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**NORFOLK SOUTHERN CORPORATION
THREE COMMERCIAL PLACE
NORFOLK, VA 23510**

RECEIVED

DEC 29 2004

ENTERED
Office of Proceedings

James R. Paschall
General Attorney

DEC 29 2004

RECEIVED

DIRECT DIAL NUMBER
Direct Dial Number
(757) 629-2759
fax (757) 533-4872

DEC 29 2004

Part of
Public Record

December 28, 2004

Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: STB Docket No. AB-290 (Sub-No. 257X), Norfolk Southern Railway Company - Abandonment Exemption – Between Converse and Hartford City, Blackford County, Indiana - Notice of Exemption

Dear Mr. Williams:

Enclosed for filing with the Board is an original and ten copies of Norfolk Southern Railway Company's ("NSR") Notice of Exemption in the subject proceeding. Also, enclosed is a check in the amount of \$3000 for the filing fee.

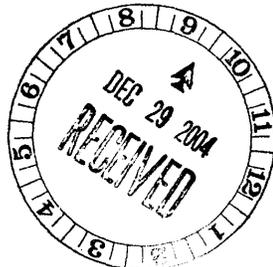
NSR's intention is to file this Notice of Exemption on December 30, 2004. If the Board receives this filing before December 30, NSR requests that the filing date be postponed to December 30, 2004.

Please acknowledge receipt of this filing on the enclosed copy of this letter and return it to me in the self-addressed, stamped envelope.

Yours very truly,

James R. Paschall

Enclosures



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 257X)
NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT BETWEEN CONVERSE, IN AND HARTFORD CITY, IN --
IN BLACKFORD COUNTY, INDIANA

VERIFIED NOTICE OF EXEMPTION

James R. Paschall
General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510

(757) 629-2759

Attorney for
Norfolk Southern Railway Company

Dated: December 28, 2004

Before The
Surface Transportation Board

Docket No. AB-290 (Sub-No. 257X)

Norfolk Southern Railway Company

-- Abandonment Between Converse, IN and Hartford City, IN --

In Blackford County, Indiana

VERIFIED NOTICE OF EXEMPTION

COMES NOW Norfolk Southern Railway Company ("NSR"), and files this notice of exemption from regulation under 49 U.S.C. §10903, pursuant to the provisions of 49 U.S.C. §10502 and the class exemption of the Board's regulations at 49 CFR §1152.50, for NSR's abandonment of an 8.60-mile line of railroad lying between Milepost RK-130.00 at Converse, Indiana and Milepost RK-138.60 at Hartford City, Indiana, in Blackford County, Indiana (the "Line").

Pursuant to the Board's regulations at 49 CFR §1152.50, NSR states as follows:

Traffic Certification - §§1152.50(b) and (d)(2)

The attached certificate of NSR General Manager D. A. Brown confirms that no traffic has originated, terminated or moved overhead on the Line for at least two years, (or any overhead traffic on the Line can be rerouted over other lines), and no complaint concerning cessation of service over this Line is pending with the Board or a U. S.

District Court or has been decided in favor of a complainant within the two-year period.

Effective Date, Consummation Date - §1152.50(d)(2)

The effective date of the exemption and the earliest consummation date of the abandonment of the NSR Line between Milepost RK-130.00 at Converse, Indiana and Milepost RK-138.60 at Hartford City, Indiana, will be February 18, 2005.

General Corporate Information - §1152.22(a)(1-2) and (7)

The party filing this notice is Norfolk Southern Railway Company, a Virginia corporation and a common carrier by railroad subject to STB jurisdiction under 49 U.S.C. Subtitle IV, Chapter 105, whose representative to whom correspondence may be sent is:

James R. Paschall
General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2759

Description of the Line, the Relief Sought, Map, Zip Code - §1152.22(a)(3-4 and 7)

The Line that is the subject of this notice of exemption is 8.60-miles in length and is located between Milepost RK-130.00 at Converse, Indiana and Milepost RK-138.60 at Hartford City, Indiana. The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 for NSR's abandonment of the Line under the class exemption for abandonment of out-of-service rail lines in the Board's regulations at 49 CFR §1152.50. A map showing the Line to be abandoned, other rail lines in the area,

highways, and population centers is attached as Exhibit 1 to this notice. The Line traverses United States Postal Service ZIP Codes 46919 and 47348.

Suitability of the Line for Other Public Purposes - §1152.22(e)(4)

NSR has received no inquiries about public use of the right-of-way comprising the Line and is unaware of any potential public purposes to which the right-of-way may be suited.

NSR is not aware of any restriction on the title to the right-of-way that would affect the transfer of title or the use of property for other than rail purposes but will provide full title information promptly if it receives a proposal to acquire the property for public purposes.

Statement Concerning Federally-Granted Right-of-Way - §1152.50(d)(1)

Based on information in the possession of NSR, the Line does not contain federally-granted rights-of-way. Any documentation in NSR's possession will be made available promptly to those requesting it.

Labor Protection - §1152.50(d)(2)

Since the Line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by consummation of the abandonment of this Line. However, as a condition to exercise of the authority permitted by the exemption in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - §1105.7, §1105.8, §1105.11

Attached are environmental and historical reports prepared and served in accordance with the Board's regulations. NSR certifies that the notice and transmittal requirements of 49 C.F.R. §§1105.7, 1105.8 and 1105.11 have been met.

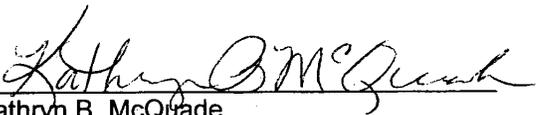
Service and Newspaper Notice Requirements Certification - §1152.50(d)(1-2)

As the attached certification confirms, NSR certifies compliance with the service and notice requirements of 49 C.F.R, §1152.50(d)(1)(certain government agencies) and 49 C.F.R. §1105.12 (newspaper notice) with respect to this notice of exemption.

For the foregoing reasons, NSR states that the proposed rail line abandonment is exempt from the prior approval requirements of 49 U.S.C. §10903 pursuant to 49 U.S.C. §10502 and the Board's class exemption at 49 C.F.R. §1152.50 and requests that the Board serve the appropriate notice of exemption.

Respectfully submitted,

NORFOLK SOUTHERN RAILWAY COMPANY



Kathryn B. McQuade
Executive Vice President Planning
and Chief Information Officer

Of Counsel:

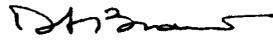
James R. Paschall
General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759

Dated: December 28, 2004

CERTIFICATION

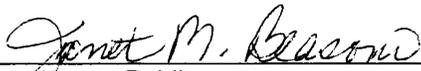
COMMONWEALTH OF PENNSYLVANIA:
SS:
COUNTY OF DAUPHIN :

D. A. Brown, II makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company; that the line between MP RK 130.00 in Converse and MP RK 138.60 in Hartford City, Blackford County, Indiana, over which operations are to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that 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 before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.



D. A. Brown, II

Subscribed and sworn to before me
this 15 day of December, 2004.



Notary Public

My commission expires:

Notarial Seal Janet M. Beason, Notary Public City of Harrisburg, Dauphin County My Commission Expires Apr. 25, 2005
--

CERTIFICATION

I hereby certify (1), pursuant to 49 C.F.R. §1105.11, that Environmental and Historic Reports were submitted to the agencies identified in 49 C.F.R. §1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to 49 C.F.R. §1105.12, that a notice of intent to abandon rail service was published in The Hartford City News Times, Hartford City, Indiana, on December 10, 2004 (see Exhibit 3); and (3) that the notice required by 49 C.F.R. §1152.50(d)(1) was given (see Exhibit 4).

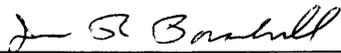


James R. Paschall

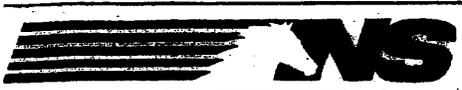
Dated: December 28, 2004

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Mr. William McCarty, Chairman, Indiana Utilities Regulatory Commission, 302 W. Washington Street, Suite E306, Indianapolis, Indiana 46204; the United States Department of Defense (MTMCTEA), Transportation Engineering Agency, Railroads for National Defense Program, 720 Thimble Shoals Blvd., Suite 130, Newport News, VA 23606-2574; Tom Ross, Chief of National Recreation and Trails, U. S. Department of the Interior - National Park Service, Recreation Resources Assistance Division, 1849 C Street, N.W., Washington, D.C., 20240; and U. S. Department of Agriculture, Chief of the Forest Service, 4th Floor N.W., Auditors' Building, 14th Street and Independence Avenue, S.W., Washington, D.C. 20250; on December 28, 2004, by first class mail, postage prepaid.



