

**PETITION TO OPEN A  
HIGHWAY CROSSING  
AT GRADE**

STATE OF INDIANA  
INDIANA DEPARTMENT OF TRANSPORTATION

PETITION OF BROWN COUNTY, INDIANA,  
FOR THE APPROVAL OF THE  
ESTABLISHMENT OF A GRADE CROSSING  
ON PROPOSED INDIAN HILL ROAD, OVER  
MAINLINE TRACKS OWNED BY THE  
INDIANA RAIL ROAD COMPANY IN  
NASHVILLE, INDIANA.

PETITIONER,

and

INDIANA RAIL ROAD COMPANY AND  
UTILITY CONSUMER COUNSELOR  
FOR THE STATE OF INDIANA,  
(ETC.), ANYONE ELSE DIRECTLY  
AFFECTED

RESPONDENTS.

PETITION TO OPEN HIGHWAY CROSSING AT  
GRADE IN NASHVILLE, BROWN COUNTY, INDIANA

Brown County, Indiana, (Petitioner), respectfully petitions the Indiana Department of Transportation (INDOT) for approval of the establishment of a crossing at grade at the junction of Indian Hill Road and the Railway tracks of Indiana Rail Road Company (INRD).

In support of this petition, Petitioner alleges the following:

1. Petitioner is a duly constituted, authorized and elected public body legally authorized and charged with the responsibility of constructing, reconstructing, and maintaining the operation of all streets and roads, with the exception of state highways and private roads, in Nashville, Indiana.
2. INRD is named as Respondent for the reason that it owns the railway tracks over which the new proposed at grade crossing is to be constructed.
3. The Utility Consumer Counselor of Indiana is named Respondent pursuant to Ind. Code §8-1-1-5.
4. Accordingly, this petition is filed pursuant to Ind. Code §8-6-1-7 for the construction of a highway crossing over a railroad line.

5. Indian Hill Road currently intersects railway tracks operated by INRD. These railway tracks and the point of intersection of the proposed at-grade crossing are in the vicinity of, and adjacent to: DOT #292 193F in relation to Trevlac, Helmsburg, and SR-45. This proposed crossing was an active railroad crossing for several years until May, 2020, when Petitioner and INRD agreed to close the crossing pursuant to Ind. Code §8-6-7.7-3.1(e). The crossing was officially closed in June, 2020. After its closure, crossbucks and other signage were removed and barricades were placed on both sides of the crossing. After constituent input, and the economic and recreational hardships caused by the closing, Petitioner would like to reopen the crossing that was formerly identified as DOT #292 193F.

6. Petitioner desires to reopen the crossing on Indian Hill Road to provide residents, farmers, local business owners, public safety personnel, and pedestrians with a feasible means of traveling north and south of the railroad in the safest, most efficient manner. As previously stated, the proposed crossing was an active railroad crossing until June, 2020.

Since its closure, former users of this route have cited several hardships from having to take a detour along state Road 45 of Tecumesh Trail. For vehicles, the detour adds roughly fifteen (15) minutes of travel time affecting farmers, business owners, and residents. Moreover, the Department of Natural Resources' (DNR) trail map does not show this detour route because of its danger to pedestrians.

All this considered, local area property values, daily activities, and safety have been negatively impacted because of the closure of this crossing, and Petitioner would like to ease this burden by reinstating this railroad crossing for public use. Further letters of support advocating for the opening of this crossing can be found in Exhibit D.

7. The tentative location, details and blueprints of the proposed construction are shown in Exhibit A, which is attached hereto and made a part hereof by reference (all parties of record shall be furnished with a copy of the plans).

8. Petitioner has responded in detail to the 105 Indiana Administrative Code (IAC) 5-10-1 criteria listed and has provided proper documentation as set forth in the IAC, all of which is more particularly described in Exhibit C, which is attached hereto and incorporated herein.

9. Under the designated plans of the Petitioner, the proposed Indian Hill Road will intersect INRD Railway tracks at an angle of approximately 30 degrees.

10. Average daily vehicular traffic (ADT) over the proposed Indian Hill Road, which has a design speed of 30 MPH, is estimated to be less than 50 vehicles. Petitioner will further reduce the speed near the crossing if needed per a safety study.

11. The proposed rail-highway intersection profile is: further defined and depicted in Exhibit A.

12. Approximately fourteen (14) trains per week currently use the INRD railway tracks. These trains travel at an approximate speed of between 25-30 MPH.

13. The roadway view sights for a motorist at the proposed grade crossing are clear on both sides with no obstruction blocking the view of an oncoming train. This was shown to be evident as this crossing, when it was an active and safe crossing until June, 2020, did not have any accidents in its history to our knowledge. To the extent that trees and shrubs continue to grow along the view sight, the Petitioner can address any arising safety concerns.



Brown County Petition to  
Open a Highway Crossing at Grade

14. The plans for this project demonstrate that the crossing should be what type of protection?

CHECK THOSE THAT APPLY

- |                                     |    |                        |
|-------------------------------------|----|------------------------|
| <input type="checkbox"/>            | A. | Gates                  |
| <input type="checkbox"/>            | B. | Standard Flashers      |
| <input type="checkbox"/>            | C. | Cantilever Flashers    |
| <input type="checkbox"/>            | D. | Audible (Bell)         |
| <input checked="" type="checkbox"/> | E. | Crossbucks             |
| <input checked="" type="checkbox"/> | F. | Advanced Warning Signs |
| <input type="checkbox"/>            | G. | Paint                  |
| <input type="checkbox"/>            | H. | Other                  |

15. Standard flashers are not required at this crossing. While there are other crossings in the county that have standard flashers (i.e., SR 45 to the west), these are State Highway Crossings that have a significantly higher volume of traffic than the proposed crossing which is at the intersection of a county road. Because the number of the vehicles passing through this proposed railroad crossing is projected to be so low, there is no need for flashers. Prior to its closure, this crossing did not contain standard flashers or cantilever flashers, and to our knowledge there were no accidents at this crossing. Therefore, we do not believe there is a need for flashers both now and in the future.

16. The proposed rail-highway intersection is located in an area zoned as agricultural.

17. There are no factors present that will divert or distract driver attention away from the Indian Hill Road rail-highway intersection.

18. An aerial photo of the affected area is included as Exhibit B, which is attached hereto and incorporated herein.

19. The crossing surface shall be composed of:

CHECK THOSE THAT APPLY

- |                                     |    |                  |
|-------------------------------------|----|------------------|
| <input type="checkbox"/>            | A. | Rubber           |
| <input checked="" type="checkbox"/> | B. | Timber           |
| <input checked="" type="checkbox"/> | C. | Timber & Asphalt |
| <input type="checkbox"/>            | D. | Asphalt          |
| <input type="checkbox"/>            | E. | Concrete         |
| <input type="checkbox"/>            | F. | Other            |

20. Petitioner will bear the cost of materials and construction of the grade crossing and the protection warning devices.

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Brown County Petition to  
Open a Highway Crossing at Grade

WHEREFORE, the Petitioner requests that INDOT authorize the Petitioner pursuant to Ind. Code §8-6-1-7 to construct a highway crossing at grade across the rail line of the respondent INRD at the location set forth in the Petition and for all other proper relief.

I affirm, under the penalties for perjury, that I have read the foregoing Petition; that I do not have personal knowledge regarding all of its representations; but that the matters set forth herein are true and correct to the best of my knowledge and belief.

Dated this 1<sup>st</sup> day of June, 2023.

