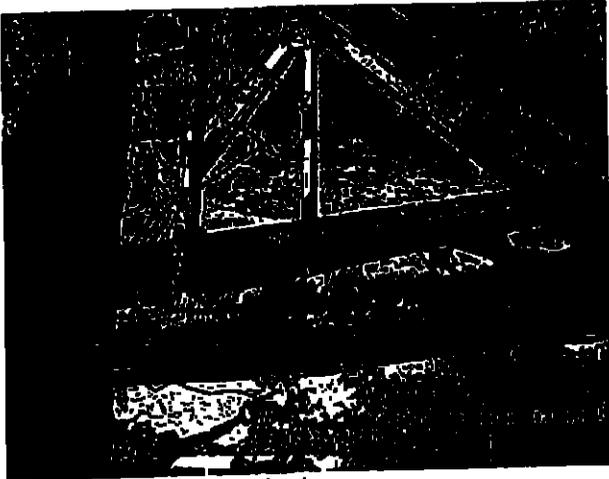
Lipton Sub - Wildcat Creek - 1



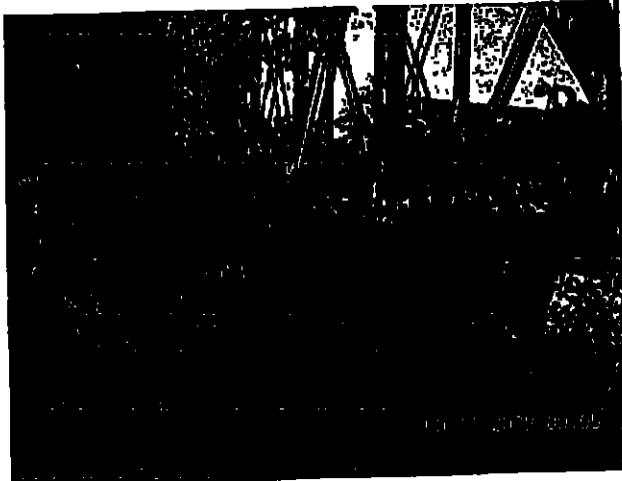
Lipton Sub - Wildcat Creek - 2



Lipton Sub - Wildcat Creek - 3



Iipton Sub - Wildcat Creek - 4



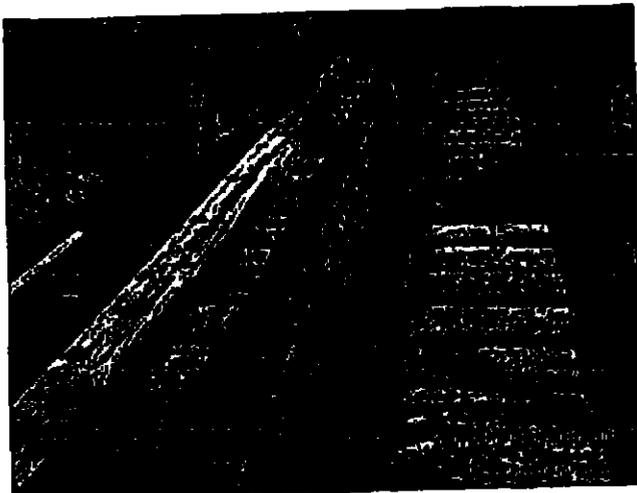
Iipton Sub - Wildcat Creek - 5



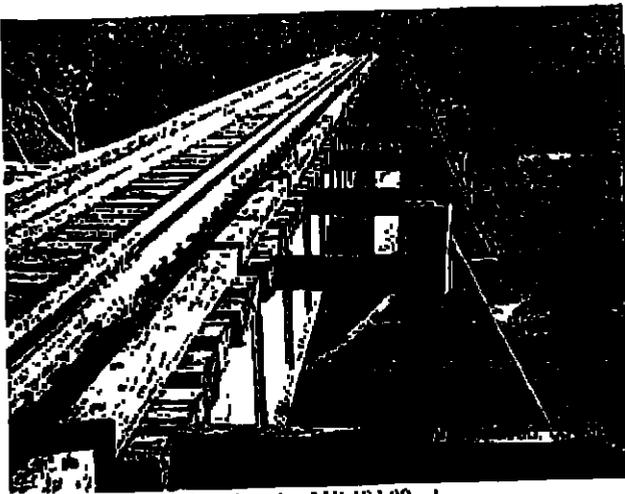
Iipton Sub - Wildcat Creek - 6



Tipton Sub - Wildcat Creek - 7



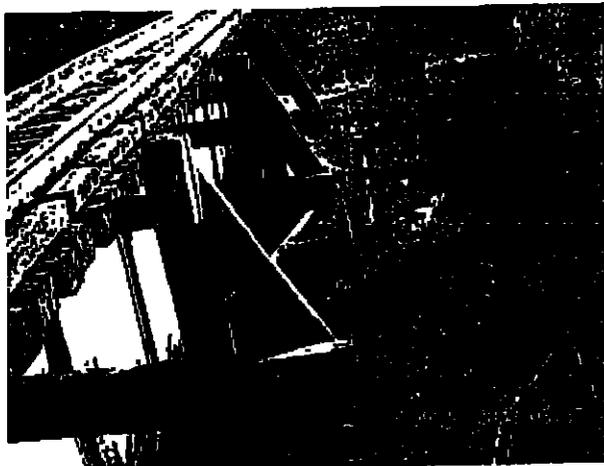