James R. Paschall



Converse, IN to Hartford City, IN

Exhibit 1

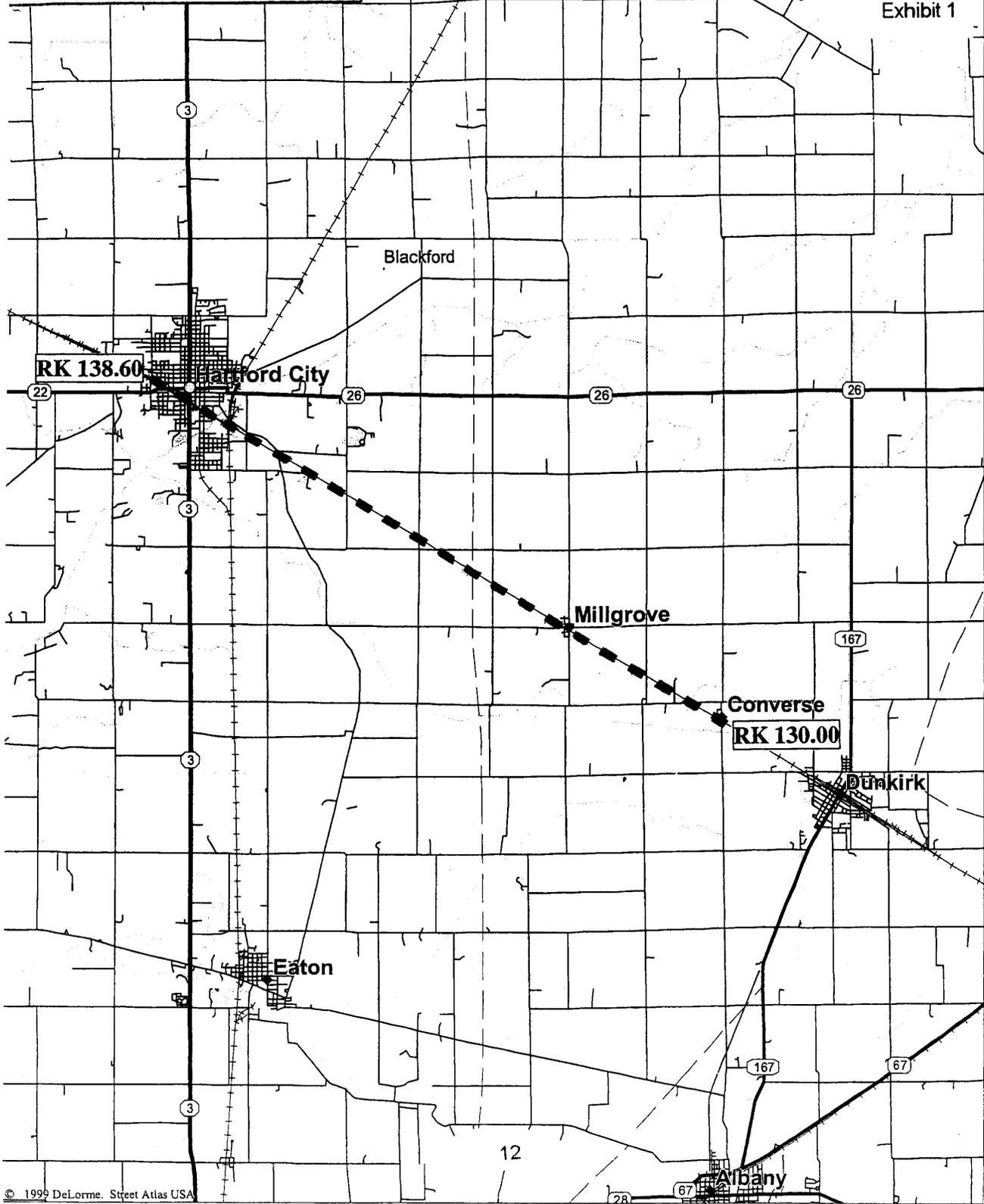


EXHIBIT 2

**ENVIRONMENTAL AND
HISTORIC REPORTS**

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

**NORFOLK SOUTHERN RAILWAY COMPANY
CONVERSE TO HARTFORD CITY, INDIANA
(BETWEEN MP RK 130.0 AND RK 138.6)**

**NORFOLK SOUTHERN RAILWAY COMPANY
ENVIRONMENTAL PROTECTION DEPARTMENT
110 FRANKLIN ROAD, SE
ROANOKE, VIRGINIA 24042-0013**

**September 22, 2004
(COHCER.doc)**

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

Abandonment of: 8.6 miles of track between RK 130.0 and RK 138.6 located between Converse and Hartford City, Indiana

1. PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (hereinafter called NSR) proposes to abandon 8.6 miles of rail line located between Converse and Hartford City, Indiana. A Map delineating the line proposed for abandonment is attached as **Appendix A**.

The alternatives to abandonment of the entire line are:

1. to not abandon and retain the trackage in place.
2. to discontinue service on the line and retain the trackage in place.

Neither alternative is satisfactory. The line would require substantial rehabilitation costs that cannot be justified by recent traffic levels to remain in active operation for rail freight service. NSR would incur opportunity and other holding costs that would need to be covered by NSR's other customers were the line to be retained without being used for active rail freight service. If the line is abandoned, the track and materials may be salvaged and the property sold to be put to a more productive use. Twelve grade crossings can be eliminated, which will benefit local traffic and reduce railroad and public maintenance costs.

NSR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as result of consultations can be found in **Appendix C**. Certification of the recipients of this report can be found in **Appendix D**.

2. TRANSPORTATION SYSTEM

Effects of the proposed action on regional or local transportation systems and patterns will be negligible. Within the last two years, no rail freight or passenger traffic has moved on the line segment proposed for abandonment. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

3. LAND USE

The proposed abandonment involves 8.6 miles of rail line located between Converse and Hartford City, Indiana.

(i) The land use along the rail line proposed for abandonment of service is 80% agricultural, 10% undeveloped 7% residential and 3% industrial. NSR believes any impact of the proposed rail line abandonment on land use will be negligible. Where NS owns the right-of-way (ROW) it will be allowed to naturally revegetate. Where NS does not own the ROW, the owner and local zoning and development ordinances will control future land use. Therefore the proposed abandonment is expected to be consistent with any land use plans for the service area.

(ii) Prime Agricultural Lands

No effects on any prime agricultural land are anticipated as a result of the abandonment.

(iii) Coastal Zone

Not Applicable

(iv) Alternative Public Use

NSR has a mixture of ownership on the ROW underlying the line proposed for abandonment; therefore, NSR will not have a contiguous corridor available for public use. This factor, together with considerations related to location, physical condition, and adjacent conditions, leads NSR to believe the ROW of the line proposed for abandonment would not be suitable for highways, other forms of mass transit, energy production related transportation facilities, conservation or recreation corridors, or other public use.

4. ENERGY

(i) Development and Transportation of Energy Resources

Development and transportation of energy resources will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on development and transportation of energy resources.

(ii) Movement/Recovery of Recyclable Commodities

Movement/recovery of recyclable commodities will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on movement or recovery of recyclable commodities.

(iii) Impact on Energy Efficiency

Energy efficiency will not be impacted by the proposed abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on energy efficiency.

(iv) Diversion of Traffic to Motor Carriers

No traffic is expected to be diverted to motor carriers in connection with the proposed abandonment.

5. AIR

The proposed action is abandonment and does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e) (5) and therefore does not require a quantified analysis of emissions.

(i) Effects on Air Emissions

Neither Converse, Hartford City, Blackford County nor the State of Indiana has established analysis thresholds for air emissions. The State of Indiana does have regulations for the control of particulate matter for non-attainment areas. However, Indiana is in attainment for all priority air pollutants. The United States Environmental Protection Agency (USEPA) has National Ambient Air Quality Standards for pollutants (including ozone) as found in 40 CFR Part 50; however, NSR does not anticipate any adverse effect on Indiana's air quality as a result of the proposed abandonment.

(ii) Class I or Non-Attainment Area

Converse, Hartford City and Blackford County, Indiana are in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the USEPA. Converse, Hartford City and Blackford County, Indiana are in attainment for ozone. NSR does not believe any Class I or Non-Attainment areas would be affected by the proposed abandonment.

(iii) Ozone Depleting Materials

Not applicable. Transportation of ozone depleting materials (such as nitrogen oxide and freon) is not contemplated, since the proposed action is abandonment.

6. NOISE

The proposed action does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e) (6) and therefore does not require a quantified analysis of noise levels. Noise levels associated with rail removal or salvage operations are temporary and should not have a significant impact on the area surrounding the proposed abandonment.

There is no federal noise regulation according to the EPA. Neither Converse, Hartford City, Blackford County nor the State of Indiana has established analysis thresholds for noise.

7. SAFETY

(i) Public Health and Safety

Abandonment of the captioned rail line will have no significant effect upon public health or safety. However, one benefit is that at grade crossings on the line to be abandoned, the potential for accidents and delays will be eliminated.

(ii) Hazardous Materials Transport

Not applicable. Action proposed is abandonment.

(iii) Hazardous Waste or Hazmat Spill Sites

NSR has no knowledge of any hazardous waste sites or sites where there have been known hazardous material spills on the ROW of the line proposed for abandonment or which will be affected by this abandonment. A search of company records was conducted, and comments were requested from federal, state and local agencies. Additionally, on line searches of the Indiana Department of Environmental Management (IDEM), National Response Center (NRC) and the USEPA EnviroMapper database were conducted. The searches did not reveal any information regarding spills or releases on this property. Detailed information is provided in **Appendix E** of this report.

8. BIOLOGICAL RESOURCES

- (i) The US Fish and Wildlife Service (USFWS) and/or the Indiana Department of Natural Resources have indicated 27 threatened or endangered species that may occur in Blackford County, Indiana. Two are known to exist in Blackford County and are listed in the table below. Detailed information is provided in **Appendix F** and summarized in the table below:

TABLE I
FEDERAL AND STATE ENDANGERED SPECIES
Blackford County, Indiana

Scientific Name	Common Name	Federal Status	State Status
<i>Haliaeetus leucocephalus</i>	Bald eagle	FT	ST
<i>Myotis sodalis</i>	Indiana bat	FE	ST

FE – Federal Endangered

ST – State Threatened

FT – Federal Threatened

NSR is not aware of any critical habitat that would be destroyed or modified as a result of the proposed abandonment. Since salvage operations will be handled generally within the ROW, NSR does not believe that any endangered species that might be present would be adversely affected. NSR is willing to undertake reasonable mitigating actions to protect any endangered species that might be encountered in connection with abandonment activities.

(ii) Sanctuaries, Refuges and Parks

Based on the site investigation, records searches and comments received from government agencies, the line segment proposed for abandonment does not pass through any state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on any wildlife sanctuary, National Park or Forest, or State Park or Forest are anticipated.

9. WATER

(i) Water Quality Standards

NSR does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The areal extent of disturbed areas will be kept to a minimum and limited to the ROW wherever possible. Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, no water quality impacts are expected in connection with the proposed action. Therefore, NSR considers the abandonment to be consistent with any applicable Federal, State, and/or local water quality standards.

(ii) Wetlands/100-Year Flood Plains

The rail line proposed for abandonment crosses two unnamed waterways through the 100-year flood plains and is adjacent to wetlands. Since the geometry of the roadbed will not be significantly altered, no discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment.