By Jacob A. German  
Attorney for Petitioner

(PLEASE PRINT)

Name: JACOB GERMAN

Address: 11 S Meridian St

Address: Indianapolis

Address: Indiana, 46204

Telephone Number: (317) 231-7538

Fax Number: \_\_\_\_\_



CERTIFICATE OF SERVICE

Comes now Jacob German, Attorney for the Commissioners of the  
County of Brown, Indiana and certifies that on

this 1<sup>st</sup> day of June, 2023, has served copies of the foregoing:

Mr. William Fine, Director  
Indiana Office of Utility Consumer Counselor  
115 W. Washington Street, Suite 1500 South  
Indianapolis, Indiana 46204

Railroad Resident Agent

- Attorney: David Locke
- 765-428-7078
- [dal@stuartlaw.com](mailto:dal@stuartlaw.com)
- Address:
  - o PO Box 1010
  - o Lafayette, IN
  - o 47902-1010

Local Public Entity Official

- Jerry Pittman,  
Commissioner
- 812-988-4901
- [pittmanj@browncounty-in.us](mailto:pittmanj@browncounty-in.us)
- Address:
  - o P.O. Box 151
  - o Nashville, IN
  - o 47448

INDOT District Railroad Coordinator

- Kristin Brier
- 317-719-6624
- [kbrier@indot.in.gov](mailto:kbrier@indot.in.gov)
- Address:
  - o 100 North Senate Ave., N758 - MM
  - o Indianapolis, IN
  - o 46204

All bodies affected public and/or private

EXHIBIT "A"

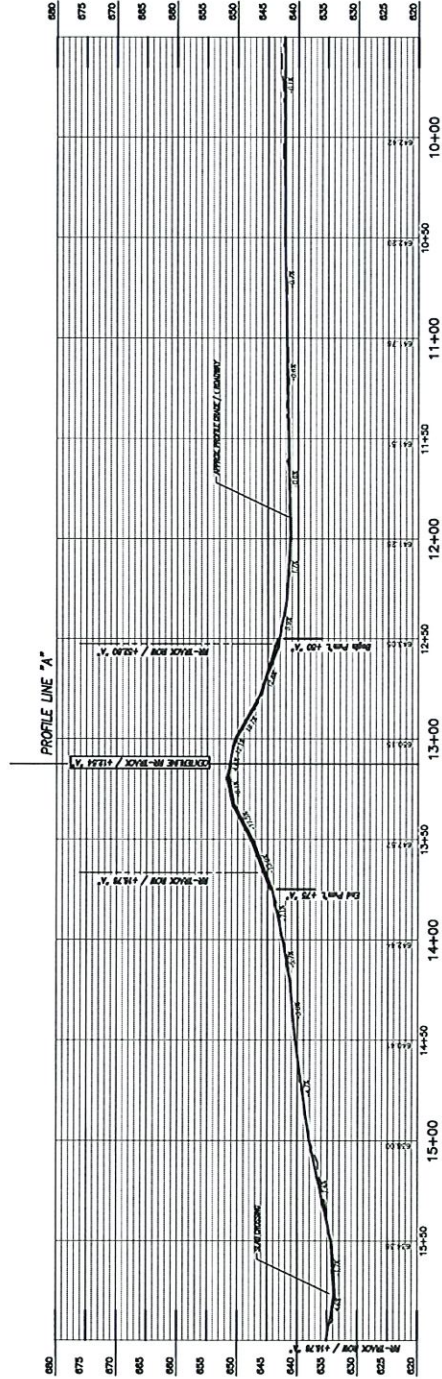


References

1. WHO. WHO STEPS approach to surveillance of risk factors for chronic diseases. Geneva: WHO, 2003.
2. National Health and Medical Research Council. Australian Diabetes Prevention Strategy. Canberra: Australian Government, 2005.
3. National Health and Medical Research Council. Australian Diabetes Prevention Strategy. Canberra: Australian Government, 2005.
4. National Health and Medical Research Council. Australian Diabetes Prevention Strategy. Canberra: Australian Government, 2005.
5. National Health and Medical Research Council. Australian Diabetes Prevention Strategy. Canberra: Australian Government, 2005.
6. National Health and Medical Research Council. Australian Diabetes Prevention Strategy. Canberra: Australian Government, 2005.
7. National Health and Medical Research Council. Australian Diabetes Prevention Strategy. Canberra: Australian Government, 2005.
8. National Health and Medical Research Council. Australian Diabetes Prevention Strategy. Canberra: Australian Government, 2005.
9. National Health and Medical Research Council. Australian Diabetes Prevention Strategy. Canberra: Australian Government, 2005.
10. National Health and Medical Research Council. Australian Diabetes Prevention Strategy. Canberra: Australian Government, 2005.



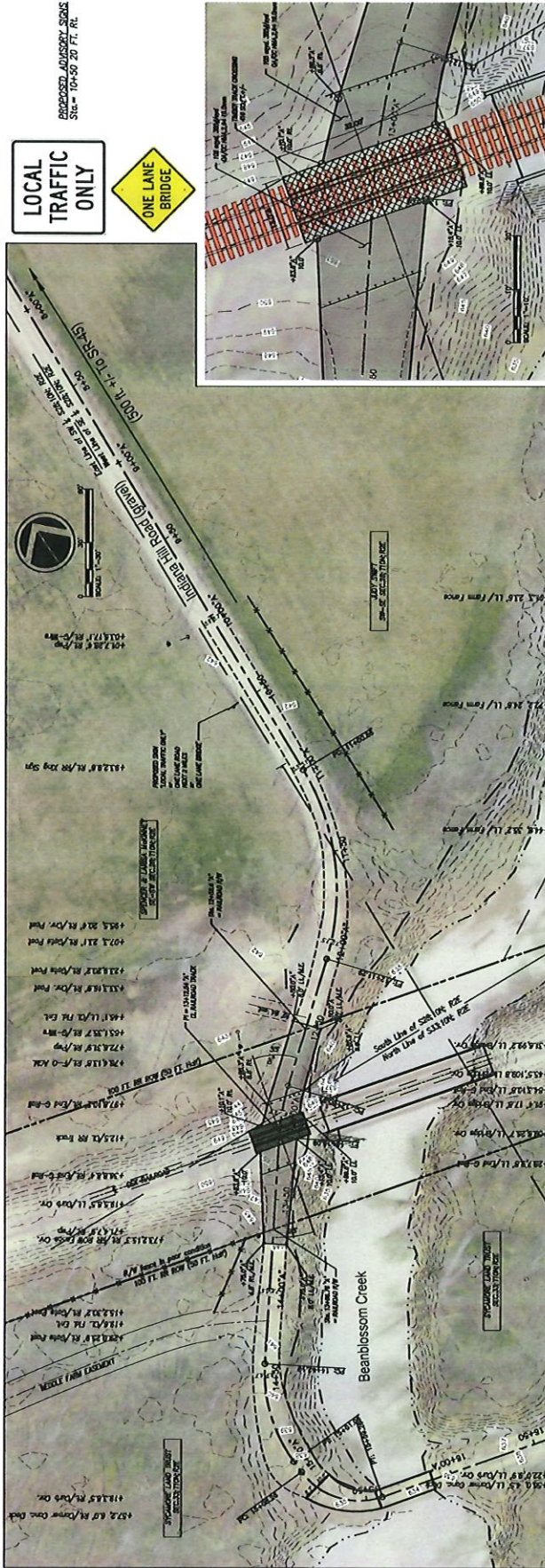
PROPOSED ADVISORY SIGNS  
Sta. = 5+50 20 FT. Aft.  
TO BE WITHIN/ON INDOT SR



**SCALE:**  
1" = 30 FT. HORIZ.  
1" = 10 FT. VERT.

**DISCLAIMER**

- DISCLOSURES**
1. THIS EXHIBIT CREATED WITHOUT A BOUNDARY SURVEY AND/OR LIMITED FIELD TOPOGRAPHIC SURVEY. ALL INFORMATION SHOWN HEREIN IS BASED ON AVAILABLE PUBLIC INFORMATION SUCH AS THE BROWN COUNTY GIS SYSTEM, INDIANA UNIVERSITY ORTHO PHOTOGRAPHY AND INDIANA LARS LIDAR DATA. ANY AND ALL LOCATIONS, DIMENSIONS, ELEVATIONS OR OTHER PLAN INFORMATION HAVE BEEN DERIVED FROM SAID DATA AND INFORMATION.
2. NO WARRANTY OR CERTIFICATION IS TO BE IMPLIED BY THE INFORMATION SHOWN OTHER THAN CONCEPTUAL AND/OR PURPOSES OF THE INFORMATIVE EXHIBIT AS PRESENTED.



LOCAL  
TRAFFIC  
ONLY

PROPOSED ADVISORY SIGNS  
Sta. = 10+50 20 FT. Rt.



### **Exhibit B: Aerial Map**

The proposed crossing was an active crossing until its closure in June, 2020. The former crossing was located at Indian Hill Road, DOT #292 193F, in Brown County, Indiana. Aerial maps and further information about the crossing can be seen in the subsequent pages of Appendix B.