Tipton Sub - Wildcat Creek - 8



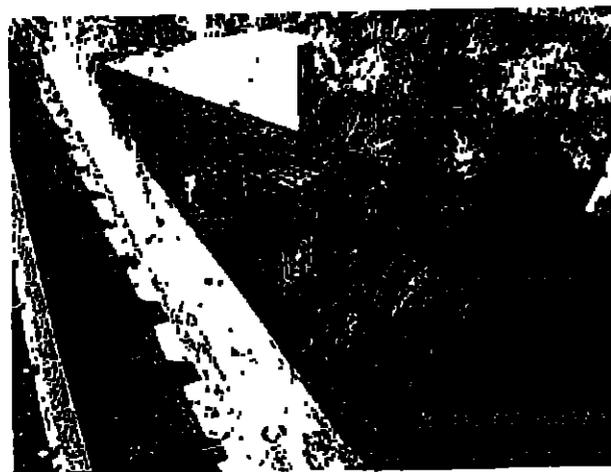
Matton Sub - Wildcat Creek - MP 183.09 - 1



Marion Sub - Wildcat Creek - MP 183.09 - 2



Marion Sub - Wildcat Creek - MP 183.09 - 3



Marion Sub - Wildcat Creek - MP 183.09 - 4



Marion Sub - Wildcat Creek - MP 183.09 - 5



Marion Sub - Wildcat Creek - MP 183.09 - 6



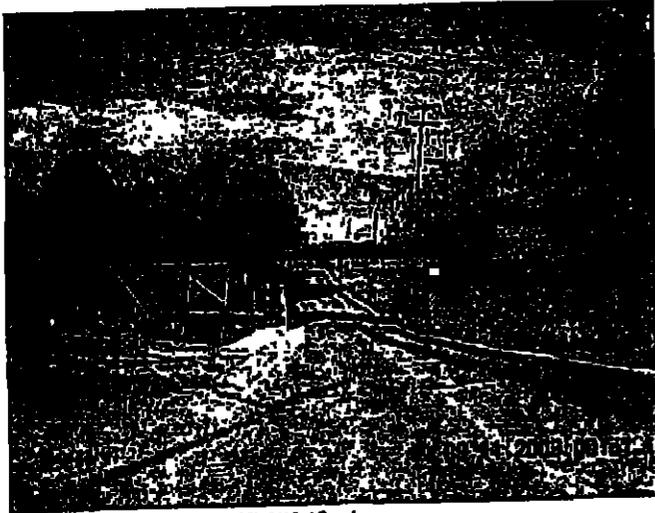
Marion Sub - Wildcat Creek - MP 183.09 - 7