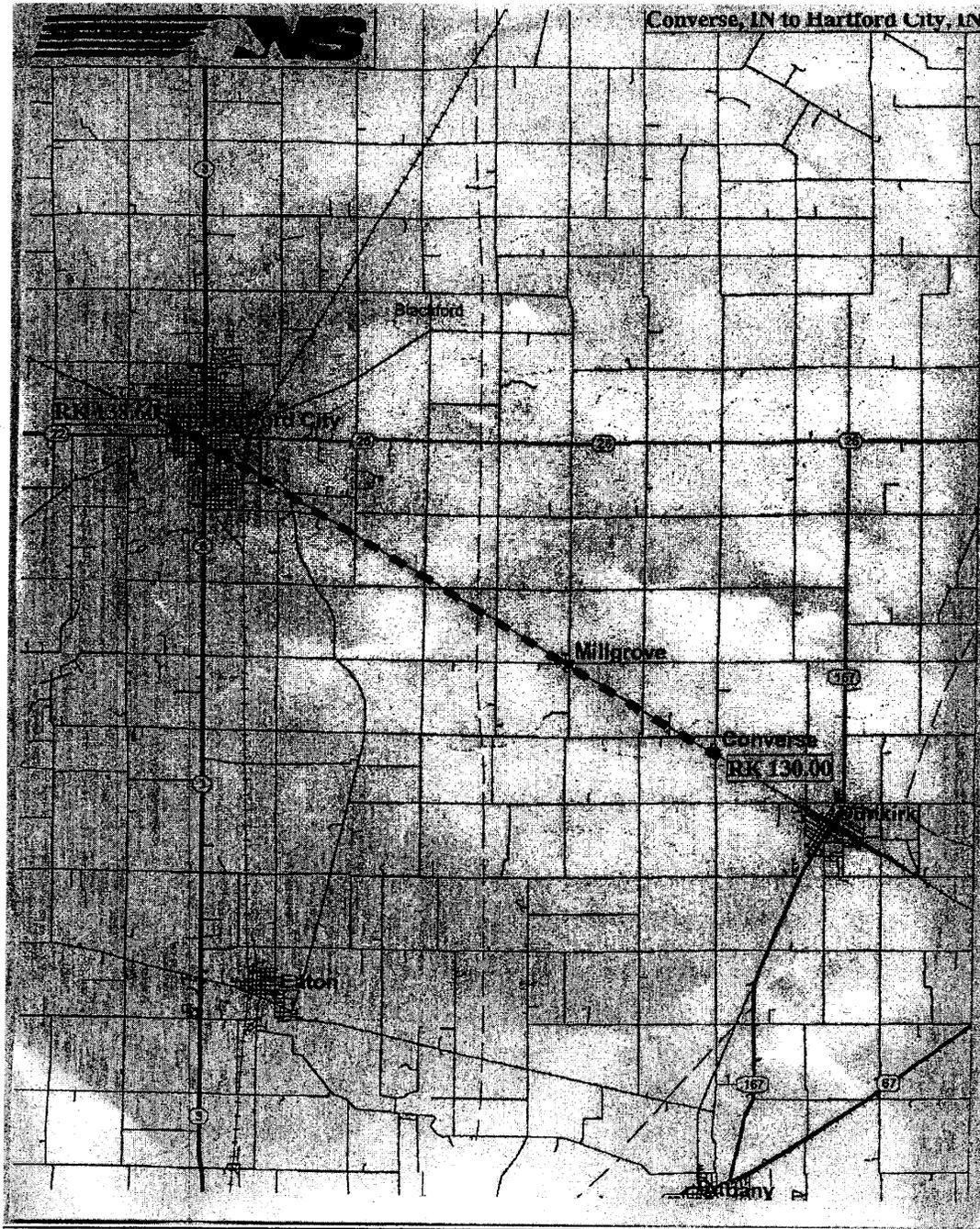
(iii) Section 402 Permit

Inasmuch as NSR does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned, undertake significant in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality effects should be negligible. NSR does not believe that a permit under Section 402 of the Federal Water Pollution Control Act will be required.

10. PROPOSED MITIGATION

Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity associated with removal of rail, ties, and other railroad appurtenances will be produced by the proposed action. NSR will undertake all reasonable mitigation associated with these activities to assure that physical activities associated with the abandonment do not produce adverse environmental effects.

APPENDIX A
Site Map



APPENDIX B
Agency Letter

RECIPIENT LIST

Proposed Abandonment of the segment of rail from Milepost RK 130.0 to Milepost RK 138.6, a distance of 8.6 miles between Converse and Hartford City, Indiana.

State Clearinghouse (or alternate):

State Clearinghouse
Ms. Betty Cockrum, Budget Director
State Budget Agency
212 State House
Indianapolis, Indiana 46204

State Environmental Protection Agency:

Department of Environmental Management
105 South Meridian Street
Indianapolis, Indiana 46206-6015

State Coastal Zone Management Agency

Department of Natural Resources
Division of Water
402 West Washington Street, Room W264
Indianapolis, Indiana 46204

National Geodetic Survey:

Mr. Richard Snay
Chairman At-Large
Chief of Spatial Reference System Division
1315 East/West Highway, Room 8813
Silverspring, MD 20910

U.S. Fish and Wildlife:

One Federal Drive
BHW Federal Building
Fort Snelling
Twin Cities, Minnesota 55111

State Historic Preservation Office

Department of Natural Resources
Division of Historic Preservation and Archeology
402 West Washington Street
Indiana Government Center South, Room 274
Indianapolis, Indiana 46204-2739

U.S. Army Corps of Engineers:

U. S. Army Engineer District - Chicago
111 North Canal, Suite 600
Chicago, Illinois 60606-7206

National Park Service:

Department of the Interior
National Park Service/ Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Natural Resources Conservation Service

USDA Natural Conservation Service
6013 Lakeside Boulevard
Indianapolis, Indiana 46278

**Environmental Protection Agency
(regional office)**

Mr. Ken Westlake
Metcalf Building
77 West Jackson Boulevard (B-19-J)
Chicago, Illinois 60604

Hartford City:

Mr. Dennis Whitesell
Hartford City Mayor
700 North Walnut Streets
Hartford City, IN

Blackford County:

Mr. Fred Walker
Blackford County Commissioner
110 West Washington
Hartford City, IN 47348





Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Dear Sir/Madam:

Norfolk Southern Railway Company (NS) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from Milepost RK 130.0 to Milepost RK138.6, a distance of 8.6 miles near State Route 1140 in Blackford County, Indiana. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

NS does not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts please describe any actions that would assist to mitigate such impacts. Additionally, you may provide us with a written response that can be included in an Environmental Report, which will be sent to the STB. The preceding page lists the various agencies receiving this report.

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423-001, Telephone (202) 565-1552 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, NS must receive your comments within three weeks. Please either provide a copy of your comments by mail to the below address or provide information by telephone to Mr. Larry Western at (540) 981-4239.

**Norfolk Southern Railway Company
Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013**

Appendix C

Agency Responses

DNR

Indiana Department of Natural Resources

Joseph E. Kernan, Governor
John R. Goss, Director

Division of Historic Preservation & Archeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2730
Phone 317-232-1646 • Fax 317-232-0593 • dhea@dnr.state.in.us

September 27, 2004

LGW



K.R. Miller
Environmental Protection Department
Norfolk Southern Railway Corporation
110 Franklin Road, SE (Box 13)
Roanoke, Virginia 24042-0013

Federal Agency: Surface Transportation Board ("STB")

Re: General information regarding Norfolk Southern Railway Company's abandonment of an 8.6 mile rail segment between milepost RK 130.0 and RK 138.6

Dear Mr. Miller:

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 received on September 24, 2004, for the above indicated project through Licking, Millgrove, and Richland townships, Blackford County, Indiana.

A complete analysis of the submitted project is not possible, as the information provided is incomplete. Please provide the indicated information to facilitate the identification and analysis of historic properties in the project area:

- 1) Provide a letter or copy of a letter from the STB indicating the authorized representatives who may act on behalf of the Federal agency.
- 2) Provide an overall description of the project detailing any construction, demolition, and earthmoving activities.
- 3) Define the area of potential effects¹.
- 4) Provide the relevant portion of a town, city, county, U.S. Geological Survey quadrangle, or Interim Report map containing the following:
 - Clearly mark the precise location of the proposed acquisition properties.
 - In dark ink, clearly mark the boundaries of the area of potential effects.
 - Clearly label the names of nearby landmarks (e.g., major streets, roads, highways, railroads, rivers, lakes).
- 5) Give the precise location of any buildings, structures, and objects *within the area of potential effects* (e.g., addresses and a site map with properties keyed to it).
- 6) Give the known or approximate date of construction for buildings, structures, objects, and districts *within the area of potential effects*.
- 7) Submit historical documentation for buildings, structures, objects, and districts *within the area of potential effects*.

¹ Area of potential effects means the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking (see 36 C.F.R. § 800, 16(d)).

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PAGE.02

K.R. Miller
September 27, 2004
Page 2

- 8) List all sources checked for your historical research of the *area of potential effects*.
- 9) Provide clear, recent photographs or good quality computer-generated images (not photocopies), keyed to a site plan, showing the exterior (and interior, if feasible) of any buildings, structures, objects, or land *that could be affected in any way by the project*.

Once the indicated information is received, the Indiana SHPO will resume identification and evaluation procedures for this project. Please keep in mind that additional information may be requested in the future.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference. If you have questions, please contact Shana Kelso of our office at (317) 232-1646.

Very truly yours,



for: Jon C. Smith
Deputy State Historic Preservation Officer

JCS:SNK:snk

Enclosures (4)

cc: Elaine K. Kaiser, Surface Transportation Board

OCT-13-2004 16:18 FROM:US EPA REGION 5

312 353 5374

TO:540 981 4651

P.2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGIONS
 77 WEST JACKSON BOULEVARD
 CHICAGO, IL 60604-3590

OCT 13 2004

REPLY TO THE ATTENTION OF

B-19J

Larry G. Western
 Norfolk Southern Railway Company
 110 Franklin Road, SE (Box 13)
 Roanoke, Virginia 24042-0013

Rc: Comments on Environmental Report for Proposed Rail Line Abandonment by Norfolk Southern Railway Company - Converse to Hartford City, Blackford County, Indiana

Dear Mr. Western:

The U.S. Environmental Protection Agency (U.S. EPA) reviewed the above-mentioned Environmental Report (ER) which notified relevant parties that a petition for authority to abandon and salvage track and materials from 8.6 miles of rail line between Converse and Hartford City, Indiana will be filed with the Surface Transportation Board (STB). Our comments in this letter are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

Pursuant to our review of the ER, we understand Norfolk Southern Railway Company may remove the rail, ties, and other railroad appurtenances from the right-of-way (ROW). We feel the following issues should be addressed in greater detail in the ER to be filed with the STB:

- Specific information pertaining to removal and salvage methods. In particular, applicable environmental regulations for removal and ultimate disposal of rails and ballast;
- The final disposition of crosstics preserved with creosote. Per the July 3, 1984 Rebuttable Presumption Against Registration under the Federal Insecticide, Fungicide, and Rodenticide Act, wood treated with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State of Indiana;
- Removal of track materials should be accomplished using the ROW for access, along with existing public and private crossings, particularly in areas adjacent to wetlands, unnamed waterways, and wooded areas. We recommend silt fencing be placed prior to removal activities to provide proper erosion control. In addition, areas of disturbed soil should be restored to original grade and reseeded immediately with a native species mix. Long term benefits of this mitigation activity go beyond stormwater and soil protection to include development of habitat for wildlife, improved aesthetics, and decreased erosion.

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 50% Recycled Paper (20% Postconsumer)

- Storing and fueling of construction equipment should take place in upland areas, away from sensitive habitat. Prevention and/or control of spills (e.g., fuels, lubricants or other pollutants) from construction equipment should be conducted according to applicable environmental regulations.
- The section of track proposed for abandonment includes several bridges and culverts. The forthcoming EA should indicate whether bridges and culverts will remain in place and what maintenance activities will be conducted. Ideally, culvert maintenance should be planned at least once per season to prevent blockage and damaging floods, while bridge maintenance activities should be planned yearly. Disposal of obstruction materials should take place away from the streambed, and the use of equipment in the streambed should be minimized and scheduled to coincide with periods of low or normal flow. The use of native flora to revegetate around culvert ends and bridge foundations to prevent erosion should also be addressed in the EA. In particular, provision of maintenance activities for culverts and bridges should be provided until the property is sold, at which time maintenance activities can be transferred to the new owner via specific real estate provisions.
- Retention of bridges increases the likelihood that the ROW will be utilized for an alternative use. We recommend discussing conversion with appropriate city or county officials or a not-for-profit trail group in the area.
- Consultation with the Indiana State Historic Preservation Office (SHPO) should take place to ensure the proposed abandonment will have no effect on any known sites or properties listed or eligible for listing in the National Register of Historic Places. Consultation should include any buildings or bridges located on the rail line as well as the railroad itself which may be viewed as a historic feature of the area. The railroad could be memorialized through photographs prior to abandonment and removal of track of material. We feel the EA would be incomplete with the SHPO's opinion regarding this action.