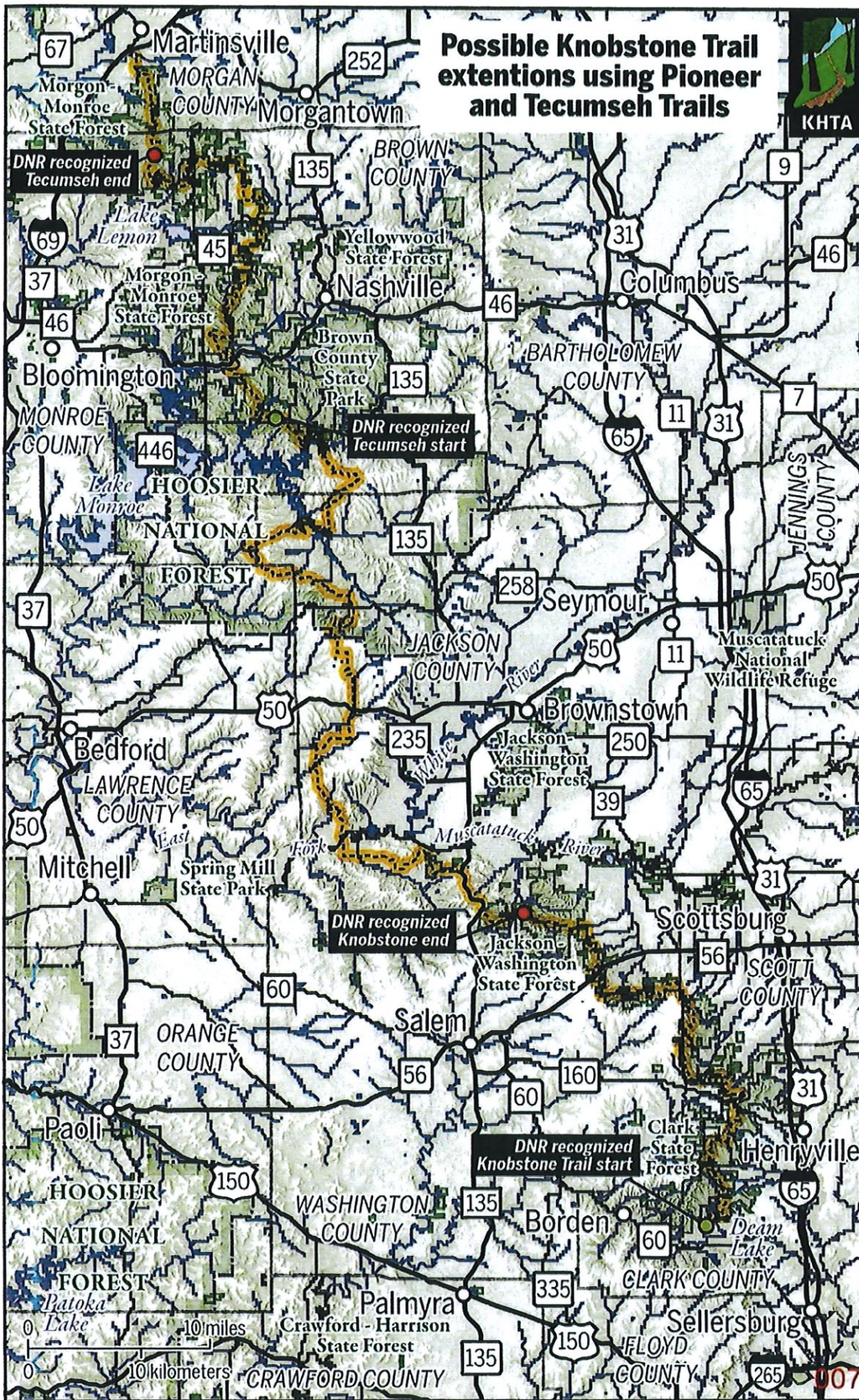




Brown County GIS Indian Hill RR crossing centered  
{Line of Sight: 3800 feet west of crossing, 3000 feet east of crossing.}