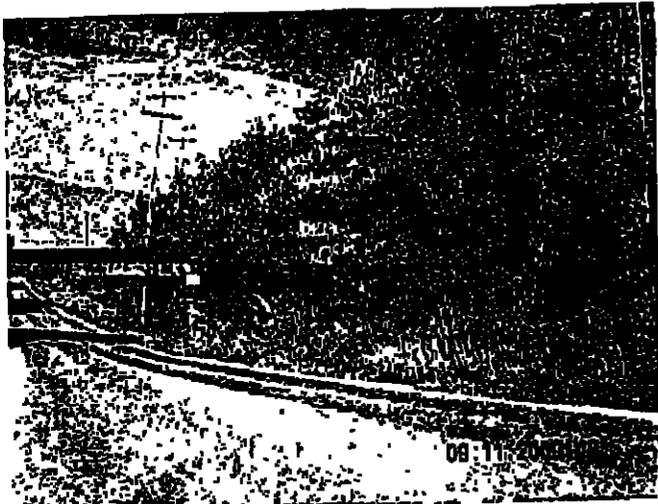
Marion Sub - Wildcat Creek - MP 183 09 - 9



Marion Sub - Wildcat Creek - MP 183 09 - 10



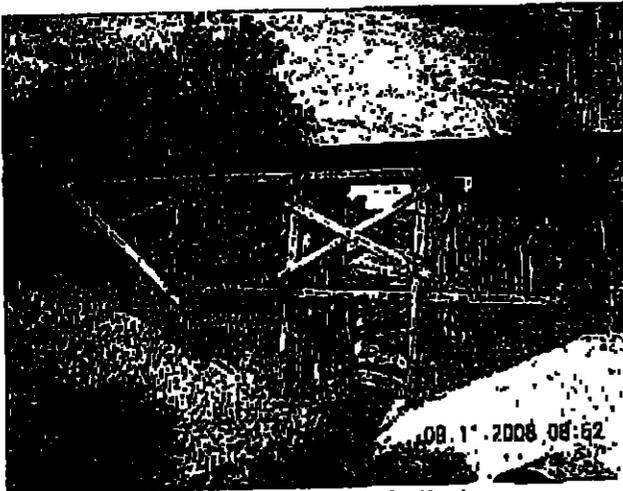
Marion Sub - W St - MP 18362 - 1



Marion Sub - W Deffenbaugh St - MP 18362 - 2



Marion Sub - W Defenbaugh St - MP 183 62 - 3



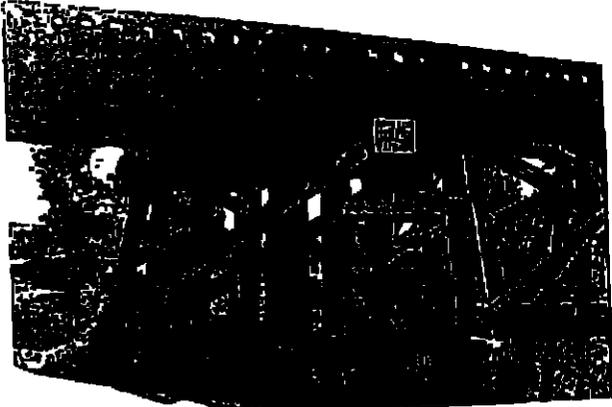
Marion Sub - W Defenbaugh St - MP 183 62 - 4



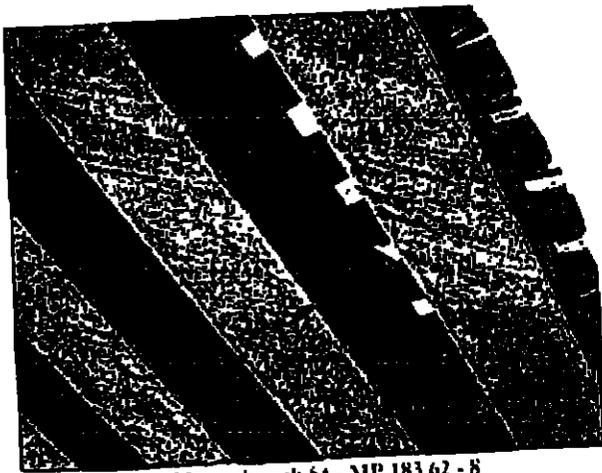
Marion Sub - W Defenbaugh St - MP 183 62 - 5



Marion Sub - W Defenbaugh St - MP 183 62 - 6



Marion Sub - W Defenbaugh St - MP 183 62 - 7



Marion Sub - W Defenbaugh St - MP 183 62 - 8

EXHIBIT 5 – RESPONSES



Natural Resources Conservation Service
6013 Lakeside Blvd
Indianapolis, IN 46268

February 11, 2009

Melanie B Yasbin
The Adams Building
Suite 301
600 Baltimore Avenue
Towson, MD 21204

Dear Ms Yasbin

The project to abandon 5.18 miles of railroad line in Howard County, Indiana, as referred to in your letter of February 5, 2009, will not cause a conversion of prime farmland

If you need additional information, please contact Lisa Bolton at 317-290-3200, extension 342

Sincerely,

A handwritten signature in cursive script that reads "Jane E. Hardisty".