We appreciate the opportunity to comment at this stage of the process. Should you have any questions, please do not hesitate to contact me or Kathleen Kowal of my staff at (312) 353-5206.

Sincerely,



Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch

cc: David Navecky, Surface Transportation Board



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

December 20, 2004

Mr. Kenneth A. Westlake
Chief, Environmental Planning and Evaluation Branch
United States Environmental Protection Agency (USEPA) – Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: Response to USEPA's Inquiry Received on October 13, 2004 Concerning Norfolk Southern Railway Company's Abandonment of the Railroad Line Segment Between Converse and Hartford City, Blackford County, Indiana

Dear Mr. Westlake:

This letter is in response to your inquiry received by our office on October 13, 2004. In your letter, you requested that additional items related to potential environmental concerns be discussed in greater detail to satisfy the USEPA's review on behalf of the Surface Transportation Board. In an effort to fully address all the items you have requested your questions have been re-typed in bold italics below followed by our response.

Item 1.)

Specific information pertaining to removal and salvage methods. In particular, applicable environmental regulations for removal and ultimate disposal of rails and ballasts;

Response to Item #1

All rail ties are either:

1. reused as landscaping timbers;
2. incinerated as a recyclable fuel; or
3. disposed at a solid waste landfill.

Used railroad ties reused as landscaping timbers exclude them from solid waste regulations per Indiana Rule 329 IAC 3-2-2.

If the ties are incinerated or disposed of at a landfill they are considered solid waste. Extensive TCLP testing of pentachlorophenol and creosote tested wood has conclusively demonstrated that these wood products are not a hazardous waste. According to 40 CFR 262.11 (c) (2), generator knowledge may be utilized in place of testing to determine that a waste is not hazardous.

Therefore, treated ties are being disposed of, and these ties are not deemed to be hazardous but are considered solid wastes that may be disposed in accordance with Indiana Rule 329 IAC 10.

The ballast will remain in place. Past experience in removing ballast has proven more detrimental than beneficial. Removal of the ballast creates the potential for erosion and the introduction of suspended solids to waterways.

Item 2.)

The final disposition of cross-ties preserved with creosote. Per the July 3, 1984 Rebuttable Presumption Against Registration under the Federal Insecticide, Fungicide, and Rodenticide Act, wood treated with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State of Indiana;

Response to Item #2

Please refer to Response to Item #1.

Item 3.)

Removal of track materials should be accomplished using the ROW for access, along with existing public and private crossings, particularly in areas adjacent to wetlands, unnamed waterways, and wooded areas. We recommend silt fencing be placed prior to removal activities to provide proper erosion control. In addition, areas of disturbed soil should be restored to original grade and reseeded immediately with a native species mix. Long term benefits of this mitigation activity go beyond stormwater and soil protection to include development of habitat for wildlife, improved aesthetics, and decreased erosion.

Response to Item #3

Removal of track materials will be conducted using the existing ROW, public crossings and private crossings. Norfolk Southern Railway Company (NSR) proposes to leave the ballast in place. This will help facilitate overall drainage and reduce erosion for the linear segment of property. Since the soils beneath the ballast will not be disturbed this will eliminate the need for a storm water permit for construction activity and the accompanying storm water pollution prevention plan (SWPPP) as required by 327 15-5-1. Additionally, NSR plans to utilize passive revegetation or replanting by natural processes. It is our experience that passive revegetation is unintrusive and therefore prevents erosion. It also ensures the introduction of local genetic stock.

Item #4

Storing and fueling of construction equipment should take place in upland areas, away from sensitive habitat. Prevention and/or control of spills (e.g., fuels, lubricants or other pollutants) from construction equipment should be conducted according to applicable environmental regulations.

Response to Item #4

NSRC and/or our contractors will store any and all equipment in upland areas away from any sensitive habitats. NSRC will not store equipment on or adjacent to any waterways or wetlands.

Prevention and or control of spills will be conducted with applicable environmental regulations, notably the 40 CFR 112 Appendix A - Memorandum of Understanding between Secretary of Transportation and the Administrator of the Environmental Protection Agency.

Item #5

The section of track proposed for abandonment includes several bridges and culverts. The forthcoming EA should indicate whether bridges and culverts will remain in place and what maintenance activities will be conducted. Ideally, culvert maintenance should be planned at least one per season to prevent blockage and damaging floods, while bridge maintenance activities should be planned yearly. Disposal of obstruction materials should take place away from the streambed, and the use of equipment in the streambed should be minimized and scheduled to coincide with periods of low to normal flow. The use of native flora to revegetate around culvert ends and bridge foundations to prevent erosion should also be addressed in the EA. In particular, provision of maintenance activities for culverts and bridges should be provided until the property is sold, at which time maintenance activities can be transferred to the new owner via specific real estate provisions.

Response to Item #5

All bridges will be removed. Any culvert that conveys waters of the state will remain in place. At that time of abandonment, any land owned by easement will revert back to the original owners, as will their associated culverts and piping. Any parcel that is the property of NSR that contains culverts or piping will remain the responsibility of NSR. However, NSR intends to expeditiously sell the few parcels we have to the adjoining landowners following abandonment authorization. As such, NSR believes that any maintenance activities regarding individual land areas will be the responsibility of those land owners. Additionally, land owners may revegetate their property in whatever manner they choose.

Item #6

Retention of bridges increases the likelihood that the ROW will be utilized for an alternative use. We recommend discussing conversion with appropriate city or county officials or a not-for-profit trail group in the area.

Response to Item #6

NSRC plans to remove bridges if abandonment is granted. Prior to removal activities, NSRC is open to discussions regarding alternate uses for the rail corridor.

Item #7

Consultation with the Indiana State Historic Preservation Office (SHPO) should take place to ensure the proposed abandonment will have no effect on any known sites or properties listed or eligible for listing in the National Register of Historic Places. Consultation should include any buildings or bridges located on the rail line as well as the railroad itself which may be viewed as a historic feature of the area. The railroad could be memorialized through photographs prior to abandonment and removal of track material. We feel the EA would be incomplete with the SHPO's opinion regarding this action.

Response to Item #7

Our usual practice is to prepare the historic report for rail line abandonment filings independent of the Environmental Assessment. We have sent a historic report concerning the subject rail line to the Indiana State Historic Preservation Office (SHPO) and will submit it to the STB with our notice of exemption to abandon the subject rail line. We will consult further with the SHPO and the STB on any historic preservation issues with respect to this matter if required.

We appreciate the opportunity to address your issues and hope our responses satisfy your concerns. NSRC is dedicated to conducting rail activities with minimum impact to the environment. If abandonment status is granted, our personnel will be diligent in assuring the removal of this inactive line is done with environmental preservation as our goal and in accordance with applicable regulations.

Sincerely,

Norfolk Southern Railway Company



Larry G. Western
Environmental Protection Department

Cy: K.R. Miller
J.R. Paschall
J.M. Lipps
L.H. Denson

Appendix D
Certification of Environmental Report
Recipients

State Clearinghouse (or alternate):

State Clearinghouse
Ms. Betty Cockrum, Budget Director
State Budget Agency
212 State House
Indianapolis, Indiana 46204

State Environmental Protection Agency:

Department of Environmental Management
105 South Meridian Street
Indianapolis, Indiana 46206-6015

State Coastal Zone Management Agency

Department of Natural Resources
Division of Water
402 West Washington Street, Room W264
Indianapolis, Indiana 46204

National Geodetic Survey:

Mr. Richard Snay
Chairman At-Large
Chief of Spatial Reference System Division
1315 East/West Highway, Room 8813
Silver Spring, MD 20910

U.S. Fish and Wildlife:

One Federal Drive
BHW Federal Building
Fort Snelling
Twin Cities, Minnesota 55111

State Historic Preservation Office

Department of Natural Resources
Division of Historic Preservation and Archeology
402 West Washington Street
Indiana Government Center South, Room 274
Indianapolis, Indiana 46204-2739

U.S. Army Corps of Engineers:

U. S. Army Engineer District - Chicago
111 North Canal, Suite 600
Chicago, Illinois 60606-7206

National Park Service:

Department of the Interior
National Park Service/ Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Natural Resources Conservation Service

USDA Natural Conservation Service
6013 Lakeside Boulevard
Indianapolis, Indiana 46278

**Environmental Protection Agency
(regional office)**

Mr. Ken Westlake
Metcalf Building
77 West Jackson Boulevard (B-19-J)
Chicago, Illinois 60604

Hartford City:

Mr. Dennis Whitesell
Hartford City Mayor
700 North Walnut Streets
Hartford City, IN

Blackford County:

Mr. Fred Walker
Blackford County Commissioner
110 West Washington
Hartford City, IN 47348

Proposed Abandonment of the segment of rail from Milepost RK 130.0 to Milepost RK 138.6, a distance of 8.6 miles between Converse and Hartford City, Indiana.