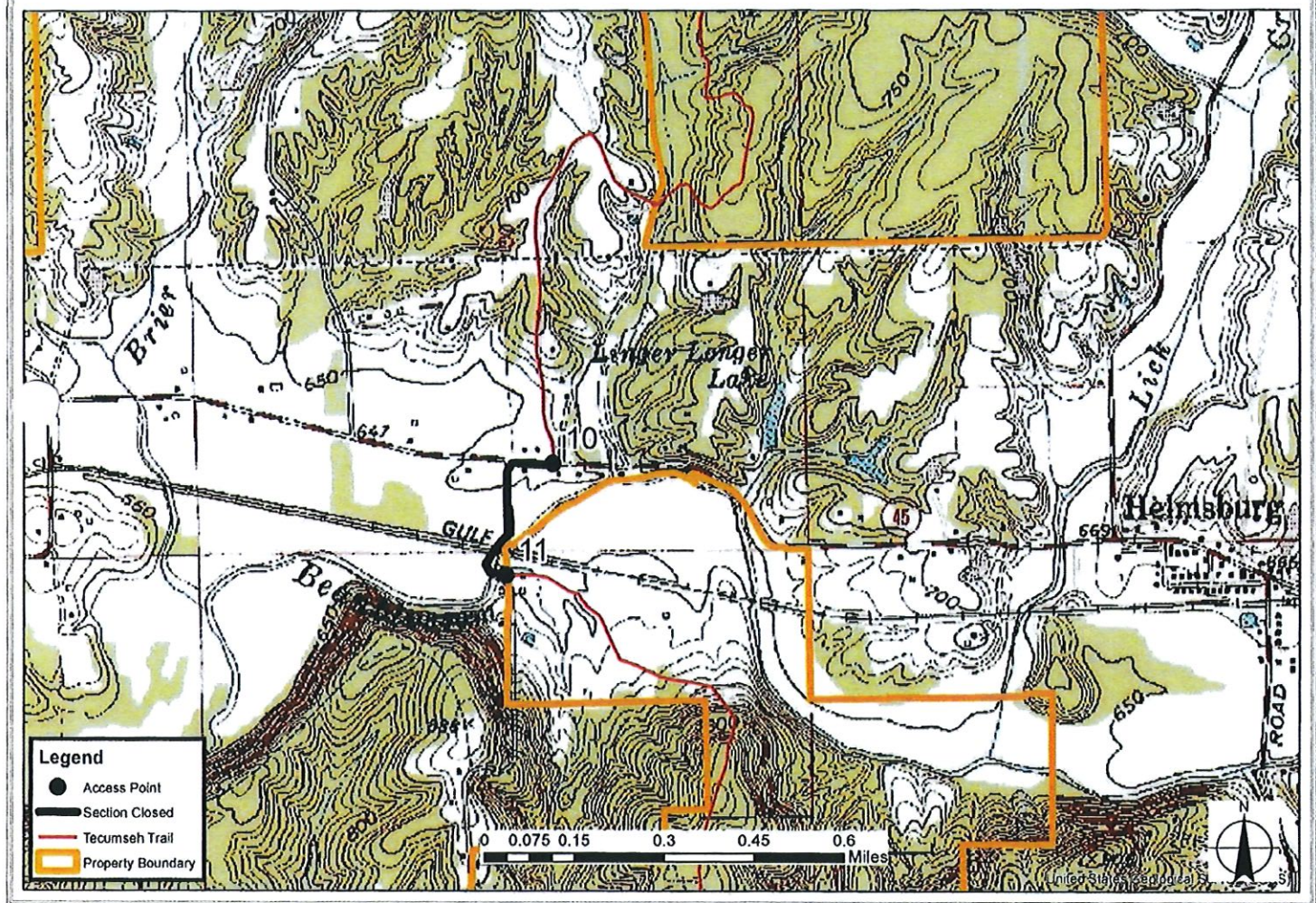


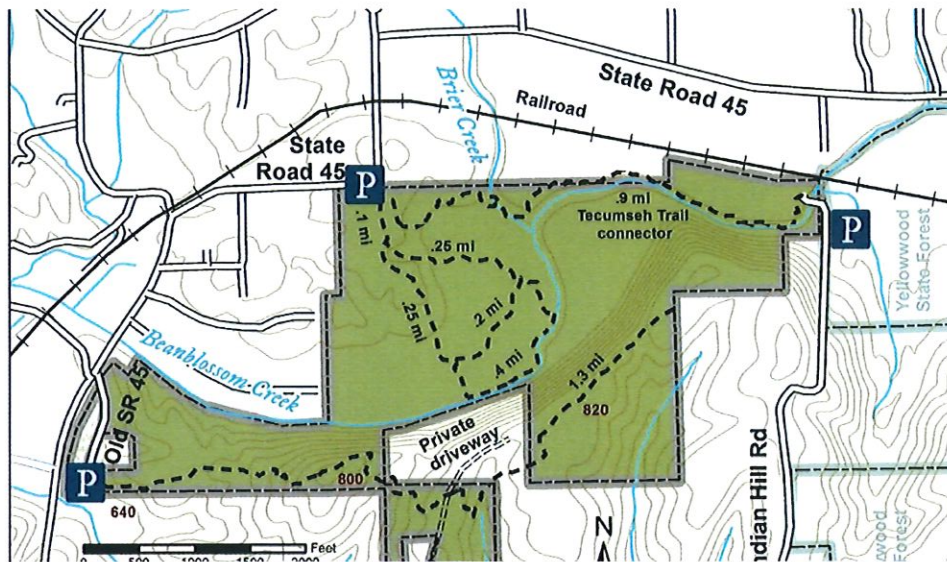






Yellowwood State Forest  
Tecumseh Trail Temporary Closure

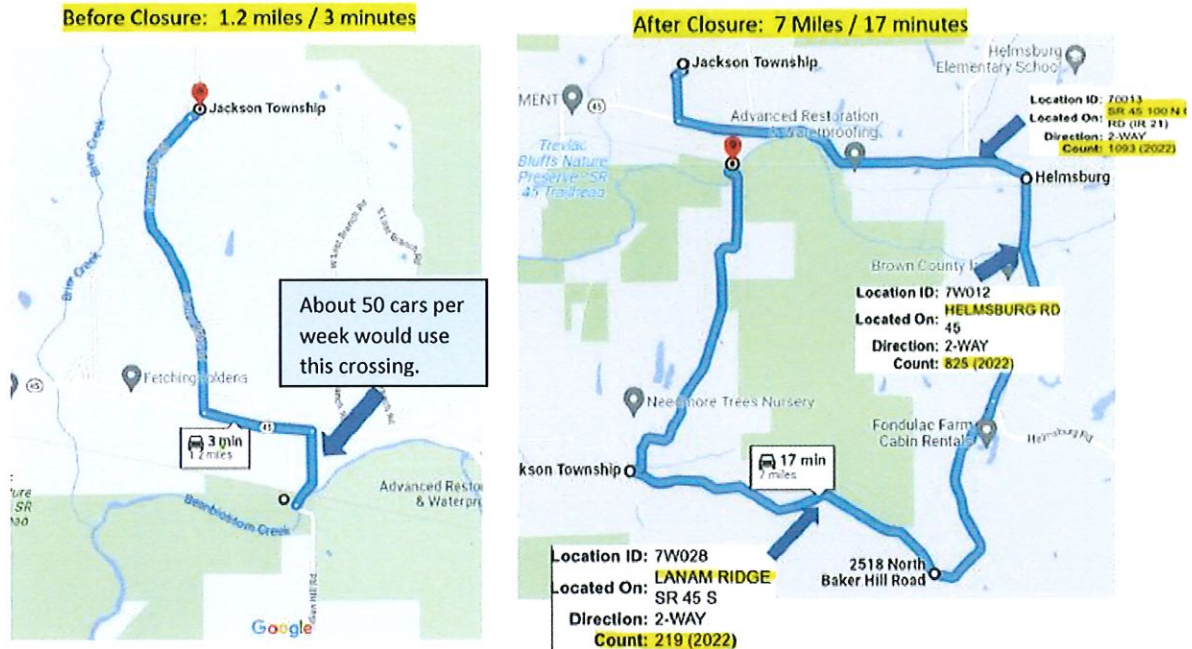




The above map shows the “trevlac bluffs state nature preserve boundaries”, which is managed by the Sycamore Land Trust (“SLT”). SLT has informed the county of difficulties and safety concerns in accessing this side of the nature preserve due to the railroad closure.



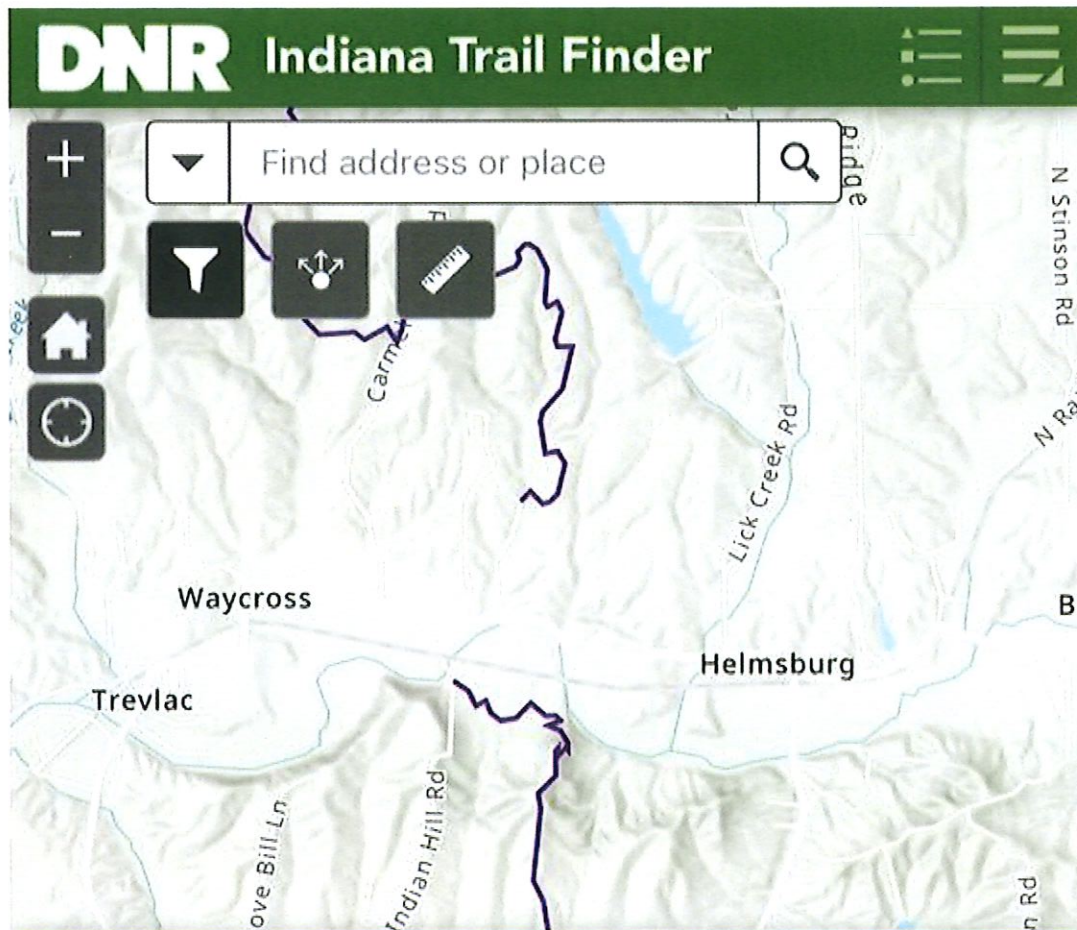
The closing of this crossing has created a detour route of approx. 7 miles with 1.35 miles being on SR 45, a five-fold increase from the previous 0.25 miles. This 1.35 miles includes areas of poor visibility and limited passing sight distances which oversized farm equipment further impeded.



View looking North towards State Road 45 from railroad.







Shows that DNR removed the trail section along sr 45 due to apparent safety concerns.

## TECUMSEH TRAIL MAPS

- Portion of the Tecumseh Trail in Trevlac, Brown County, Indiana: Brown County GIS map of Indian Hill Road, including crossing DOT# 292 193F, and the blocked section of Indian Hill Road between SR-45 and DOT# 292 193F.
- Indian Hill Road and DOT# 292 193F in relation to Trevlac, Helmsburg, and SR-45. Source IDNR.
- 85 mile trail, from Martinsville to Clear Spring.
- 160 mile Knobstone Trail (with planned extension), passing through (North to South) Morgan, Monroe, Brown, Lawrence, Jackson, Washington, Scott, and Clark Counties.

