



Indianapolis Gregory A. Ballard, Mayor

REBUILDINDY

Department of Public Works

1200 S. MADISON AVE., SUITE 200
INDIANAPOLIS, INDIANA 46225

26 June 2014

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, S.W.
Washington, DC 20423-0001

236347
ENTERED
Office of Proceedings
July 22, 2014
Part of
Public Record

Re: CSX Abandonment in Marion County, Indiana, STB Docket Number No. AB-55 (Sub-No. 709X)

Dear Ms. Brown:

This request is filed on behalf of The City of Indianapolis which is a government agency interested in transportation and/or natural resources, which is hereinafter referred to as 'proponent'.

While not taking a position on the merits of this abandonment, proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between (CSX Northern Region, Great Lakes Division, Indianapolis Terminal Subdivision), Railroad Milepost QIY 2.20 to the end of track Railroad Milepost QIY 3.69 (also known as the North Street Industrial Track.)

A. Public Use Condition

Proponent requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

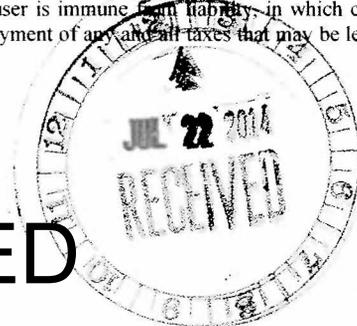
1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the rail corridor is located just south of an existing Central Canal Towpath; a multi-use trail that accommodates hikers, bikers, equestrians and other appropriate uses and will connect to the rail corridor in question. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and greenspace and its preservation as a recreational trail is consistent with that end. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to assemble or to review title information or commence negotiations with the carrier.
2. An order barring removal or destruction of potential trail related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right of way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, The City of Indianapolis is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right of way owned by CSX and operated by CSX.



FILING FEE WAIVED



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The property, known as the North Street Industrial Track extends from railroad milepost QIY 2.20 to railroad milepost QIY 3.69 a distance of 1.49 miles in Marion County, Indiana. The right of way is part of a line of railroad proposed for abandonment in STB Docket No. AB-55 (Sub-No. 709X).

A map depicting the right of way is attached.

The City of Indianapolis acknowledges that use of the right of way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right of way for rail service.

By my signature below, I certify service upon CSX, 500 Water Street – J-315, Jacksonville, FL 32202, by U.S. Mail, postage prepaid, first class, on 6/27/2014.

Respectfully submitted,

Andre' T. Denman
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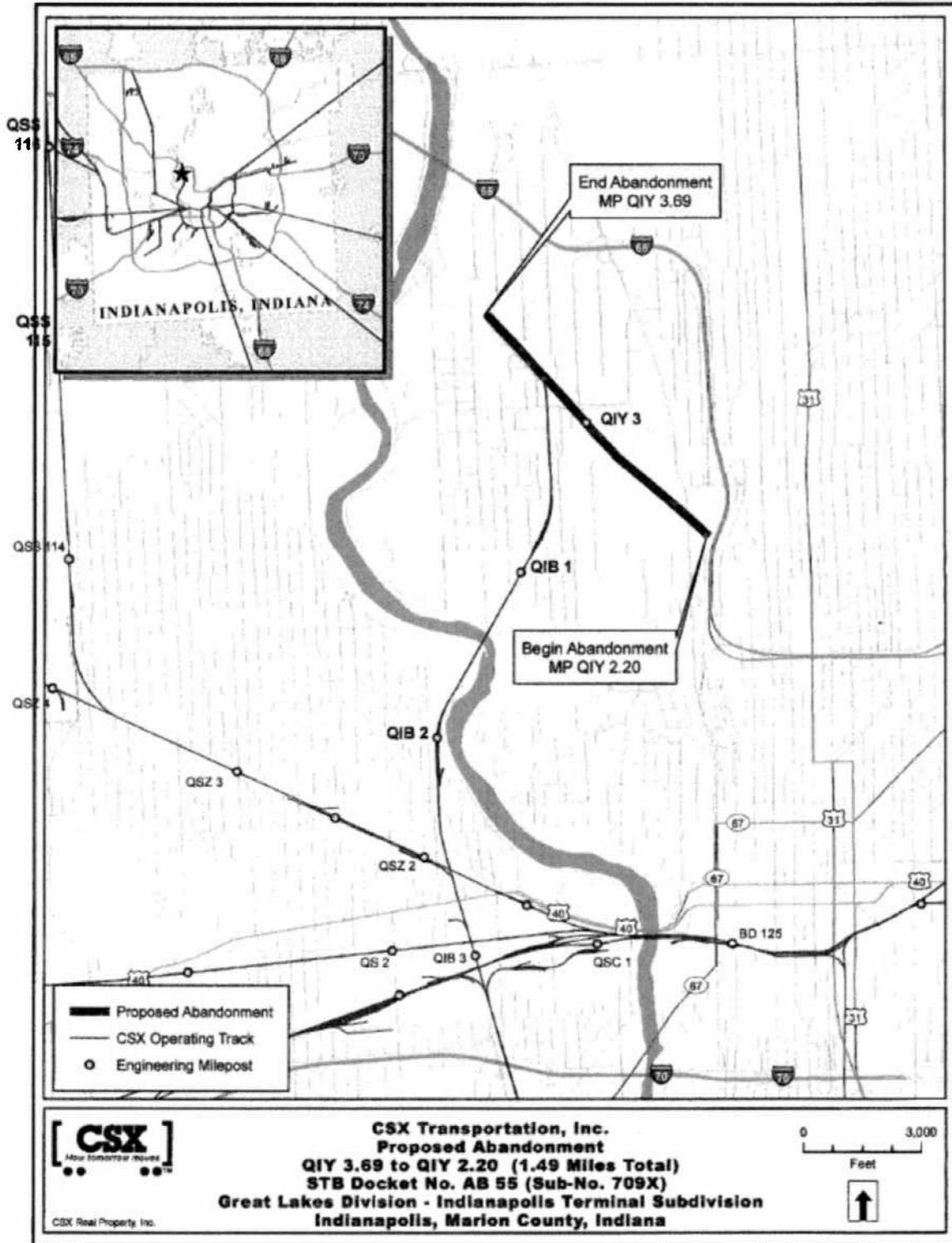


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Service / External Distribution List

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Office of Proceedings
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Louisville, KY 40202

U.S. Fish and Wildlife Service
Great Lakes-Big Rivers Region
620 South Walker Street
Bloomington, IN 47403-2121

Division of Water
Indiana Department of Natural Resources
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NGS.InfoCenter@noaa.gov

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