This Environmental Report for Proposed Rail Line Abandonment was sent to the above referenced agencies on

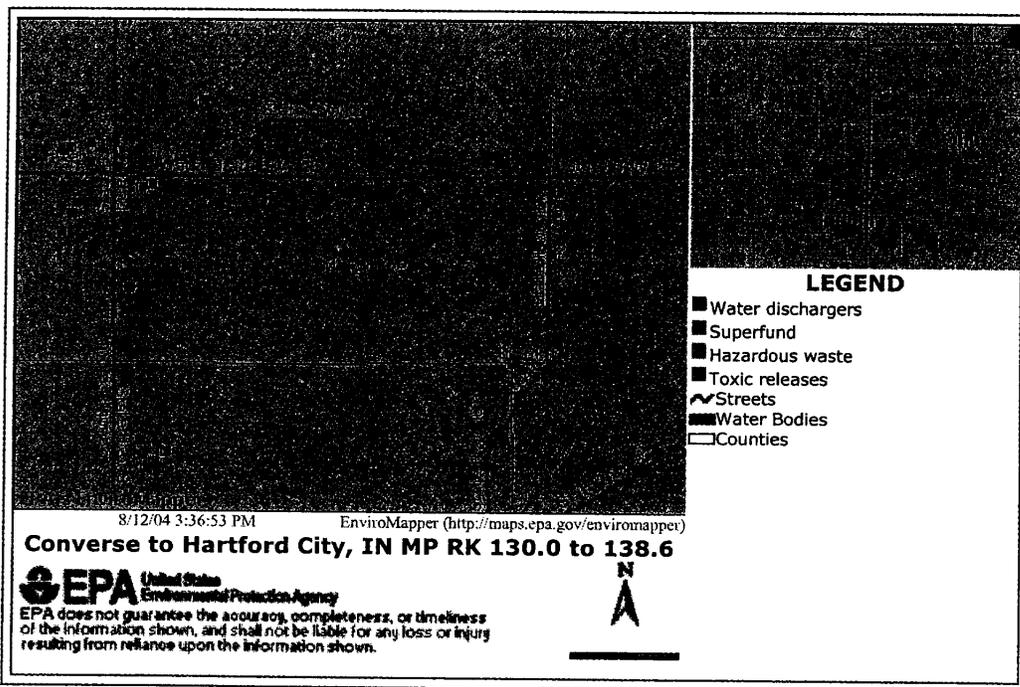
09-22-2004

Date



K.R. Miller, Director Environmental Engineering and Audits

Appendix E
Hazardous Materials Records Search



Appendix F
Federal and State Endangered and
Threatened Species

Animals – 23

<u>Status</u>	<u>Listing</u>
FE	Bat, gray (<i>Myotis grisescens</i>)
FE	Bat, Indiana (<i>Myotis sodalis</i>)
FE	Blossom, tubercled (pearlymussel) Entire Range; Except where listed as Experimental Populations (<i>Epioblasma torulosa torulosa</i>)
FE	Butterfly, Karner blue (<i>Lycaeides melissa samuelis</i>)
FE	Butterfly, Mitchell's satyr (<i>Neonympha mitchellii mitchellii</i>)
FE	Catspaw, white (pearlymussel) (<i>Epioblasma obliquata perobliqua</i>)
FE	Clubshell Entire Range; Except where listed as Experimental Populations (<i>Pleurobema clava</i>)
FT	Eagle, bald (lower 48 States) (<i>Haliaeetus leucocephalus</i>)
FE	Fanshell (<i>Cyprogenia stegaria</i>)
FE	Mucket, pink (pearlymussel) (<i>Lampsilis abrupta</i>)
FE	Pearlymussel, cracking Entire Range; Except where listed as Experimental Populations (<i>Hemistena lata</i>)
FE	Pigtoe, rough (<i>Pleurobema plenum</i>)
FE	Pimpleback, orangefoot (pearlymussel) (<i>Plethobasus cooperianus</i>)
FE	Plover, piping (Great Lakes watershed) (<i>Charadrius melodus</i>)
FT	Plover, piping (except Great Lakes watershed) (<i>Charadrius melodus</i>)
FE	Pocketbook, fat (<i>Potamilus capax</i>)
FE	Puma (=cougar), eastern (<i>Puma (=Felis) concolor cougar</i>)
FE	Riffleshell, northern (<i>Epioblasma torulosa rangiana</i>)
FE	Ring pink (mussel) (<i>Obovaria retusa</i>)
FT	Snake, copperbelly water (MI, OH, IN N of 400 N. Lat.) (<i>Nerodia erythrogaster neglecta</i>)
FE	Tern, least (interior pop.) (<i>Sterna antillarum</i>)
FE	Wartyback, white (pearlymussel) (<i>Plethobasus cicatricosus</i>)
FT	Wolf, gray Eastern Distinct Population Segment (<i>Canis lupus</i>)

Plants – 4

<u>Status</u>	<u>Listing</u>
FT	Milkweed, Mead's (<i>Asclepias meadii</i>)
FT	Thistle, Pitcher's (<i>Cirsium pitcheri</i>)
FE	Goldenrod, Short's (<i>Solidago shortii</i>)
FE	Clover, running buffalo (<i>Trifolium stoloniferum</i>)



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Ms. Betty Cockrum, Budget Director
State Clearinghouse – State Budget Agency
212 State House
Indianapolis, Indiana 46204

Dear Ms. Cockrum:

Norfolk Southern Railway Company (NS) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from Milepost RK 130.0 to Milepost RK 138.6, a distance of 8.6 miles near State Route 1140 in Blackford County, Indiana. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

NS does not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts please describe any actions that would assist to mitigate such impacts. Additionally, you may provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423-001, Telephone (202) 565-1552 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, NS must receive your comments within three weeks. Please either provide a copy of your comments by mail to the below address or provide information by telephone to Mr. Larry Western at (540) 981-4239.

Norfolk Southern Railway Company
Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Yours truly,

K. R. Miller
Director Environmental Engineering
and Audits

Attachment

Cc: L.G. Western
J.R. Paschall
J.M. Lipps



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Department of Environmental Management
105 South Meridian Street
Indianapolis, Indiana 46206-6015

Dear Sir/Madam:

Norfolk Southern Railway Company (NS) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from Milepost RK 130.0 to Milepost RK 138.6, a distance of 8.6 miles near State Route 1140 in Blackford County, Indiana. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

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Norfolk Southern Railway Company
Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Yours truly,

A handwritten signature in cursive script that reads "K.R. Miller" with a flourish at the end.

K. R. Miller
Director Environmental Engineering
and Audits

Attachment

Cc: L.G. Western
J.R. Paschall
J.M. Lipps



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Mr. Richard Snay, Chairman At-Large
Chief of Spatial Reference System Division
1315 East/West Highway, Room 8813
Sillerspring, Maryland 20910

Dear Mr. Snay:

Norfolk Southern Railway Company (NS) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from Milepost RK 130.0 to Milepost RK 138.6, a distance of 8.6 miles near State Route 1140 in Blackford County, Indiana. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

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Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Yours truly,


K. R. Miller
Director Environmental Engineering
and Audits

Attachment

Cc: L.G. Western
J.R. Paschall
J.M. Lipps



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Department of Natural Resources
Division of Water
402 West Washington Street, W264
Indianapolis, Indiana 46204

Dear Sir/Madam:

Norfolk Southern Railway Company (NS) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from Milepost RK 130.0 to Milepost RK 138.6, a distance of 8.6 miles near State Route 1140 in Blackford County, Indiana. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

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Norfolk Southern Railway Company
Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Yours truly,

A handwritten signature in black ink that reads "K.R. Miller" with a stylized flourish at the end.

K.R. Miller
Director Environmental Engineering
and Audits

Attachment

Cc: L.G. Western
J.R. Paschall
J.M. Lipps



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

U. S. Fish and Wildlife
One Federal Drive
BHW Federal Building
Fort Snelling
Twin Cities, Minnesota 55111

Dear Sir/Madam:

Norfolk Southern Railway Company (NS) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from Milepost RK 130.0 to Milepost RK 138.6, a distance of 8.6 miles near State Route 1140 in Blackford County, Indiana. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

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Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Yours truly,

A handwritten signature in black ink that reads 'K.R. Miller' with a stylized flourish at the end.

K. R. Miller
Director Environmental Engineering
and Audits

Attachment

Cc: L.G. Western
J.R. Paschall
J.M. Lipps



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Department of Natural Resources
Division of Historic Preservation and Archeology
402 West Washington Street
Indiana Government Center South, Room 274
Indianapolis, Indiana 46204-2739

Dear Sir/Madam:

Norfolk Southern Railway Company (NS) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from Milepost RK 130.0 to Milepost RK 138.6, a distance of 8.6 miles near State Route 1140 in Blackford County, Indiana. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

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Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Yours truly,

K. R. Miller
Director Environmental Engineering
and Audits

Attachment

Cc: L.G. Western
J.R. Paschall
J.M. Lipps



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

U. S. Army Corps of Engineers
U. S. Army Engineer District - Chicago
111 North Canal, Suite 600
Chicago, Illinois 60606-7206

Dear Sir/Madam:

Norfolk Southern Railway Company (NS) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from Milepost RK 130.0 to Milepost RK 138.6, a distance of 8.6 miles near State Route 1140 in Blackford County, Indiana. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

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Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Yours truly,

K. R. Miller
Director Environmental Engineering
and Audits

Attachment

Cc: L.G. Western
J.R. Paschall
J.M. Lipps



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

National Park Service
Department of the Interior/Midwest Region
601 Riverfront Drive
Omaha, Nebraska 68102-4226

Dear Sir/Madam:

Norfolk Southern Railway Company (NS) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from Milepost RK 130.0 to Milepost RK 138.6, a distance of 8.6 miles near State Route 1140 in Blackford County, Indiana. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

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This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423-001, Telephone (202) 565-1552 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, NS must receive your comments within three weeks. Please either provide a copy of your comments by mail to the below address or provide information by telephone to Mr. Larry Western at (540) 981-4239.

Norfolk Southern Railway Company
Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Yours truly,

A handwritten signature in black ink that reads 'K.R. Miller' with a stylized flourish at the end.

K. R. Miller
Director Environmental Engineering
and Audits

Attachment

Cc: L.G. Western
J.R. Paschall
J.M. Lipps



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

USDA Natural Conservation Service
6013 Lakeside Boulevard
Indianapolis, Indiana 46278

Dear Sir/Madam:

Norfolk Southern Railway Company (NS) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from Milepost RK 130.0 to Milepost RK 138.6, a distance of 8.6 miles near State Route 1140 in Blackford County, Indiana. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

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Attachment

Cc: L.G. Western
J.R. Paschall
J.M. Lipps



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Mr. Ken Westlake
Environmental Protection Agency
Metcalf Building
77 West Jackson Boulevard (B-19-J)
Chicago, Illinois 60604

Dear Mr. Westlake:

Norfolk Southern Railway Company (NS) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from Milepost RK 130.0 to Milepost RK 138.6, a distance of 8.6 miles near State Route 1140 in Blackford County, Indiana. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

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Norfolk Southern Railway Company
Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Yours truly,

A handwritten signature in cursive script that reads "K.R. Miller" with a date "10/18/84" written to the right.

K. R. Miller
Director Environmental Engineering
and Audits

Attachment

Cc: L.G. Western
J.R. Paschall
J.M. Lipps



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Mr. Dennis Whitesell
Hartford City Mayor
700 North Walnut Streets
Hartford City, Indiana 47348

Dear Mr. Whitesell:

Norfolk Southern Railway Company (NS) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from Milepost RK 130.0 to Milepost RK 138.6, a distance of 8.6 miles near State Route 1140 in Blackford County, Indiana. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

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Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Yours truly,

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K. R. Miller
Director Environmental Engineering
and Audits

Attachment

Cc: L.G. Western
J.R. Paschall
J. M. Lipps



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Mr. Fred Walker
Blackford County Commissioner
110 West Washington
Hartford City, Indiana 47348

Dear Sir/Madam:

Norfolk Southern Railway Company (NS) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail from Milepost RK 130.0 to Milepost RK 138.6, a distance of 8.6 miles near State Route 1140 in Blackford County, Indiana. A map of the proposed track abandonment can be found in Appendix A of this Environmental Report for Proposed Rail Line Abandonment.