**Exhibit C: 105 IAC 5-10-1 Criteria for opening a crossing**

Sec. 1. Subject to the provisions of IC 8-6-1-7 and IC 8-6-7.7, the department may approve a petition to open a crossing after making findings and conclusions which reflect consideration of all the following factors, to the extent that same are relevant to the crossing decision under consideration:

- 1) Passenger trains do not operate in excess of sixty (60) m.p.h. at the location of the proposed crossing (Class 3 FRA track classification or higher). In cases where passenger service does not operate, this criteria is not applicable.
  - *Passenger trains do not operate through the crossing.*
- 2) An alternate public crossing is not located within one (1) mile of the proposed crossing.
  - *True, the nearest crossing is 1.9 miles away on the north side of the railroad at SR 45.*
- 3) No crossings within two (2) miles of the proposed crossing have had at least three (3) accidents in the preceding five years, with the expected characteristics of the proposed crossing being similar to the nearby crossings. Characteristics for all crossings within two (2) miles of the proposed crossing must be submitted with the petition.
  - *True. There are two crossings within two (2) miles of the proposed crossing. The crossing to the west is on SR 45 and is 0.8 miles away from the proposed crossing. The crossing to the east is on Helmsburg Road and is 1.3 miles away from the proposed crossing. Neither crossing has had any known accidents in the preceding five years.*
- 4) The proposed crossing will have expected average annual daily traffic (AADT) of five hundred (500) or greater in rural areas or one thousand (1,000) or greater in urbanized areas, where the traffic collection procedure is completed in accordance with the Federal Highway Administration's (FHWA) Traffic Monitoring Guide, Third Edition, February 1995. This requirement shall not be applicable where a nonmotorized public grade crossing has been petitioned to the department for opening.
  - *True, when this crossing was closed, the Indiana Rail Road Company (INRD) estimated that less than 50 vehicles used it per day. Petitioner expects the same level of traffic. Please see Appendix A below for an aerial map of the mentioned crossings.*
- 5) Consideration shall be given to the overall design speed of the roadway approaches involving the proposed grade crossing. This requirement shall not be applicable where a nonmotorized public grade crossing has been petitioned to the department for opening.
  - *The overall design speed of the roadway approaching the crossing is currently at 30 mph; however, the County plans to review this limit and may reduce it if their research shows that a lower speed limit would increase the safety at this crossing.*
- 6) There are not more than ten (10) train movements per day at the proposed crossing.
  - *True, there is an average of two (2) train movements per day.*
- 7) Freight trains do not operate in excess of twenty-five (25) m.p.h. at the location of the proposed crossing (Class 2 FRA track classification or higher).
  - *It is estimated that freight trains operate between 25-30 mph at this location.*
- 8) The proposed crossing has, at a minimum, standard crossbucks, pavement markings, and flashing lights. Any proposed crossing must also meet all standards for a rail-highway intersection as provided in the Indiana Manual on Uniform Traffic Control Devices, which is incorporated by reference at 105 IAC 9-2-1. The requirement for flashing lights may be waived if the petitioner can demonstrate that such devices are not essential for safety at the proposed crossing.
  - *The crossing will have standard crossbucks. Pavement markings are not possible due to the road being timber. There will be no flashing lights because of the infrequency of trains that pass this crossing per day. There were no flashing lights at this crossing prior to its closing in 2020.*
- 9) The proposed crossing is not within two hundred (200) feet of a roadway intersection. Adjustment of this criteria will consider the maximum queue expected for the design hour.



- *True, the proposed crossing is approximately 820 feet from a roadway intersection.*
- 10) The proposed crossing does not have, at a minimum, an eighty (80) degree intersection alignment. 55
    - *True, the proposed crossing has an approximate thirty (30) degree intersection alignment.*
  - 11) The proposed crossing will not provide access for trucks carrying hazardous materials unless the utilization of the crossing by such traffic is incidental.
    - *True.*
  - 12) The proposed crossing will not provide access for vehicles carrying passenger for hire unless the utilization of the crossing by such traffic is incidental.
    - *True.*
  - 13) The proposed crossing will not provide access for school buses unless the use of the crossing by the school bus traffic provides enhanced safety over other transportation routes, as documented by the highest school transportation official.
    - *True.*
  - 14) The proposed crossing will provide improved safety access for emergency vehicles. The department requires documentation from the highest emergency response official whose jurisdiction is located where the crossing is proposed for opening.
    - *True, please see letter of support from the Sheriff's department in Exhibit D.*
  - 15) While a new crossing may satisfy the conditions listed in this section, if it can be shown by evidence that there are extenuating circumstances which, in the opinion of the department, a new crossing would still constitute a hazard, it would be denied.
    - *Petitioner believes that it satisfies the requirements of 105 IAC 5-10-1, and that extenuating circumstances are present to justify a new crossing.*
  - 16) While a new crossing may not satisfy the conditions listed in this section, if it can be shown by evidence that there are extenuating circumstances which, in the opinion of the department, a new crossing would still be justified, it would be approved.
    - *Petitioner believes that it satisfies the requirements of 105 IAC 5-10-1, and that extenuating circumstances are present to justify a new crossing. Please see letters of support detailing why this crossing should be opened even if not all though not all the conditions listed in the section are met, which letters are attached hereto and incorporated herein.*

292 192 Y

292 194 M

292 193 F

Private Xing

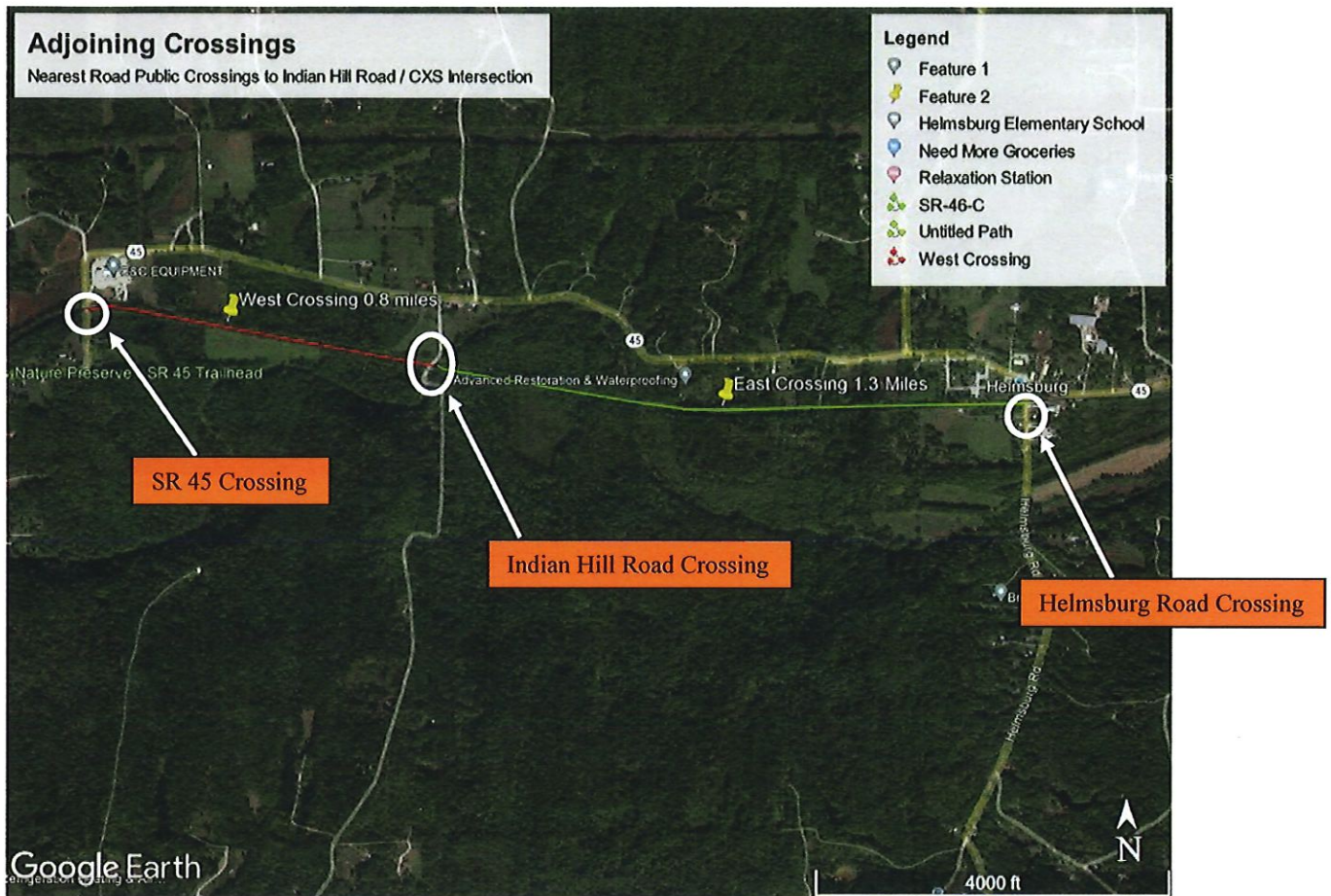
CHI 0.012450

CRASH/SVR 0/5

0.000196

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### Appendix A: Answer to Question 3





## **Exhibit D: Letters and Photos of Support**

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## State of Indiana

## Senate

Senator Eric Koch  
200 West Washington Street  
Indianapolis, IN 46204-2785  
Senate: (317) 234-9425  
E-mail: [S44@iga.in.gov](mailto:S44@iga.in.gov)

Committees:  
Utilities, Chair  
Commerce and Technology, R.M.  
Judiciary, R.M.  
Corrections and Criminal Law

April 19, 2023

Brown County Board of Commissioners  
P.O. Box 151  
Nashville, IN 47448

Dear Commissioners,

I am writing to you today in support of your efforts to find a local solution to the closing of Indian Hill Road. This has been an issue about which I have received constituent contact.

