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December 18, 2009

ENTERED  
Office of Proceedings  
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Public Record

Ms. Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D. C. 20423

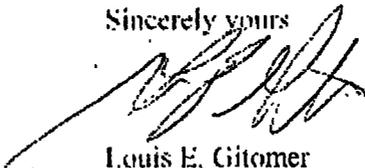
RE: Docket No. AB-55 (Sub-No. 698X), *CSX Transportation, Inc. -  
Discontinuance of Service Exemption—in Clark, Floyd, Lawrence, Orange,  
and Washington Counties, IN*

Dear Ms. Brown:

Enclosed is a letter from the Indiana Department of Natural Resources dated November 25, 2009, stating that "Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects. In terms of archaeological resources, it is our understanding that there will not be any ground disturbing activities.

This letter is being efiled. Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours



Louis E. Gitomer  
Attorney for: CSX Transportation, Inc.

Enclosure



November 25, 2009

Dave Geraci  
CSX Transportation  
500 Water Street-J200  
Jacksonville, Florida 32202

Federal Agency: Surface Transportation Board

Re: Project information regarding the discontinuance of service along 62.3 miles of rail between milepost 251.7 (near Mitchell) and milepost 314.0 (near New Albany) (DHPA #8015)

Dear Mr. Geraci:

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 October 29, 2009, and received on November 2, 2009 for the above indicated project in Clark, Floyd, Lawrence, Orange and Washington Counties, Indiana.

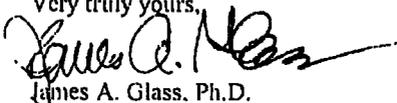
Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects. In terms of archaeological resources, it is our understanding that there will not be any ground disturbing activities.

At this time, 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. Please refer to the following comments for guidance:

- 1) If the Surface Transportation Board believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the Surface Transportation Board finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the Surface Transportation Board may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5

*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](http://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](mailto:cdraeger-williams@dnr.IN.gov). If you have questions about buildings or structures please contact Miriam Widenhofer at (317) 233-3883 or [mwidenhofer@dnr.IN.gov](mailto:mwidenhofer@dnr.IN.gov). In all future correspondence regarding the above indicated project, please refer to DHPA #8015*

Very truly yours,

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

JAG MLW CDW.cdw

cc: David C. Navecky, Environmental Protection Specialist, Surface Transportation Board