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Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Yours truly,

K. R. Miller
Director Environmental Engineering
and Audits

Attachment

Cc: L.G. Western
J.R. Paschall
J.M. Lipps

HISTORIC REPORT
PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 8.60 miles of rail line between milepost RK 130.00 at Converse, Indiana and milepost MP RK 138.60 at Hartford City, Indiana. A map delineating the line proposed for abandonment is attached as Appendix "A".

The alternatives to abandonment of the line are to not abandon or to discontinue service on the line, retaining the trackage in place. Neither of these alternatives is economically feasible for NSR.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology.
- (2) **Written Description of Right of Way** -- The right of way width varies but is generally 80 to 115 feet on each side of the main track centerline. The line passes through 80% agricultural, 10% undeveloped, 7% residential and 3% industrial areas.
- (3) **Photographs** -- Photographs were furnished to the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology.
- (4) **Date of Construction of Structures** -- Construction dates are shown on the Bridges and Structures Listing attached to this report.
- (5) **History of Operations and Changes Contemplated** -- Pursuant to the Notice of Exemption in this Surface Transportation Board (STB) proceeding, Norfolk Southern

Railway Company (NSR) proposes to abandon 8.60 miles of rail line between milepost RK-130.00 at Converse, Indiana and milepost MP RK-138.60 at Hartford City, Indiana. Consolidated Rail Corporation (Conrail), the owner of the line until 1999, referred to it in recent decades as the Red Key Secondary. That name seems to have been used for the longer line segment between Dunkirk, Indiana and Hartford City, Indiana. The original railroad line between Converse, Indiana and Hartford City, Indiana, which has been rehabilitated and replaced several times over the years, was constructed by the *Columbus and Indiana Central Railway Company*. Rail service at Hartford City will remain available after the abandonment.

Columbus and Indiana Central Railway Company was formed on September 11, 1867 through the consolidation of Toledo, Logansport and Burlington Railway Company, The Union and Logansport Railroad Company and Columbus and Indianapolis Central Railway Company. *Columbus and Indiana Central Railway Company* was incorporated under the general laws of Ohio and Indiana through articles of consolidation, dated June 28, 1867. These articles of consolidation were filed in Ohio on September 10, 1867 and in Indiana on September 11, 1867.

After its formation through the consolidation of the three predecessor companies, the *Columbus and Indiana Central Railway Company* operated a 313-mile railroad line between Columbus, Ohio and Chicago, Illinois, via towns including Hartford City, Logansport, Marion and Crown Point, Indiana, that was mostly previously constructed by its predecessors. However, in 1867, the Columbus and Indiana Central Railway Company completed the construction of the line of railroad between the Ohio-Indiana border and Marion, IN that was begun by its predecessors. That line included the

subject segment of line between Hartford City, IN and Converse, IN.

Columbus and Indiana Central Railway Company was consolidated with Chicago and Great Eastern Railway Company (No. 4) on February 11, 1868 to form *Columbus, Chicago and Indiana Central Railway Company*. *Columbus, Chicago and Indiana Central Railway Company* was incorporated under the general laws of Ohio, Indiana and Illinois through consolidation agreement dated December 4, 1867, filed in Ohio and Illinois on February 11, 1868 and in Indiana on February 12, 1868.

Columbus, Chicago and Indiana Central Railway Company was sold at foreclosure January 10, 1883 to a purchasing committee which conveyed part of the property to *The Chicago, St. Louis and Pittsburgh Railroad Company (of Indiana)* and part to Chicago, St. Louis and Pittsburgh Railroad Company (of Illinois) by deeds dated March 17, 1883. Operation of the company's railroad line was continued by *The Pittsburg, Cincinnati and St. Louis Railway Company* (no "h" in Pittsburgh) as lessee until April 1, 1883.

The Chicago, St. Louis and Pittsburgh Railroad Company (of Indiana) and Chicago, St. Louis and Pittsburgh Railroad Company (of Illinois) consolidated on April 1, 1884 to form *Chicago, St. Louis and Pittsburgh Railroad Company*.

The Pittsburg, Cincinnati, Chicago and St. Louis Railway Company (the "Panhandle"), which was organized September 18, 1890, was formed through a consolidation agreement dated June 10, 1890 that consolidated the properties, rights and franchises of *The Pittsburg, Cincinnati and St. Louis Railway Company* (no "h"), *the Chicago, St. Louis and Pittsburgh Railroad Company*, *The Cincinnati and Richmond Railroad Company* (second corporation) and the Jeffersonville, Madison and

Indianapolis Railroad Company.

On January 1, 1917, *The Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company* consolidated with the Vandalia Railroad Company, the Pittsburgh, Wheeling and Kentucky Railroad Company, the Anderson Belt Railway Company and the Chicago, Indiana and Eastern Railway Company to form *The Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company* (also called the "Panhandle"). *The Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company* was controlled by the *Pennsylvania Company*, which held the railroad properties of the Pennsylvania Railroad Company located west of Pittsburgh, Pennsylvania.

The Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company was succeeded as owner of the subject Line by a company that was controlled and leased by the Pennsylvania Railroad Company, the *Philadelphia, Baltimore and Washington Railroad Company*.

The *Philadelphia, Baltimore and Washington Railroad Company* was incorporated September 15, 1916 under the general laws of Pennsylvania, Delaware and Maryland through articles of consolidation. *The Philadelphia, Baltimore and Washington Railroad Company* was formed by the consolidation of the Elkton and Middletown Railroad Company of Cecil County, The Philadelphia and Baltimore Central Railroad Company, Columbus and Port Deposit Railway Company (of July 1890) and The Philadelphia, Wilmington and Baltimore Railroad Company.

The *Philadelphia, Baltimore and Washington Railroad Company* was leased to *The Pennsylvania Railroad Company* for 999 years from January 1, 1918 under a lease dated December 13, 1917.

The Pennsylvania Railroad Company was incorporated April 13, 1846, by a special act of the Legislature of Pennsylvania, and was granted Letters Patent dated February 25, 1847 by the Commonwealth of Pennsylvania. The Pennsylvania Railroad Company charter authorized the construction of a railroad from Harrisburg, Pennsylvania to Pittsburgh, Pennsylvania, with branches to various points in the State. The Pennsylvania Railroad Company began construction of its rail lines at Harrisburg, Pennsylvania on July, 1847. The Pennsylvania Railroad opened its line from Harrisburg to Hollidaysburg, Pennsylvania, where it connected with the Portage Railroad, on September 16, 1850. The Pennsylvania Railroad Company completed construction on the original Western Division of the Pennsylvania Railroad, from Johnstown, Pennsylvania to Pittsburgh, Pennsylvania, on December 10, 1852. Subsequently, the portion of the Pennsylvania Railroad Company line from Altoona, Pennsylvania to the Portage viaduct was built and opened February 15, 1854.

The current *Norfolk Southern Railway Company* originally was incorporated as Southern Railway Company under the laws of the Commonwealth of Virginia on June 18, 1894. Southern Railway Company was successor to Richmond and West Point Terminal Railway and Warehouse Company (incorporated in 1880) and its subsidiaries, including the Richmond and Danville Railroad Company (1847) and several others. Norfolk and Western Railway Company, which also is a predecessor of Norfolk Southern Railway Company, was incorporated by special act of Virginia approved on January 15, 1896, and succeeded, under a plan of reorganization, to the properties of Norfolk and Western Railroad Company and several other companies in that year.

For about ten years starting in the late 1950s, the Pennsylvania Railroad

Company and the New York Central Railroad Company studied and then pursued approval of a merger through Interstate Commerce Commission (ICC) proceedings and court appeals. Eventually, in 1968, the merged company came into existence as the *Penn Central Transportation Company*. In order to render the transaction consistent with the public interest as interpreted by the ICC at the time, the Commission required, among other things, that the New York, New Haven and Hartford Railroad Company (New Haven) and its affiliates and subsidiaries be included upon fair and equitable terms later to be determined by the ICC with the approval of the courts. Though consummation of the merger was permitted prior to the New Haven inclusion, the ICC made clear that consummation of the merger would constitute full and complete assent by merging parties as to the New Haven inclusion.

In *The Baltimore & Ohio Railroad Co. et al. V. United States et al.*, 386 U.S. 372; 87 S. Ct. 1100; 18 L. Ed. 2d 159 (1967), the United States Supreme Court found that the ICC should not have approved consummation of the merger before the Commission decided upon whether to include not just the New Haven but the three other railroads for which the ICC ordered some form of economic protection because of the Pennsylvania Railroad Company-New York Central Railroad Company merger and the contemporaneous Norfolk and Western Railway Company, the Wabash Railroad Company and the New York, Chicago and St. Louis Railroad Company (the "Nickel Plate" Railroad) merger. Those three companies, the Erie Lackawanna Railroad Company, the Boston and Maine Railroad Company, and the Delaware and Hudson Railroad Company were studied for possible inclusion into either the Pennsylvania-New York Central or Norfolk and Western merged systems. This court decision and study

and further proceedings requirement delayed consummation of the Penn Central transaction even longer, to the financial detriment of all the parties.

Inclusion of the New Haven in the Penn Central was consummated pursuant to the ICC's order of January 1, 1969. Some 18 months after the New Haven inclusion, Penn Central was at the reorganization court, alleging that it was virtually without cash, was unable to meet its debts as they matured, had no means of borrowing or otherwise procuring funds to pay and discharge its debts and obligations, and was desirous of effecting a reorganization pursuant to section 77 of the Bankruptcy Act. Inclusion of the New Haven, which was weighed down by being the fourth largest private carrier of passengers in the world, in the Penn Central Transportation Company railroad system produced some of the financial and operating problems that bankrupted the Penn Central less than two years after its creation through the merger of the Pennsylvania Railroad Company and the New York Central Railroad Company.

The Penn Central Transportation Company filed a petition for reorganization under section 77 of the Bankruptcy Act, 11 U.S.C. §§ 205 et seq., on July 21, 1970. Subsequently, the United States District Court for the Eastern District of Pennsylvania appointed W. Willard Wirtz, George P. Baker, Jervis Langdon, Jr., and Richard C. Bond as trustees.

The *Philadelphia, Baltimore & Washington Railroad Company* continued to exist through and after the Penn Central merger and became a secondary debtor in the Penn Central Transportation Company bankruptcy proceeding.

The trustees of the Penn Central proposed a plan of reorganization of the debtor, which, absent Federal or other external financial assistance by October 1, 1973, would

have permitted continued rail service for not more than another year over the Penn Central railroad lines. Cessation of the Penn Central's service would have been phased in over a 10-week period beginning October 31, 1973.