I appreciate your engagement on this issue and your interest in finding a balanced solution. If I can be of assistance to you, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink, appearing to read "Eric A. Koch".

Eric A. Koch  
State Senator  
District 44





**STATE OF INDIANA  
HOUSE OF REPRESENTATIVES**

THIRD FLOOR STATE HOUSE  
INDIANAPOLIS, INDIANA 46204

Dave Hall  
200 West Washington Street  
Indianapolis, IN 46204  
[www.in.gov/H62](http://www.in.gov/H62)  
[h62@iga.in.gov](mailto:h62@iga.in.gov)  
317-232-9863

2023 Legislative Session

House District 62  
Brown County Board of Commissioners  
P.O. Box 151  
Nashville, IN 47448

Dear Brown County Board of Commissioners,

I am writing to you today in support of your effort to find a local solution to the closing of Indian Hill Road. Over the past year, I have had several constituents contact me about this road and the hardships associated with its closure.

Each resident I've spoken to has been in support of reopening Indian Hill Road. It's clearly a beloved and functional piece of history within Brown County, which families and visitors have been enjoying for decades. The closure has negatively affected daily routines, has had an adverse effect on local area property values and impacted those that use the beautiful trail system in Brown County.

I appreciate your attention to this issue and trust you will reach a solution that helps preserve this small piece of history within Brown County. If I can be of assistance to you, please don't hesitate to reach out.

Sincerely,

Dave Hall  
State Representative  
House District 62

---



**STATE OF INDIANA**  
**HOUSE OF REPRESENTATIVES**  
THIRD FLOOR STATE HOUSE  
INDIANAPOLIS, INDIANA 46204

MATT PIERCE  
ASSISTANT DEMOCRATIC FLOOR LEADER  
200 W. WASHINGTON ST.  
INDIANAPOLIS, IN 46204  
1-800-382-9842  
812-339-2980

COMMITTEES:  
COURTS AND CRIMINAL CODE  
RULES AND LEGISLATIVE PROCEDURES  
UTILITIES, ENERGY AND TELECOMMUNICATIONS, RMM  
STATUTORY COMMITTEE ON ETHICS

April 19, 2023

Brown County Board of Commissioners  
201 Locust Lane  
2nd Floor  
Nashville, IN 47448

Dear Commissioners Pittman, Braden, and Sanders:

I am writing to support vacating the closure of the Indiana Railroad crossing on Indian Hill Road because restoring this crossing would have the added benefit of re-establishing a pedestrian crossing for hikers using the Tecumseh Hiking Trail.

The rail crossing closure has blocked through-hiking on the Tecumseh Hiking Trail that connects with a number of other trails to form a trail system spanning over 160 miles and eight counties. Since the closing of the crossing, the only way for trail hikers to get across the railroad tracks is to take a five-to-six-mile walking detour. This is a significant impediment for through hikers and defeats the goal of having a continuous trail system.

Thus far, efforts to re-establish a pedestrian crossing for the trail without the Indian Hill Road crossing has resulted in overly-complex proposals that are needlessly expensive. Reopening the crossing would simultaneously solve this problem for the Tecumseh Hiking Trail by allowing hikers to once again cross the tracks at grade level as they had previously done for many years.

I respect your authority as local government officials to make the decision you feel is best for Brown County residents. I only ask that you factor into this important decision the recreation and tourism benefits that would come from a fully connected Tecumseh Hiking Trail.

Thank you for considering my views, and please let me know if there is any way I can assist you with this matter.

Sincerely,

Matt Pierce  
State Representative





## Brown County Sheriff's Office

Brad Stogsdill  
Sheriff

55 State Rd. 46E  
P.O. Box 95  
Nashville, IN 47448  
Phone 812-988-6655  
Fax 812-988-8859

**SENT VIA PETITION**

Indiana Department of Transportation  
100 N. Senate Ave., N758  
Indianapolis, IN 46204

*Re: Brown County Petition to Open Highway Crossing at Grade*

Dear Commissioner Smith:

This letter is provided in support of Brown County's Petition to Open Highway Crossing at Grade (the "Petition") at or near the intersection of Indian Hill Road and the railway tracks operated by CSX Transportation, which is in the vicinity of, and adjacent to, DOT #292 193F in relation to Trevlac, Helmsburg, and SR-45 (the "Crossing").

In general, there are no public safety concerns with re-opening the Crossing. With an average of two (2) train movements per day, and the community's long history of navigating the Crossing prior to its closure, I am confident that the community can safely navigate the Crossing upon its re-opening, provided that crossbuck and other signage is restored. Moreover, the re-opening of the Crossing will provide improved safety access for emergency vehicles.

Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Stogsdill".

Brad Stogsdill, Sheriff  
Brown County, Indiana

Indiana Department of Transportation:

On Saturday April 29<sup>th</sup>, three Brown County Farm Bureau Board members met with Mindy, Bob and Andy Weddle to view the closed CSX closed Indian Hill Railway crossing. We traveled the gravel, narrow and very steep Plum Creek and Indian Hill Roads that are now the only access route for the Weddle's. Indian Hill Road before the closed crossing has a concrete slab and a sharp curve just before the field lane which is adjacent to the CSX track. We saw how close State Road 45 is to the closed crossing. Since the closing, the Weddle's have added an additional five miles of travel, including more driving on State Road 45, Helmsburg Road and the two gravel roads; creating an increased traffic safety risk for the Weddle's and the traveling public. In total, the Weddle's are experiencing an undue hardship and safety concern for their farming operation. The Brown County Farm Bureau Board strongly believes and respectfully requests that the crossing be reopened.

Property rights are a major concern for Indiana Farm Bureau. Each year, our board and other Farm Bureau members travel to Indianapolis to meet with legislators to discuss issues important to our members. Often the issues involve property rights. This is a property rights issue.

I recently asked the Weddle's how long the family has used the crossing to access the field, where currently 100 large round bales are harvested each year, critical to their farming operation. The indication is since the family sold land to the railroad in 1905 and the tracks were built. The Weddle's have relied on that crossing for 113 years. For six years the field has been used as a hay field. In previous years, the field has been used in a corn - soybean rotation. A row crop rotation with modern equipment would likely be impossible now, with the Indian Hill Road.

We have been in communication with Indiana Farm Bureau leadership, including our President, Vice-President and our Governmental Affairs team. On Monday, our Farm Bureau board submitted a resolution for the August Indiana Farm Bureau delegate session supporting landowner and public comment for any future road closings. The resolution is as follows:

Farm Bureau supports requiring a public notice, notification to adjacent landowners, and a public hearing for any public road closure.

Brown County Farm Bureau thanks you for your consideration and respectfully requests that the crossing be reopened for the Weddle's, residents, and others affected by the closing.

Sincerely,

Rick Kelley  
President, Brown County Farm Bureau





April 18, 2023

To Whom It May Concern:

The Brown County Chamber of Commerce is in full support of the reopening of Indian Hill Road. This will allow for the reopening of the Tecumseh Trail. The Chamber board believes this is an asset for our community and is in full support of reopening the Tecumseh Trail.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Greg Fox".

Greg Fox  
President  
Brown County Chamber of Commerce

To Whom it May Concern,

Many of us realize that farming is not easy work. It is difficult to have a small farm and also be profitable. Farm equipment is expensive. It requires a great deal of preventative maintenance and often still needs repairs. The logistics involved in getting all the equipment needed to each field at the right time is often a challenge on its own. The weather is always a concern. What shouldn't be a concern is the safety in moving that equipment and the unnecessary distance across steep, narrow gravel roads.