JANE E HARDISTY
State Conservationist

Melanie Yasbin

From: Simon Monroe [Simon.Monroe@noaa.gov]
Sent: Tuesday, February 24, 2009 5:42 PM
To: Melanie Yasbin
Subject: Re: [NGS Response, STB Docket AB-511 (SUB NO 04X)]

Thank you for sharing your railroad abandonment environmental report for
Kokomo, Howard County, INDIANA

Approximately 01 geodetic survey marks may be located in the area described.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall
consult with the National Geodetic Survey (NGS) at least 90 days prior to
beginning salvage activities that will disturb, or destroy any geodetic station
marks are described on the attached file. Additional advice is provided at
<http://geodesy.noaa.gov/marks/railroads/>

```
|Dist|PID   |H V|Vert Source|Approx.|Approx  |Stab|Designation
|----|-----|---|-----|-----|-----|----|-----
.   L32450|2  3.29/LEVELING|N402731|W0360708| ... |JENNINGS
```

Melanie Yasbin

From: Michael_Litwin@fws.gov
Sent: Monday, February 23, 2009 10:30 AM
To: Melanie Yasbin
Subject: RE: STB Docket AB-511 (4X), Central Railroad abandonment, Kokomo, Indiana

Based on your information that there will be no disturbance to streams, wetlands or riparian areas, the US Fish and Wildlife Service has no comments on this proposed abandonment. The project is within the range of the federally endangered Indiana bat (*Myotis sodalis*). We concur that the project is not likely to adversely affect this endangered species.

Michael Litwin
US Fish and Wildlife Service
620 South Walker Street
Bloomington, IN 47403
(812) 334-4261 ext. 205

"Melanie Yasbin" <Melanie@lgraillaw.com>

02/23/2009 09:45 AM

To: <Michael.Litwin@fws.gov>

cc

Subject: RE: STB Docket AB-511 (4X), Central Railroad abandonment, Kokomo, Indiana

The Central Railroad Company of Indianapolis does not plan to alter, remove or dispose of any of the bridges that are on the line segments. If you have any other questions, please let me know.

Melanie Yasbin
600 Baltimore Avenue
Suite 301
Towson, MD 21204
(410) 296-2205
Melanie@lgraillaw.com

This email message may contain information that is privileged and/or confidential. The information contained in this email message is intended only for use of the person to whom it is addressed. If the reader of this message is not (1) the intended recipient or (2) the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (202-466-6532) or email at melanie@lgraillaw.com, and destroy the original message. Thank you.

From: Michael.Litwin@fws.gov [<mailto:Michael.Litwin@fws.gov>]
Sent: Friday, February 20, 2009 3:23 PM
To: Melanie Yasbin
Subject: STB Docket AB-511 (4X), Central Railroad abandonment, Kokomo, Indiana

Your letter and information package was sent to our regional office in Fort Snelling, MN, who forwarded it to our office for review. We received it on February 18, and will review as soon as workload allows. Will there be any removal of bridges?

Michael Litwin
US Fish and Wildlife Service
620 South Walker Street
Bloomington, IN 47403
(812) 334-4261 ext 205



DEPARTMENT OF THE ARMY
U S ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
INDIANAPOLIS REGULATORY OFFICE
9799 BILLINGS ROAD
INDIANAPOLIS, INDIANA 46216-1055
[http //www lri usace army mil](http://www.lri.usace.army.mil)

February 25, 2009

Operations Division
Regulatory Branch (North)
ID No LRL-2009-157-cmh

Ms Melanie B Yasbin
Law Offices of Louis E Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204

Dear Ms Yasbin

This is in regard to your letter of February 5, 2009, concerning the proposed 5.18-mile rail line abandonment by the Central Railroad Company of Indianapolis in Howard County, Indiana. We have reviewed the submitted data relative to Section 404 of the Clean Water Act.