In 1973, Congress enacted the Regional Rail Reorganization Act (the 3R Act) in an effort to reorganize and prevent the shutdown of the bankrupt Northeastern and Midwestern railroads. The statute created three new entities. First, the United States Railway Association, a new government corporation, was formed to "engage in the preparation and implementation of the final system plan." 3R Act, §§ 201, 202(a)(1), later codified at 45 U.S.C. §§ 711, 712(a)(1) (1976). The Final System Plan was envisioned as a "basic document which will identify the necessary rail services in the Midwest and Northeast region and propose needed restructuring, rehabilitation, and modernization." S.Rep.No. 601, 93d Cong., 1st Sess. 25, reprinted in (1973) U.S.Code Cong. & Ad.News 3242, 3265. Although the 3R Act established eight goals which the Final System Plan was to effectuate, Congress identified the "two basic goals," *id.*, as "(1) the creation, through a process of reorganization, of a financially self-sustaining rail service system in the region; (and) (2) the establishment and maintenance of a rail service system adequate to meet the rail transportation needs and service requirements of the region." 3R Act, § 206(a)(1), (2), later codified at 45 U.S.C. § 716(a) (1), (2). The Final System Plan was also required to designate, *inter alia*, which rail properties of the bankrupt railroads were to be transferred to the Consolidated Rail Corporation (Conrail); which properties were to be offered for sale to profitable railroads in the Midwest and Northeast region; and which properties were to be available for purchase or lease from Conrail by a state or a local or regional transportation authority to meet the needs of

commuter rail passenger service. 3R Act, § 206(c)(1)(A), (B), (D), later codified at 45 U.S.C. § 716(c)(1)(A), (B),(D) (1976). The USRA was obliged to submit the Final System Plan to Congress. 3R Act § 208(a), later codified at 45 U.S.C. § 718(a) (1976). When the Final System Plan was submitted to Congress on July 26, 1975, neither house exercised its statutory opportunity to disapprove it, and it was therefore deemed approved.

After the Final System Plan became effective, the United States Railway Association then was required transmit the Plan to the Special Court, Regional Railroad Reorganization Act, which had exclusive jurisdiction of all proceedings concerning the Plan. §§ 209. Under the Act, within 10 days after deposit with the Court of Conrail securities and USRA obligations, the Special Court ordered the railroad trustee to convey forthwith to Conrail the railroad's properties designated in the Plan. §§ 303 (b). The Special Court then was required to determine under §§ 303 (c), with appeals extending to the United States Supreme Court, whether the conveyance was fair and equitable to the railroad's estate under §§ 77 standards, or whether the transfer was more fair and equitable than a constitutional minimum required (in which case necessary adjustments were to be made). If the Special Court found the conveyance not fair and equitable, the court was required to reallocate, or order issuance of additional Conrail securities and USRA obligations, enter a judgment against Conrail, or combine such remedies. The railroads that comprised Conrail were permitted to discontinue service and abandon properties not designated for transfer under the Final System Plan, but until the Final System Plan became effective, they were permitted only to discontinue service or abandon any line with USRA consent and absent

reasonable state opposition. §§ 304 (f). FSP and the December 1, 1975, Official Errata Supplement.

Consolidated Rail Corporation was incorporated in Pennsylvania on October 25, 1974, as a result of the Regional Rail Reorganization Act of 1973 (3R Act), 45 U.S.C. § 741. Pursuant to that Act, and under the Final System Plan described above, Conrail received the transfer of the property of the bankrupt northeastern railroads and took over and continued their rail operations, beginning its operations as a common carrier by railroad on April 1, 1976. Substantially all of the rail properties of the bankrupt railroads (Penn Central Transportation Co., Reading Co., Erie Lackawanna R. Co., Central R. Co. of New Jersey, Lehigh Valley R. Co., and Lehigh and Hudson River R. Co.) and their remaining subsidiaries which were secondary debtors in their bankruptcy proceedings were conveyed to Conrail on that date, although some trackage was abandoned and small segments of track were conveyed to other railroads in the territory or to commuter railroads. The Northeast Corridor line between Washington, DC and Boston, MA was re-conveyed to Amtrak on the date it was acquired by Conrail.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. Based on an Agreement of Merger and Reorganization, dated July 31, 1980, and eventual Interstate Commerce Commission (ICC) approval, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries. Under approval granted by the ICC in Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation -- Control -- Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173 (1982), dated March 19, 1982, Norfolk

Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982.

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, VA: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985).

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. On the same date, Norfolk and Western Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway Company rather than remaining a direct subsidiary of Norfolk Southern Corporation.

The Wabash Railroad Company was merged into the Norfolk and Western Railway Company on November 12, 1991. Norfolk and Western Railway Company had controlled and leased the property of the Wabash Railroad Company since 1964, pursuant to Interstate Commerce Commission authorization.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc.

("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Consolidated Rail Corporation ("Conrail"), a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*. The transaction was closed and became effective June 1, 1999.

At page 20 of the July 23, 1998 slip opinion in Finance Docket No. 33388, the STB described the NS and Conrail systems as follows:

NS operates approximately 14,282 route miles and 25,236 track miles of railroad in 20 states, primarily in the South and the Midwest, and in Ontario, Canada. Of that total, approximately 1,520 miles are operated under trackage rights while the remaining mileage is either owned by NS or operated by NS under contract or lease. NS has routes to, and serves, virtually every major market in an area that stretches from Kansas City, MO, in the Midwest to Norfolk, VA, in the East, to Chicago, IL, and Buffalo, NY, in the North, and to New Orleans, LA, and Jacksonville, FL, in the South. These markets include Memphis, Chattanooga and Knoxville, TN; St. Louis, MO; Fort Wayne, IN; Detroit, MI; Toledo, Cincinnati, Columbus, and Cleveland, OH; Louisville and Lexington, KY; Bluefield, WV; Alexandria, Roanoke, Lynchburg, and Richmond, VA; Winston-Salem, Raleigh, Durham, Charlotte, and Morehead City, NC; Greenville, Spartanburg, Columbia, and Charleston, SC; Atlanta, Macon, Valdosta, and Savannah, GA; Bessemer, Birmingham, Montgomery, and Mobile, AL; Des Moines, IA; and Peoria, Springfield, and Decatur, IL. NS interchanges traffic with other railroads at virtually all of these locations and at numerous other locations on its railroad system.

Conrail operates approximately 10,500 miles of railroad in the Northeast and Midwest, and its primary network forms an "X" connecting Chicago (via the Chicago Line) and East St. Louis (via the St. Louis and Indianapolis Lines) in the West, with Boston, MA, New York, NY, and Northern New Jersey (via the Chicago Line and other main lines), and with Pittsburgh, Harrisburg, PA, Philadelphia, Baltimore, and Washington, DC (via the Pittsburgh Line and other

main lines) in the East. The "hub" of the "X" is located in, and about, Cleveland, OH. Conrail's principal interchange points are in: Chicago, East St. Louis, and Streator, IL; Salem, IL, via Union Pacific Railroad Company (UPRR) trackage rights between Salem and St. Elmo, IL, on the St. Louis Line; Cincinnati; Hagerstown, MD; and Washington, DC. Other important interchange points include Effingham, IL; Fort Wayne, IN; Toledo and Columbus, OH; Buffalo and Niagara Falls, NY; Montreal, Quebec; Rotterdam Junction, NY; and Worcester (including Barbers), MA.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets were allocated to *Pennsylvania Lines LLC* ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in turn, were leased to and are operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR Operating Agreement") with an original term of twenty-five (25) years from the effective date of June 1, 1999, and two optional renewal terms of five (5) years each. The Conrail Transaction Agreement permitted NSR to operate and to enter into various transactions with regard to the assets allocated to PRR. As a result of the Conrail Transaction, Norfolk Southern Railway Company's rail operations grew to include some 7,200 miles of the Conrail system (predominately the former Pennsylvania Railroad), creating balanced rail transportation in the East to benefit customers and communities alike.

The Norfolk Southern system created by the STB's July 23 order was a 21,600-mile rail system serving 22 states in the East, as well as the District of Columbia and the Province of Ontario, Canada. CSXT was permitted to operate approximately 4,000 miles of Conrail routes, resulting in a 22,300-mile rail system serving 23 states east of the Mississippi, the District of Columbia and Montreal and Ontario, Canada. The STB stated that the Conrail transaction would bring competitive freight rail service to the Northeast for the first time in more than 20 years.

The STB described the rail line assets that were allocated to PRR and retained by Conrail in the July 23, 1998 decision as follows:

At page 24 of the slip opinion, the STB stated:

Certain additional assets (referred to as the Retained Assets) will continue to be held by CRR and CRC (or their subsidiaries other than NYC and PRR) and will be operated by them for the benefit of CSX and NS...On the date of the Division: the former Conrail line now owned by NS that runs from Fort Wayne, IN, to Chicago, IL (the Fort Wayne Line), will be transferred to Conrail in a like-kind exchange for Conrail's Chicago South/Illinois Lines (the Streator Line); and Conrail will assign the Fort Wayne line to NYC, to be operated together with the other Conrail lines to be assigned to NYC and used by CSX as part of the CSX rail system.

After describing the properties allocated to NYC, the STB went on to describe the PRR-allocated properties at pages 25-27 of the slip opinion:

Assets Allocated To PRR. The PRR-Allocated Assets will include the following primary routes currently operated by Conrail (routes over which Conrail operates pursuant to trackage rights are designated "TR"):

(1) NJ Terminal to Crestline (Pennsylvania Railroad route), including (a) North NJ Terminal to Allentown, PA, via Somerville, NJ, (b) Little Falls, NJ, to Dover, NJ (TR), (c) Orange, NJ, to Denville, NJ (TR), (d) Dover to Rockport (TR), (e) Rockport to E. Stroudsburg via Phillipsburg, NJ, (f) Allentown Terminal, (g) Orange to NJ Terminal (TR), (h) NJ Terminal to Little Falls (TR), (i) Bound Brook to Ludlow, NJ (TR), (j) Allentown, PA, to Harrisburg via Reading, (k) Harrisburg Terminal, (l) Harrisburg to Pittsburgh, (m) Conemaugh Line via Saltsburg, PA, (n) Pittsburgh to W. Brownsville, PA, (o) Central City, PA, to South Fork, PA, (p) Pittsburgh Terminal, (q) Monongahela, PA, to Marianna, PA, (r) Pittsburgh to Alliance, OH, via Salem, (s) Beaver Falls, PA, to Wampum, PA, (t) Alliance to Cleveland Terminal, (u) Mantua, OH, to Cleveland Terminal, (v) Alliance to Crestline, (w) Alliance to Omal, OH, (x) Rochester, PA, to Yellow Creek, OH, (y) E. Steubenville, WV, to Weirton, WV, (z) Steubenville Branches Bridge, OH, (aa) Pittsburgh Branches, (bb) Ashtabula to Youngstown, OH, (cc) Ashtabula Harbor to Ashtabula, (dd) Niles, OH, to Latimer, OH, (ee) Alliance, OH, to Youngstown, (ff) Youngstown to Rochester, (gg) Allentown to Hazleton, PA, (hh) CP Harris, PA, to Cloe, PA (TR), (ii) Cloe to Shelocta, PA, (jj) Tyrone, PA, to Lock Haven, PA (TR), (kk) Creekside, PA, to Homer City, PA, (ll) Monongahela Railroad, (mm) portion of Kinsman Connection in Cleveland, (nn) portion of 44 Ind. Track including Dock 20 Lead, and (oo) Gem Ind. Track-Lordstown, OH;