Our field on Indian Hill Rd produces roughly 100 round bales of hay per year. It requires 3 tractors with additional implements to cut, rake and bale that hay. For decades, we would easily haul 6 bales of hay over the railroad crossing 1.5 miles to our home on Carmel Ridge Rd. Now, we must travel up the steep grade of Indian Hill Rd carrying only 4 bales at a time in 4 wheel drive pushing the truck as hard as possible all while praying we don't meet another vehicle. We must now haul only 4 bales at a time instead of the normal 6 because of the grade and the conditions of the gravel roads. In the 2 seasons since the closure, we have already had to replace the transmission in one truck and the 4 wheel drive in another truck due to the additional demands of this road. Without including the trips to move equipment, navigating the approach to the narrow concrete bridge, just moving the hay has gone from 17 short trips for a total of 25 miles to 25 trips in the wrong direction for a total of 275 miles. That is an additional 250 miles of farm equipment on the road plus our time, fuel expenses and the substantial cost of repairs to our vehicles. The added mileage alone is beyond frustrating for us because this field is so close to our home and the closure just doesn't seem to benefit anyone. In addition to the difficulty in harvesting hay to feed our animals, we will be prevented from treating this field with lime as we have in the past, from planting crops, and from dealing with erosion from the adjacent creek without substantial expense. The equipment needed to do anything other than harvest hay in this field can not safely travel across the 10'6" concrete slab bridge. The equipment needed to do any of these things is either too wide, or too heavy to attempt to cross this questionable bridge.

Our ancestors sold the land to the railroad in 1905, it is unlikely that either party ever intended to deny access to the other. Our children are the 8th generation of Weddles to farm this valley and we are always aware and careful of equipment but, accidents do happen. It is terrifying to think if ever there was a need, that an ambulance would have to travel that additional mileage when the state highway is less than ½ mile from this field. This crossing has excellent visibility in both directions and the approach is much less steep than the hill climb out. This crossing closure has not only added risk to our family but to the residents of Indian Hill, Plum Creek, Salmeron, Lanam Ridge and Helmsburg roads. The hikers of the historic Tecumseh Trail have also been put at increased risk by having to walk alongside SR 45 for approximately 1 mile. There are no



sidewalks, a narrow shoulder, no crosswalks and no signs alerting motorists that they are sharing the road with hikers or farm machinery. To our knowledge, there has never been an accident at this crossing. We were given no opportunity to prepare for or protest this closure. For over 2 years, we have done our best to cope with the closure and to continue to be good neighbors. The impact of this crossing closure has been grossly underestimated by all parties and its reopening is urgently needed as the spring season, and all that it brings, gets underway. We respectfully request that you do all that you can to restore this crossing and allow our farm to operate as needed.

Sincerely,  
The Weddle Family

Robert & Mindy Weddle  
5765 Carmel Ridge Rd  
Nashville, IN 47448



Date: April 18, 2023  
To: Whom It May Concern  
From: Greg Fox, Chair, Brown County Convention & Visitors Bureau  
Re: Reopening of the Tecumseh Trail

The Brown County Convention & Visitor's Bureau (CVB) is in full support of the reopening of Indian Hill Road. This will allow for the reopening of the Tecumseh Trail. The CVB board believes the Tecumseh Trail is an asset for our community and a tourism attraction for hikers. We fully support reopening the Tecumseh Trail.

Thank you for your consideration.

Sincerely,

*Greg Fox*

Greg Fox  
Chair, Board of Directors





## SYCAMORE LAND TRUST

*Preserving land, restoring habitat, and connecting people to nature in southern Indiana since 1990.*

P.O. Box 7801, Bloomington, IN 47407

812-336-5382 | [info@sycamorelandtrust.org](mailto:info@sycamorelandtrust.org) | [www.sycamorelandtrust.org](http://www.sycamorelandtrust.org)

April 18, 2023

Brown County Council

P.O. Box 37

Nashville, IN 47448

Dear Council Members,

Sycamore Land Trust is in favor of re-opening Indian Hill Road to vehicle traffic at the railroad crossing south of State Road 45. Sycamore Land Trust owns and manages property that borders Indian Hill Road to the west and State Road 45 to the south. Accessing the portion of our property along Indian Hill Road will be much quicker, easier, and safer if the railroad crossing is re-opened.

Using Indian Hill Road coming from Plum Creek Road to the south instead of from State Road 45 to the north is complicated by the long, steep hill that the road is named for. The slope makes it hazardous if there is any snow or ice, and climbing the hill going south back to Plum Creek Road could be difficult if not impossible even with four-wheel drive. Sliding off the road going north or becoming stranded at the current dead-end at the base of the hill is a real possibility in poor road conditions. In contrast, the road going north from the base of the hill to State Road 45 is flat except for a small slope at the crossing, and is a much safer as well as a more efficient route.

Thanks you very much for considering the re-opening, which would benefit Sycamore and our neighboring landowners.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Lawrence', is placed above the printed name.

John Lawrence  
Executive Director



Hoosier Mountain Bike Association  
7399 N. Shadeland Ave Suite 205  
Indianapolis, IN 46250

To whom it may concern,

The Hoosier Mountain Bike Association (HMBA) has spent the past 20 years developing a World Class Mountain Bike Trail System in Brown County. This system attracts riders from across the country to visit and spend their tourism dollars in the Brown County area. They system also provide Brown County residents and fellow Hoosiers with a trail system that provides the type of outdoor recreation that improves quality of life.

As mountain bikers, we are part of a wider group of overall cyclists. Having options other than the mountain bike trails provides variety and allows us to ride when the trails are too wet. A segment of cycling that is growing rapidly is gravel cycling. Riders are picking bikes that are more rugged than traditional road bikes, such that they can handle back country gravel roads and dirt double tracks. This allows riders to get off of busy roads.

In addition to the mountain bike trails in Brown County the area is blessed with some fantastic gravel riding. When combined with the mountain bike trails it makes Brown County an even better place for local recreation and to support tourism.

So, it is disappointing when we see things that detract from the a quality of life in Brown County and the area as a tourism destination. The closing of Indian Hill Road is such an event. This road was/is a key road for both paved and gravel riding loops.

In order to avoid this road, riders will be forced to use a busy and dangerous section of State Route 45.

Indiana needs more recreation opportunities, not less. And it was very difficult for HMBA to see rider's safety and the recreation value of Brown County take a step backwards.

We strongly encourage you to support the reopening of Indian Creek Road.

Sincerely,

Paul Arlinghaus

President, Hoosier Mountain Bike Association

317 730 5046

[parlinghaus@msn.com](mailto:parlinghaus@msn.com)



**From:** [dhseas@aol.com](mailto:dhseas@aol.com)  
**Date:** April 19, 2023 at 8:46:10 AM EDT  
**To:** [1scotttrudd@gmail.com](mailto:1scotttrudd@gmail.com)  
**Subject:** Indian Hill  
**Reply-To:** [dhseas@aol.com](mailto:dhseas@aol.com)

Dear Mr. Rudd,

I am writing this letter in support of reopening the Railroad crossing on Indian Hill Road. As an outdoorsman, hiker and long time Brown County resident, the disruption of the Tecumseh Trail, one of the premier hiking trails in Indiana, needs to be resolved.

Thank you for addressing this matter.

President of the Board of Directors for the Indiana Forest Alliance  
David Seastrom  
6341 Possum Trot Rd.  
Unionville, In  
47468

April 19, 2023

Dear Brown County Commissioners,

Please accept this letter of support for vacating the previous Indian Hill Road closure resolution.

The Southern Indiana Sentinel Landscape was designated in 2021 as one of only ten Sentinel Landscapes in the country. Conservation Law Center, based in Bloomington, is the lead agency for this effort.

The Sentinel Landscapes Partnership is a coalition of federal agencies, state and local governments, and nongovernmental organizations that work with private landowners to advance sustainable land management practices around military installations and ranges. Founded in 2013 by the U.S. Department of Agriculture, Department of Defense, and Department of the Interior, the partnership's mission is to strengthen military readiness, conserve natural resources, bolster agricultural and forestry economies, and increase climate change resilience.

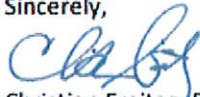
Sentinel Landscapes accomplish their objectives by connecting private landowners with voluntary state and federal assistance programs that provide agricultural loans, disaster relief, financial and technical assistance, and funding for conservation easements. Sustainable management practices, such as farming, ranching and forestry, not only offer economic and ecological benefits, but also protect defense facilities from incompatible development that can constrain the military's ability to carry out training and testing activities.

