

1. Audio record of June 17 DOT# 292 193F discussion [0:29:55 to 0:56:14].
2. Transcript of BC Commissioners meeting, June 17, 2020, [0:29:55 to 0:56:14]
3. Dialogue between Commissioner Biddle and Hwy. Superintendent Magner:

[0:33:40]

[Diana Biddle] And I guess that was my, I guess that's what I read ... I read the actual ...umm... statute, and the statute that governs this road closure is not a County road statute. Ummm, and the Commissioners were not the ones who initiated the closure, it was Indiana Railroad who initiated the closure. Ummm ... so ...umm ... because they initiated the closure over a year ago, which I

[0:34:15]

[Diana Biddle] I didn't get a copy ... I didn't get a letter that they indicated ... Mike ... May of 2019?

[Mike Magner] (indistinct in background)

[Diana Biddle] That was when they first brought it up, but ... but they did not come through the Commissioners. You didn't get anything.

[Mike Magner] ... we had phone conversations, but they did not officially petition until this year [i.e., until 2020].

[Diana Biddle] Right, so, all we had was a phone conversation and then they petitioned this year. [i.e., in 2020]

[0:34:40]

[Diana Biddle] Umm, in I guess late March early April. So, umm, that was what precipitated the closure. The closure umm .. like uh Veronica said ... the closure was based more on the fact that that crossing does not meet any guidelines in terms of sight distance for the railroad track.

So, umm, Lauren [Box, B&T Attorney] was looking into ... umm ... she was looking into something with the actual railroad company. But this actually came to us, not to the Commissioners directly, but umm ... Indiana Railroad reached out to our Attorneys, and the Attorneys – they brought us the information.

[0:35:40]

4. INRD 2019 Petition to close crossing, dated May 20, 2019, 1st sentence:

“The Indiana Rail Road Company is requesting closure of the railroad crossing at Indian Hill Road, MP 40.20, DOT# 292 193F pursuant to Indiana Code 8-6-7.7-3.1.”

5. Crossing Closure and Settlement Agreement [CC&SA]

1. Recitals section, item 1.: On May 20, 2019, INRD petitioned the Board to close a railroad grade crossing located at Indian Hill Road, DOT# 292 193F, in Brown County, Indiana, pursuant to Indiana Code section 8-6-7.7-3.2.

2. To this same point, in § 2.03 [of the CC&SA] INRD states that the 2019 petition-to-close will be withdrawn only after BC takes steps to satisfy terms given in § 2.01 [of the CC&SA] – meaning that the 2019 petition had not been withdrawn and was active for almost a year without being acted upon by BC.