(2) Cleveland to Chicago (New York Central Railroad route), including (a) Cleveland Terminal to Toledo Terminal, (b) Elyria, OH, to Lorain, OH, (c) Toledo Terminal to Sylvania, OH, (d) Toledo Terminal to Goshen, IN, (e) Elkhart, IN, to Goshen, and (f) Elkhart to Porter, IN;

(3) Philadelphia to Washington (Amtrak's Northeast Corridor, referred to as NEC), including (a) Philadelphia Terminal to Perryville, MD (TR), (b) Wilmington Terminal, DE, (c) Perryville to Baltimore (TR), (d) Baltimore Terminal, (e) Baltimore Bay View to Landover, MD (TR), (f) Baltimore to Cockeysville, MD, (g) Pocomoke, MD, to New Castle Jct., DE, (h) Harrington, DE, to Frankford/Indian River, DE, (i) Newark, DE, to Porter, DE, (j) Claremont R.T., (k) Loneys Lane Lead, and (l) Grays Yard (TR);

(4) Michigan Operations (excluding the Detroit Shared Assets Area), including (a) Toledo Terminal to Detroit Terminal, (b) Detroit Terminal to Jackson, MI, (c) Jackson to Kalamazoo, MI, (d) Kalamazoo to Elkhart, IN, (e) Jackson to Lansing, MI, (f) Kalamazoo to Grand Rapids, (g) Kalamazoo to Porter, IN (TR), (h) Kalamazoo Ind. Track, and (i) Comstock Ind. Track;

(5) Eastern Pennsylvania lines, including (a) Philadelphia Terminal to Reading, (b) Reading Terminal, (c) Thorndale, PA, to Woodbourne, PA, (d) Leola/Chesterbrook, PA, lines, (e) Philadelphia Terminal to Lancaster, PA (TR), (f) Lancaster to Royaltown, PA (TR), (g) Lancaster to Lititz/Columbia, PA, (h) portion of Stoney Creek Branch, (i) West Falls Yard, and (j) Venice Ind. Track;

(6) Indiana lines, including (a) Anderson to Goshen via Warsaw, (b) Marion to Red Key, IN, and (c) Lafayette Ind. Track;

(7) Buffalo to NY/NJ Terminal, including (a) NJ/NY Jct. to Suffern, NY (TR), (b) Suffern to Port Jervis, NY, (c) Port Jervis to Binghamton, (d) Binghamton to Waverly, (e) NJ/NY Jct. to Spring Valley, NY (TR), (f) Paterson Jct., NJ, to Ridgewood, NJ (TR), (g) Waverly to Buffalo, (h) Waverly to Mehoopany, PA, (i) Sayre, PA, to Ludlowville, NY, (j) Lyons, NY, to Himrods Jct., NY, (k) Corning, NY, to Himrods Jct., NY, (l) North Jersey Terminal to Paterson Jct., NJ (TR), (m) Paterson Jct. to North Newark, NJ, and (n) NJ/NY Jct. to North Jersey Terminal (TR);

(8) Buffalo to Harrisburg and South, including (a) Perryville, MD, to Harrisburg, PA, (b) Carlisle, PA, to Harrisburg, (c) Wago, PA, to York (area), PA, (d) Harrisburg to Shocks, PA, (e) Williamsport, MD, to Buffalo via Harrisburg, PA, (f) Watsonstown, PA, to Strawberry Ridge, PA, (g) Ebenezer Jct., NY, to Lackawanna, NY, (h) Hornell, NY, to Corry, PA, (i) Corry to Erie, PA (TR), and (j) Youngstown to Oil City, PA;

(9) Cincinnati to Columbus to Charleston, WV, including (a) Columbus to Cincinnati, (b) Cincinnati Terminal, (c) Columbus Terminal to Truro, OH, (d)

Truro to Charleston, WV, (e) Charleston to Cornelia, WV, and (f) Charleston to Morris Fork, WV;

(10) Chicago South/Illinois operations, including (a) Osborne, IN, to Chicago Heights, IL, via Hartsdale, (b) Hartsdale to Schneider, IN, (c) Schneider to Hennepin, IL, (d) Keensburg, IL, to Carol, IL, and (e) Schneider to Wheatfield, IN; and

(11) Chicago Market, including (a) Western Ave. Operations/Loop to Cicero/Elsdon, IL, (b) Chicago to Porter, IN, (c) Clarke Jct., IN, to CP 501, IN, (d) CP 509 to Calumet Park, IL, (e) Western Ave. Ind. Track, (f) Old Western Ave. Ind. Track, (g) North Joint Tracks, (h) Elevator Lead & Tri-River Dock, (i) CR&I Branch, (j) 49th Street Ind. Track, (k) 75th Street to 51st Street (TR), (l) Port of Indiana, IN, and (m) CP 502, IN, to Osborne, IN.

Along with these lines, the abandoned Conrail line from Danville to Schneider, IL, will also be a PRR-Allocated Asset.

At pages 30-32 of the slip opinion, the STB described the Shared Assets areas and other areas of special treatment.

On June 4, 2003, Norfolk Southern Corporation (NSC), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the Surface Transportation Board (STB) to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and *Norfolk Southern Railway Company* (NSR), the railroad subsidiaries of CSX and NSC, respectively, of the two Conrail subsidiaries - New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR). CSXT and NSR have been managing and operating the allocated assets of NYC and PRR, respectively, since June 1, 1999 under operating agreements approved by the STB in the 1998 decision cited above. The petition was approved by the STB, subject to certain conditions, in a decision served on November 7, 2003. The transaction, which was concluded on August 27, 2004 by the merger of NYC and PRR into CSXT and NSR, respectively, replaced the operating agreements and allowed NSR and CSXT to

operate the NYC and PRR lines via direct ownership.

Hartford City is the county seat of Blackford County. Blackford County was created in 1838 from territory that had been part of Jay County. The 2000 census showed the population of Hartford City to be approximately 6,960 persons and the population of Converse to be approximately 1144 persons. The population of the County was shown to be approximately 14,048 persons.

There are two buildings in Blackford County that are listed on the National Register of Historic Places, Blackford County Courthouse, off Indiana Route 3 in Hartford City and First Presbyterian Church, 220 N. High Street, Hartford City. Neither will be affected by the abandonment of the subject rail line.

The change contemplated in the operation of the Hartford City, IN-Converse, IN railroad line is for Norfolk Southern Railway Company to abandon the subject unprofitable and unused line of railroad, to salvage the material on and in the vicinity of the right-of-way and, to the extent of its title to the real estate, to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation.

(6) **Summary of Documents In Carriers' Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – Bridge plans may be available for the structures on the line.

(7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** -- It is carriers' opinions that the structures on the line to be abandoned do not meet the criteria for listing in the *National Register of Historic Places*. The structures are bridges which are short in length and relatively modern and ordinary in design and construction. There is nothing that distinguishes the bridges from others in the region.

Carriers have no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.

(8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery**

Carrier is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery.

(9) **Follow-Up Information** -- Additional information will be provided as appropriate.



Norfolk Southern Corporation
Law Department
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Norfolk, Virginia 23510-9241

James R. Paschall
General Attorney

Writer's Direct Dial Number

(757) 629-2752

December 7, 2004

Indiana Department of Natural Resources
Division of Historic Preservation and Archaeology
402 W. Washington Street, W274
Indianapolis, IN 46204

VIA DHL EXPRESS

Re: Docket No. AB-290 (Sub-No. 257X), Norfolk Southern Railway Company
(NSR) – Abandonment – Converse to Hartford City, Blackford County,
Indiana

Dear Sir or Madam:

On or about December 30, 2004, we expect to be filing with the Surface Transportation Board a notice of exemption seeking authority for NSR to abandon 8.60 miles of rail line located between railroad milepost RK 130.00 at Converse and railroad milepost RK 138.60 at Hartford City, Indiana. Attached is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, D. C. 20423-0001, Telephone (202) 565-1545, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at the above telephone number or address.

Yours very truly,

James R. Paschall

JRP:kch
Enclosures

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
BLACKFORD County)

Personally appeared before me, a notary public in and for said county and state, the undersigned [redacted] Helen Perry, who, being duly sworn, says that She is OFFICE/ [redacted] of the HARTFORD CITY INDIAN newspaper of general circulation printed and published in the English language in the city of HARTFORD CITY INDIANA in state and county afore- said, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 17 time [redacted], the dates of publication being as follows: 12-10-04

ATTACH COPY
OF ADVERTISEMENT
HERE

Subscribed and sworn to before me this 10 day of Dec., 20 04.

Melissa R. Shrock

Melissa R. Shrock
Notary Public
Notary Public (Name Printed)

My commission expires: 12-8-11
County of Residence: Blackford

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Norfolk Southern Railway Company (NSR) gives notice that on or about December 30, 2004, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., and 49 U.S.C. 1152 Subpart F-Exempt Abandonments, permitting NSR's abandonment of a 8.60 mile line of railroad between milepost RK 130.00 at Converse and milepost RK 138.60 at Hartford City, which traverses through United States Postal Service ZIP Codes 46919 and 47348 in Blackford County, Indiana. The proceeding will be docketed as No. AB-290 (Sub No. 257X).

The STB's Section of Environmental Analysis (SEA) 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 an STB 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, 1925 K Street, N. W., Washington, DC 20423-0001 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Request for environmental conditions, public use conditions, or rail banking/ trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 [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, public use or trails use may be directed to the STB's Office of Public Assistance at 202-927-7597. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.

9916 1T 12/10



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall
General Attorney

Writer's Direct Dial Number

(757) 629-2759

December 16, 2004

Mr. William McCarty, Chairman
Indiana Utilities Regulatory Commission
302 W. Washington Street, Suite E306
Indianapolis, IN 46204

Mr. Tom Ross
Chief of National Recreation and Trails
U. S. Department of the Interior
National Park Service
Recreational Resources Assistance Division
1849 C Street, N.W.
Washington, DC 20240

United States Department of Defense
(MTMCTEA)
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Boulevard, Suite 130
Newport News, VA 23606-2574

U. S. Department of Agriculture
Chief of the Forest Service
4th Floor, N. W., Auditor's Building
14th Street and Independence Avenue, S.W.
Washington, DC 20250

Re: STB Docket No. AB-290 (Sub. No. 257X), Norfolk Southern Railway Company –
Abandonment – Converse to Hartford City, Blackford County, Indiana

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about December 30, 2004, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of a 8.60 mile line of railroad lying between milepost RK 130.00 at Converse and milepost RK 138.60 at Hartford City, Blackford County, Indiana (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall

JRP:kch
Attachment