We concur that if any metal track material, cross ties, or ballast is removed, and placed in an upland site, a Department of the Army permit will not be required. Authorization would be required only if the placement of dredged or fill material is necessitated, permanently or temporarily, into any "waters of the United States", including jurisdictional wetlands. In such case, you should resubmit that portion of the project for additional review. Our comments on this project are limited to only those effects which may fall within our area of jurisdiction.

If we can be of any further assistance, please contact me by writing to the above address or by calling 317-532-4198. Any correspondence on this matter should reference our assigned Identification Number LRL-2009-157-cmh.

Sincerely,

Max Hagan
Team Leader
Indianapolis Regulatory Office

Copy Furnished: SEA-STB

Re Central Railroad Company of Indianapolis Abandonment Exemption, Docket No AB-511
(Sub-No 4X), Howard County, Indiana

We have received your letter of February 5, 2009 concerning the above referenced project

- We have no comment on your proposed actions
- Please address any further correspondence about this project or any project to the following address

Regional Environmental Coordinator
National Park Service
Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102

Due to limited staff and the number of requests we receive for early coordination, we ask that companies/agencies assume we will have no comments on projects if they have not heard from us within 30 days of our receipt of the request

Thank you,

Regional Environmental Coordinator

EXHIBIT E – COLOR EXHIBITS



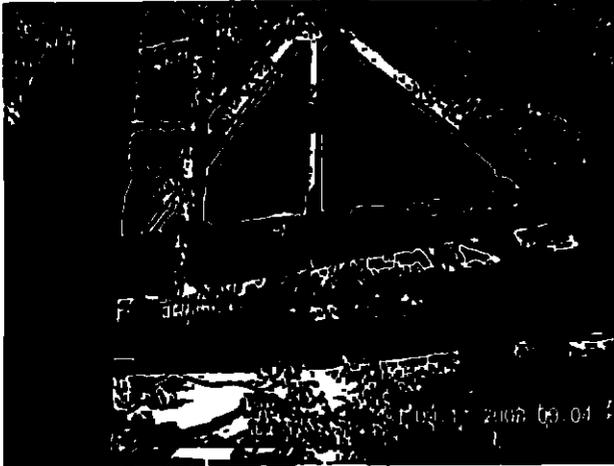
Lipton Sub - Wildcat Creek - 1



Lipton Sub - Wildcat Creek - 2



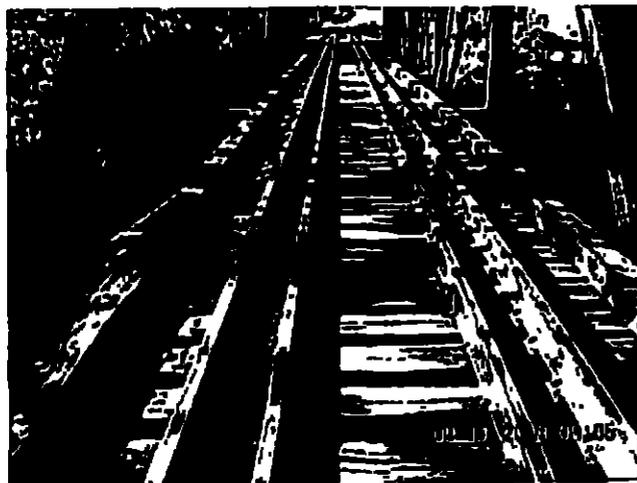
Lipton Sub - Wildcat Creek - 3



Tipton Sub - Wildcat Creek - 4



Tipton Sub - Wildcat Creek - 5



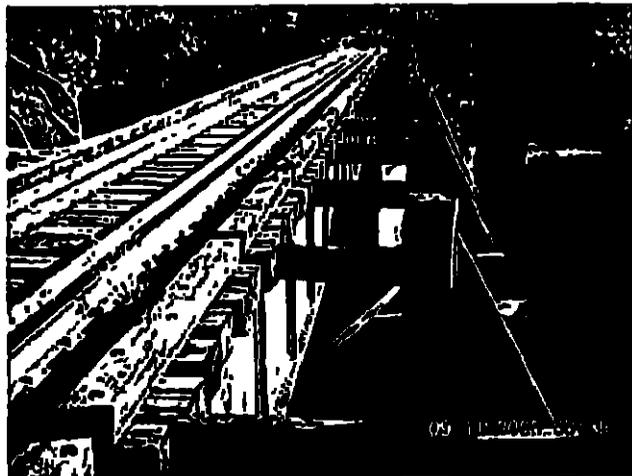
Tipton Sub - Wildcat Creek - 6



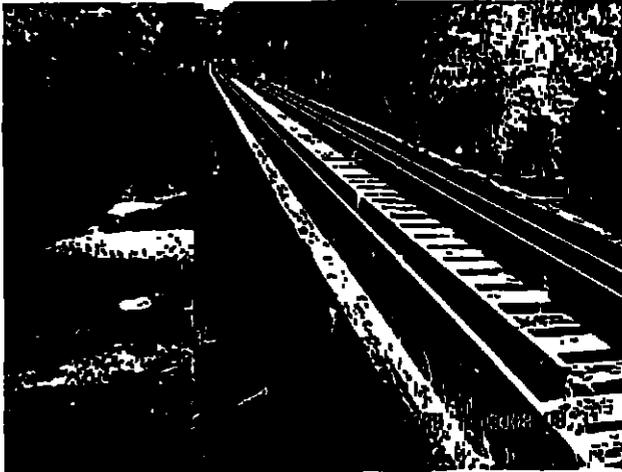
Tipton Sub - Wildcat Creek - 7



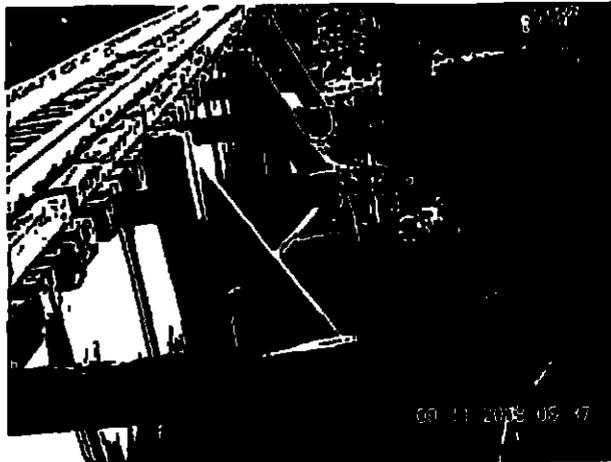
Tipton Sub - Wildcat Creek - 8



Mutton Sub - Wildcat Creek - MP 183.09 - 1



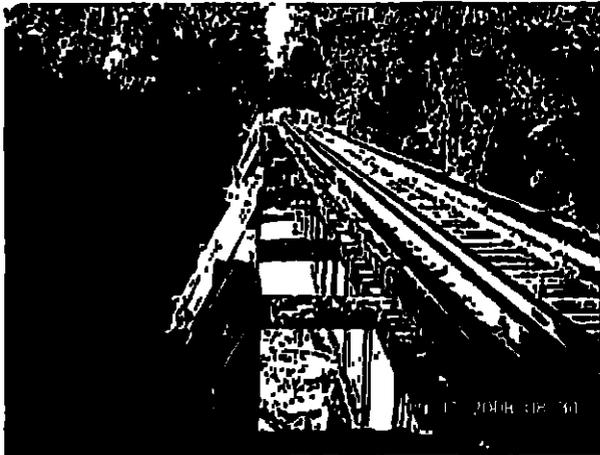
Marion Sub - Wildcat Creek - MP 183.09 - 2



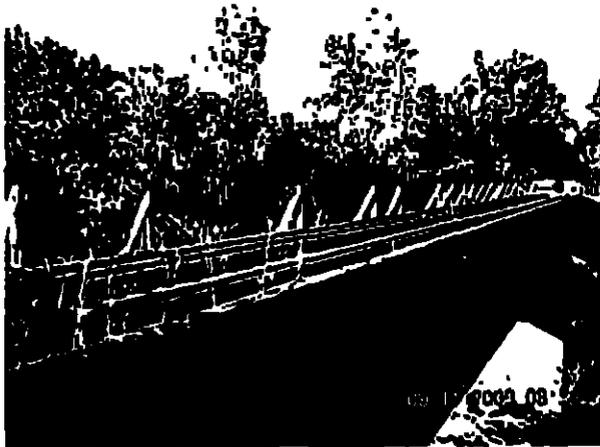
Marion Sub - Wildcat Creek - MP 183.09 - 3



