



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EI-1437

CG

MAR 03 2005

REPLY TO THE ATTENTION OF:

B-19J

John H. Broadley
John H. Broadley & Associates, P.C.
1054 31st Street, NW
Suite 200
Washington, DC 20007

AB-295-6X

Re: Comments on the Draft Combined Environmental and Historic Report for Proposed Rail Line Abandonment by the Indiana Rail Road Company – Ellettsville Branch, Monroe County, Indiana – AB 29 (Sub-No.6X)

Dear Mr. Navecky:

The U.S. Environmental Protection Agency (U.S. EPA) has reviewed the above-mentioned draft Environmental Report (Report) notifying relevant parties that a petition for authority to abandon 2.44 miles of rail line along the Ellettsville Branch in Monroe County, 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 Report, we understand the Indiana Rail Road Company (INRD) will remove and re-use the rail. We also understand that negotiations are underway with Monroe County Parks Department (Parks Department) to convert the right-of-way (ROW) to a trail and that all structures and the ballast will remain in place. We feel the following issues should be addressed in greater detail in the Report to be filed with the STB during March, 2005:

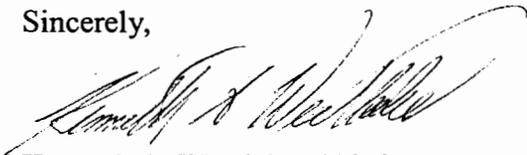
- The final disposition of cross-ties preserved with creosote. Per the July 3, 1984 Rebuttable Presumption Against Registration under the Federal Insecticide, Fungicide, and Rodenticide Act, wood treated with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State of Indiana. If the Parks Department will acquire the line, including cross-ties, for use as a recreational trail, we suggest the INRD discuss appropriate disposal measures with the Parks Department.
- Removal of track materials. Removal should be accomplished using the ROW for access, along with existing public and private crossings, particularly in areas adjacent to wooded areas and Jack's Defeat Creek. 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.

- Bridges and culverts along the line proposed for abandonment. The section of track proposed for abandonment includes several bridges and culverts. Several of the photographs contained in the Report (e.g., Nos. 14, 20, and 25) reveal culvert openings which are partially blocked and most likely experience restricted flow. We suggest these openings be cleared of debris during abandonment activities. Maintenance activities should be included in the forthcoming Report. 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 Report. 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, presumably the Monroe County Parks Department, via specific real estate provisions.
- Storing and fueling of construction equipment. Refueling activities 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.

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
NEPA Implementation Section

cc: David Navecky, Surface Transportation Board