

3.2 Norfolk Southern petition to close crossing in Starke County, Indiana

In preparation for evaluating closing of DOT# 292 193F in May, 2020, it is useful to review the response of commissioners in Starke County (SC), Indiana, to a request to close a crossing. In May of 2022, Northern Suffolk Railway (NSR) communicated an interest in closing a crossing to SC officials.¹¹ Characteristics of the response by the Starke County leadership team include:

- Attorney Schramm advised Commissioners of Unit obligations per **IC § IC 8-6-7.7-3.2(a)-(d)**: to alert SC citizens re the petition; to schedule public discussion in upcoming Commissioner meetings.
- SC Commissioners took the advice of Attorney Schramm – allocating time for (1) receiving public/stakeholder comment, and (2) discussion of the NSR petition, over the course of three public meetings.
- Following a thorough review of NSR’s offer, and review of public feedback, the Commissioners voted to deny the petition-to-close on July 18, 2022 – within 34 days of having received the petition and well within the mandated 60 day limit [per IC § 8-6-7.7-3.2(a)] for holding public hearings.

The response by SC leadership was well organized, timely, transparent, and meticulous in serving the interests of the public in having access to, and benefitting from, public railroad crossings¹² – everything Starke County citizens should expect from their leadership team.

¹¹Actions taken by Starke County Commissioners [starting May 26, 2022; ending July 18, 2022] in denying NSR petition:

1. Initial contact occurred on May 26, 2022. An NSR representative placed a call to Starke County Highway Superintendent Ripert, to explain that NSR was interested in closing a rural crossing.
2. Pursuant to this discussion, a formal **NSR petition-to-close, dated 15 June 2022**, was forwarded to Superintendent Dipert.
3. Superintendent Dipert informs SC Commissioners of letter at the June 20, 2022, Commissioners meeting. **A news report of this meeting dated June 22, by Anita Goodan:**
“County Attorney Justin Schramm suggested waiting until the next meeting to discuss it more in order to get more information about why Norfolk Southern has identified this crossing as one to close. Additionally, Schramm advised the commissioners to gather comments from the property owners before making a decision and they agreed. Letters will be sent to the property owners in that area to attend the next meeting on July 5 or send correspondence concerning their opinions on the matter.”
4. From an article titled **“County Commissioners to Meet Tonight,” by Anita Goodan, 5 July, 2022:**
“During the commissioner’s last meeting [June 20], Starke County Highway Superintendent Dan Dipert brought the request from Norfolk Southern officials to the attention of the commissioners stating that the railroad and INDOT would pay the county money to close the crossing, which could cover the cost of the maintenance of those roads, if the commissioners agree to the closure.”
“It was a goal of the commissioners to explore the railroad company’s need to close the crossing, **as well as get input from residents in that area about the request.**” The Starke County Commissioners will hold more discussion on this topic when they meet tonight at 5 p.m. CT.
5. From the **minutes of Starke County Commissioners meeting, Jul 5, 2022**, Attorney Schramm advised that he had received email correspondence from an expert on railroad signals and communications who gave reasons for not accepting the NSR offer. Attorney Schramm read the email aloud. A news article on this meeting, i.e. **Starke County Commissioners Discuss Railroad Closure Proposal, July 7, 2022, by Anita Goodan**, notes that “With the majority of the residents voicing opposition to the railroad closure, the commissioners are leaning toward denying the request from Norfolk Southern officials.”
6. From the minutes of the **Starke County Commissioners meeting 18 July, 2022, at which the NSR petition is denied:**
“Commissioner Gourley asked if Superintendent Dipert has requested any new information about the railroad crossing request. Superintendent Dipert advised he did talk to him and the offer is still at \$60,000 plus the grant from INDOT. Commissioner Gourley advised given the feedback he will make a motion to reject the request to close the crossing on 225 S. Commissioner Cavender seconded the motion and the motion was approved with all ayes.”
7. In a subsequent news report by Mitch Columbe (July 19, 2022) titled **“Starke County Commissioners Reject Proposed Railroad Crossing Closure”**, the author states that
“The railroad closure proposal was part of the crossing elimination program ... for safety purposes, as reported by Highway Superintendent Dan Dipert in a previous meeting.”
“After hearing from the public and with majority of the residents voicing opposition to the railroad closure, the commissioners voted to deny the request from Norfolk Southern officials.”

¹²See Section 3.1.4, and footnote 10.