Marion Sub - Wildcat Creek - MP 183.09 - 4



Mutton Sub - Wildcat Creek - MP 183 09 - 5



Mutton Sub - Wildcat Creek - MP 183 09 - 6



Mutton Sub - Wildcat Creek - MP 183 09 - 7



Marion Sub - Wildent Creek - MP 183.09 - 9



Marion Sub - Wildent Creek - MP 183.09 - 10



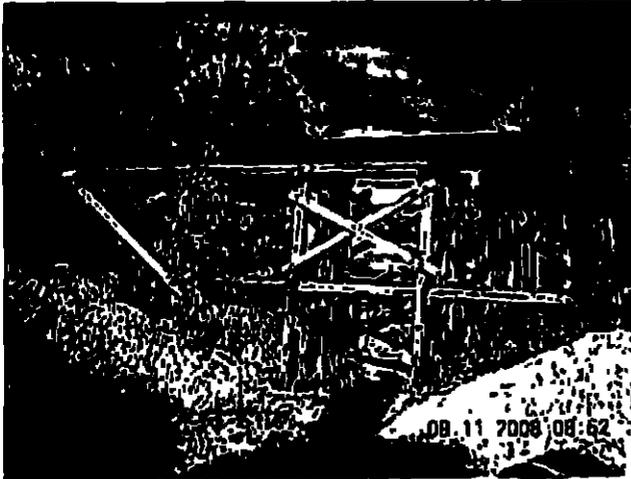
Marion Sub - W St - MP 183 62 - 1



Marion Sub - W Deffenbaugh St - MP 183 62 - 2



Marion Sub - W Defenbaugh St - MP 183.62 - 3



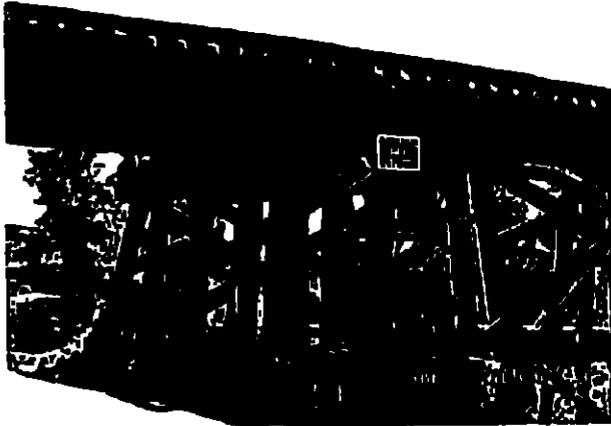
Marion Sub - W Defenbaugh St - MP 183.62 - 4



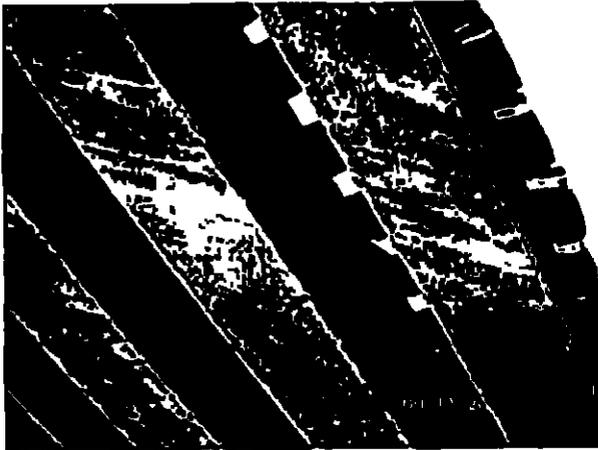
Marion Sub - W Defenbaugh St - MP 183.62 - 5



Marion Sub - W Defenbaugh St - MP 183.62 - 6



Marion Sub - W Defenbaugh St - NIP 183 62 - 7



Marion Sub - W Defenbaugh St - NIP 183 62 - 8