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December 27, 2005

**JOHN H. BROADLEY**

Victoria Rutson, Esq.  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
Room 504  
1925 K Street NW  
Washington, D.C. 20423

Re: Notice of Exemption from 49 U.S.C. 10901 for Construction of  
Connecting Track at Sullivan, IN

Dear Mrs. Rutson:

In accordance with 49 CFR 1105.10(c), The Indiana Rail Road Company ("INRD") hereby requests a waiver of the six-month pre-filing notice requirement set forth in 49 CFR 1105.10(a)(1). As described in our meeting with the Section of Environmental Analysis ("SEA") on December 14, 2005, INRD proposes to construct a connecting track in the southeast quadrant of the intersection of CSXT's north-south main line and INRD's east-west main line at Sullivan, IN. The primary purpose of the connecting track would be to make it possible for trains moving north on CSXT's main line to turn east onto INRD's line and trains moving west on INRD's main line to turn south onto CSXT's line without complex backing movements that would obstruct CSXT's main line and highways in the City of Sullivan, IN.

As described at the meeting, INRD's east-west line intersects CSXT's north-south line at Sullivan, IN. There is presently a connecting track between the two in the northwest quadrant which permits trains heading east on INRD's track to turn north onto CSXT's track and trains heading south on CSXT's track to turn west onto INRD's track. In order for trains heading west on INRD's track to turn south onto CSXT's track, it is now necessary for locomotive to pull the train west across CSXT's main line, back the train over the connecting track in the northwest quadrant onto CSXT's main line, stop, reline the switch and head south through Sullivan on CSXT's main line. As we described at our December 14 meeting, such a maneuver is not practical for large heavy trains under the circumstances. It would block CSXT's busy north-south main line for extended periods while the maneuver was performed and while the train got up to speed in the south bound direction on CSXT's main line. Similarly, it would block highway-rail crossings in the town of Sullivan for extended periods while the maneuver

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was performed. The maneuver is similarly complex and obstructive to both the CSXT main line and highway-rail crossings in Sullivan when northbound trains on the CSXT main line wish to turn east onto INRD's main line using the connecting track in the northwest quadrant.

The principal use of the new connecting track would be to facilitate the movement of approximately four loaded and four empty coal trains per week between a newly permitted coal mine at Carlisle, IN and Indianapolis Power & Light's Harding Street power plant in Indianapolis. The Harding Street power plant currently obtains most of its coal from the Black Beauty mine at Farmersburg, IN. That mine will be exhausted by 2011 and IP&L is seeking replacement sources of coal, including coal from the newly permitted mine at Carlisle, IN.

INRD is considering several possible alignments for the proposed connecting track that will be consistent with operating constraints. As we discussed at our December 14 meeting, the connecting track must be long enough that 75-car coal trains seeking to enter the CSXT main line south bound can wait for an available slot without blocking INRD's main line. Similarly, the connecting track must be sufficiently long and the curves sufficiently shallow that trains can both leave and enter CSXT's main line at speed in order to avoid blocking that busy route. These constraints eliminate the option of a very short, tightly curved connecting track located at the intersection of the two lines. Another constraint within which we are attempting to work is that it would be highly desirable for the proposed connecting track to leave the CSXT main line north of Indiana Route 54 to avoid the necessity of its crossing that busy highway.

The connecting track alignments INRD is exploring are all approximately 1.5 miles long and involve the track leaving the CSXT main line north of Indiana route 54 and turning toward the northeast. The alignment flexibility includes the point of departure from the CSXT main line north of Route 54, and the alignment of the connecting track as it turns northeast and approaches the INRD main line. The area through which the connecting track will pass is farmland, though there are some houses adjacent to the CSXT main line that INRD would like to avoid disturbing. There may be an added constraint on locating the connecting track too far to the east because of the proximity of the Minnehaha Fish and Wildlife Area.

At our December 14, 2005 meeting, INRD representatives described the essential aspects of the proposed connecting track. As explained at that meeting, INRD is not aware of any environmental issues. The connecting track will be relatively short and will be built in an agricultural area typical of that part of Indiana. Depending on the alignment chosen, there will be one or two highway grade crossings, and depending on the alignment chosen there may be a bridge or culvert over a man-made drainage channel. INRD does not believe that the project will raise any air quality, noise, or cultural resource issues, or affect minority or low-income populations. The primary effect of the construction of the connecting track will likely be on the routing of coal trains from the Carlisle mine to IP&L's Harding Street plant, with alternate

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routings being longer and involving higher costs.<sup>1</sup> The proposed connecting track is not expected to significantly alter the volume of shipments from the Carlisle mine, nor the volume of coal consumed at IP&L's Harding Street plant.

INRD intends to address fully any environmental issues that arise because of the project and to take appropriate mitigation measures. INRD has selected a third-party environmental contractor, Skelly & Loy, to be directed by SEA, to prepare necessary environmental documentation for the project. Skelly & Loy has extensive experience in highway construction projects and is on SEA's Third Party Consultant Contact List, which is comprised of individuals and firms with expertise and experience in environmental review of rail or transportation projects. INRD is simultaneously submitting to SEA a request to approve Skelly & Loy as third party consultant for this connecting track construction project.

In light of the recent meeting with SEA to discuss the scope of the project, the nature of the proposed construction, and the lack of apparent significant environmental effects, INRD requests a waiver of the requirement contained in 49 CFR 1105.10(a) that an applicant consult with SEA a minimum of six months prior to the filing of a notice of exemption. If you have any questions regarding the proposed project or this request for waiver, please do not hesitate to contact me.

Yours very truly,

A handwritten signature in black ink, appearing to read "John Broadley". The signature is written in a cursive, flowing style with a horizontal line above the first few letters.

John Broadley  
Attorney for the Indiana Rail Road Company

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<sup>1</sup> It is possible that IP&L might source coal for its Harding Street plant from another mine and coal from the Carlisle mine would be shipped to other power plants.