Brown County is part of the Southern Indiana Sentinel Landscape designation, and encouraging good farming practices and connecting local citizens with natural areas like Yellowwood State Forest and the Trevlac Bluffs Nature Preserve serves our shared objectives.

For this reason, we support the efforts to reopen Indian Hill Road to vehicular and foot traffic in order to aid local farms, expand recreational opportunities, and assist private organizations like Sycamore Land Trust in their efforts to improve local water quality and native habitat.

Thank you for your consideration.

Sincerely,



Christian Freitag, Executive Director  
Conservation Law Center



## RECONSIDER Closure of Indian Hill Road - PLEASE! Inbox x



**Suzette Weakley** <sweakley@homefinder.org>  
to me, davidallenhall, eric koch ▾

Wed, Apr 26, 11:28 AM



Council Member Scott Rudd  
State Representative David Hall  
State Senator Eric Koch

Gentlemen,

I have many friends who have been quite concerned and upset about the closure of Indian Hill Road.

This concern is for a variety of reasons, *not the least of which* is the inadvertent reduction of the Tecumseh Hiking Trail – now approximately half of it's original size.

Many Hoosiers and their friends enjoy the use of this special hiking trail.

Also, there are folks who live and farm land and find their property now cut off by the closure of Indian Hill Road.

**I would urge you to give second thought about the closure of this much needed road.**

Thank you for taking time to read this note (or to your assistants who read it for you 😊).

Sincerely,



*Suzette Weakley* GRI  
Owner / Managing Broker  
Bloomington Realty, Inc.  
812-323-2323 – office  
[sweakley@homefinder.org](mailto:sweakley@homefinder.org)

Indian Hill Petition Supp... ▾

To Whom it May Concern:

In April of 2014 my family moved to Brown County. I bought my house and property on Indian Hill Road with a small inheritance I received from the sale of my grandparents' farm. They had the most beautiful land in the Catskills of New York. My goal was to find the closest thing to what they had — the Indiana version of it.

I live with my husband, Paul. He is a writer and film director. Over the time we have lived in Brown County, he has worked to grow the film industry in Indiana by making three films with an Indiana film company. We have two children. My son plays baseball and basketball, and loves making desserts for the family from recipes he finds on TikTok (to mixed results!). My daughter reads a lot, has an interest in learning new languages, plays the cello, and is ranked nationally in sleeping past noon on the weekends. I am an elementary teacher and love nothing more than books and gardening.

I tell you this for human context, a thing we all take into consideration when dealing with our friends, neighbors, co-workers, and anyone else that comes into our lives. A thing that we all desperately need to connect with the people around us. And a thing that was completely ignored when Brown County Commissioners voted "yes" to shut down the most logical and safe pathway to and from our home.

Since the road closure, we approach the winter months with a feeling of trepidation, as even an inch of snowfall or any amount of ice makes it dangerous, if not impossible, to drive to our house. Whether snow comes or not, if it's even in the forecast, we have to significantly alter our lives in order to make contingency plans in order to avoid being stranded at our house for days. These plans include parking our cars over a half mile up the hill, and making long, cold walks to and from our vehicles, often in the dark with our two young children, when we leave for work/school in the morning, or return at night.

Since the closing of that railroad, I have slept in my classroom many nights to avoid that walk in the cold and dark. During the winter months, I keep a stash of blankets and pillows in a classroom closet. My 33 students are the compelling reason for me to do that.

Our quality of life has suffered significantly because of this closure. Yes, the weather causing immediate physical difficulties has played a major part in that, but the negative impact doesn't end when the winter weather subsides. Even on a typical, Brown County spring day, where the sun is out and the birds are chirping, we're left with serious concerns. Will our now limited ability to travel to and from our house lower our property value? Will our mail delivery be suspended again because a birthday package took up too much space in a mailbox that used to be on the way home, and now requires a ten minute drive that we simply can't make every day of the week. And, of course, the thought that keeps me up at night more than anything: If we ever have a medical emergency or a fire, will the added time for emergency services to reach us be the difference between keeping my family safe or possibly even alive?

The way this whole situation was handled was truly shocking. I learned of the closure by clicking on an article on Facebook, from the Brown County Democrat page about a crossing closure. I immediately contacted a neighbor who lived on the opposite side of the tracks, who already knew the closing was going to happen, who had already spoke with Diane Biddle about it. She urged me to contact Diane Biddle. I emailed her immediately. She did not even respond. No hearing. No notification. No response.

As a citizen, I understand that sometimes the needs of a community have to take priority over the needs of a single family. But all I keep hearing are stories of MANY individual citizens, community groups, and families that have been negatively impacted by this closure, and not a



single case being made for who it benefits, and how it could possibly be worth the pain it has caused.

Please, please consider reopening the railroad crossing at Indian Hill Road.

Jennifer Ruff (and family)

Indian Hill Inbox x



Swift-Powdrill, Judy

Tue, May 2, 10:00 PM ☆

to me ▼

Dear Scott,

I appreciate the many hours you are putting into the reopening of Indian Hill Road and restoring the original trail access over the tracks.

I have owned the property south of the tracks since 1986. My late husband's grandparents owned it prior to our purchase after their death. This property has been in the family since 1950.

I never have had an issue with vehicles using the road nor the hikers who have used the trail.

I support the trail being restored to its original use of going over the tracks and opening the road for vehicle use.

If you have further questions, please feel free to contact me.

Sincerely,

Judith Swift Powdrill

Sent from my iPhone

Judy swift

May 2, 2023

Dear Mr. Rudd,

My name is Andrea Swift-Hanlon, and my husband, Matt Hanlon and I own the red house at the corner of State Road 45 and Indian Hill Road.

We are writing to express our full support in Indian Hill Road being reopened as a fully functional road, as well as the road being reopened to foot traffic for the Tecumseh Trail. My family has owned the current property in some form for generations, and we have never had an issue with Indian Hill Road being open.

We are nature lovers, who hike, mountain bike, and spend an abundance of our time outdoors and in the woods. One of the reasons I love our property so much was because of the easy access to the Tecumseh Trail, and Sycamore Land Trust. We understand and value the importance of these natural entities and their contribution to the enticement of visitors from all over, in addition to the economic benefits for our community. We also have a great deal of empathy for our neighbors and farmers who are unable to access the road from the north end, and are put in a position that significantly affects their safety and access to emergency services as well.

We believe that reopening Indian Hill Road and reestablishing access to the Tecumseh Trail will benefit our community greatly.

Thank you for your consideration.

Sincerely,

Andrea Swift-Hanlon and Matt Hanlon  
3505 State Road 45  
Nashville, IN 47448  
[andswifthanlon@gmail.com](mailto:andswifthanlon@gmail.com)  
812.320.3037



## Indian Hill Rd RR crossing closure Inbox x



nandrew701@aol.com

Tue, May 9, 8:40 PM (10 days ago) ☆ ↶ ⋮

to me ▾

When I was deciding whether or not to purchase my property on Lost Branch Road in Brown County, I looked at many factors. The ones that swayed me to purchase a rather remote property were the Tecumseh Trail running on the road past my place and the Sycamore Land Trust Nature Preserve just across the railroad on Indian Hill Road. My dream was to invite passing hikers to come on my porch and have a snack and something to drink. Also, I wanted to be able to drive up Indian Hill to the shelter and leave water and marshmallows for roasting. The closure of the INRD railroad crossing now threatens the route past my place. To find another way to drive to the shelter would take me far away and take much longer as opposed to a short hop up the Indian Hill. Access to the Nature Preserve would take a dangerous hike along 45 on foot forcing me to drive.

I feel the closing of the INDR railroad crossing was an illegal act as it was done without a public hearing. As a hiker I am affected because I have to trespass to step over the railroad, which, come on, you know most people will do. As a driver, my access to the only south running road between Helmsburg and Trevlac has been cut off. As a property owner and TAXPAYER, I am outraged that the government entities who participated in the sale did so with complete disregard for public opinion, the public that is affected by the action. Who makes public officials follow the law? That the INRD continues to ignore correspondence from the public and invitations from politicians to meet to discuss the issue takes my breath away. They act as if they are above the law. In the days before motorized vehicles were available, the power the railroads wielded was acceptable and even desirable but today it is no longer appropriate.

I respectfully request your help in this matter.

Thank you,

Nina Andrew, Brown County property owner, still waiting for a builder.  
3320 Patton Dr.  
Indianapolis IN 46224

**Tecumseh Trail family backpacking group on a County Road Reroute:**



Tecumseh trail hikers are currently rerouted along State Road 45 for a longer, less safe detour.