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# City of New Castle, Indiana

Greg York, Mayor

July 21, 2013

Cynthia T. Brown, Chief

Section of Administration, Office of Proceedings

Surface Transportation Board

395 E Street, SW

Washington, DC 20423-0001

202-245-0362



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Office of Proceedings

JUL 26 2013

Part of  
Public Record

Re: Norfolk Southern, abandonment in Henry County, Indiana,

AB-290(Sub-No.326X)

**FILE FEE WAIVED**

Dear Ms. Brown:

This request is filed on behalf of the City of New Castle, Indiana. We request issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between Milepost "R-1.1629" at M Avenue and Milepost "R-192" at Riley Road in New Castle, Henry County, Indiana.

A. Request for Public Use Condition

The City of New Castle asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms.

Justification for this condition is:

This railroad corridor will provide a central link of trails within the overall master transportation plan for walking and biking within both the City of New Castle and Henry County. This plan calls for the eventual construction of five trails, all on abandoned rail corridors. Two of these trail corridors are in use and

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another is under construction. Acquiring this section of corridor is necessary to form a future connection to two trail corridors and a trail within the City of New Castle.

The City of New Castle seeks a time period of 180 days from the effective date of the abandonment authorization and needs this much time to begin negotiations with the carrier.

## B. Request for Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions above, the City of New Castle also makes the following request: That Norfolk Southern Railway Company agree to this request for Interim Trail Use in order to improve the non-motor transportation facilities and the health of citizens in New Castle and Henry County and, by extensions and connections, improve mobility and transportation throughout Henry County.

## Statement of Willingness to Assume Financial Responsibility

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. SS 1247(d), and 49 CFR SS 1152.29, 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 payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by the railroad.

The property, known as "The R Line (.76 Mile)," extends from railroad Milepost "R-1.1629" at M Avenue and Milepost "R-192 at Riley Road both in New Castle, Henry County, Indiana, a distance of .76 miles in Henry County, Indiana. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-No. 326X).

A map depicting the right-of-way is attached.

The City of New Castle 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 Norfolk Southern Railway Company, c/o Mr. Robert Wimbish, Esq., Attorney, Baker & Miller PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037, by U.S. Mail, postage pre-paid, first class, this day of July 21, 2013.

Respectfully submitted

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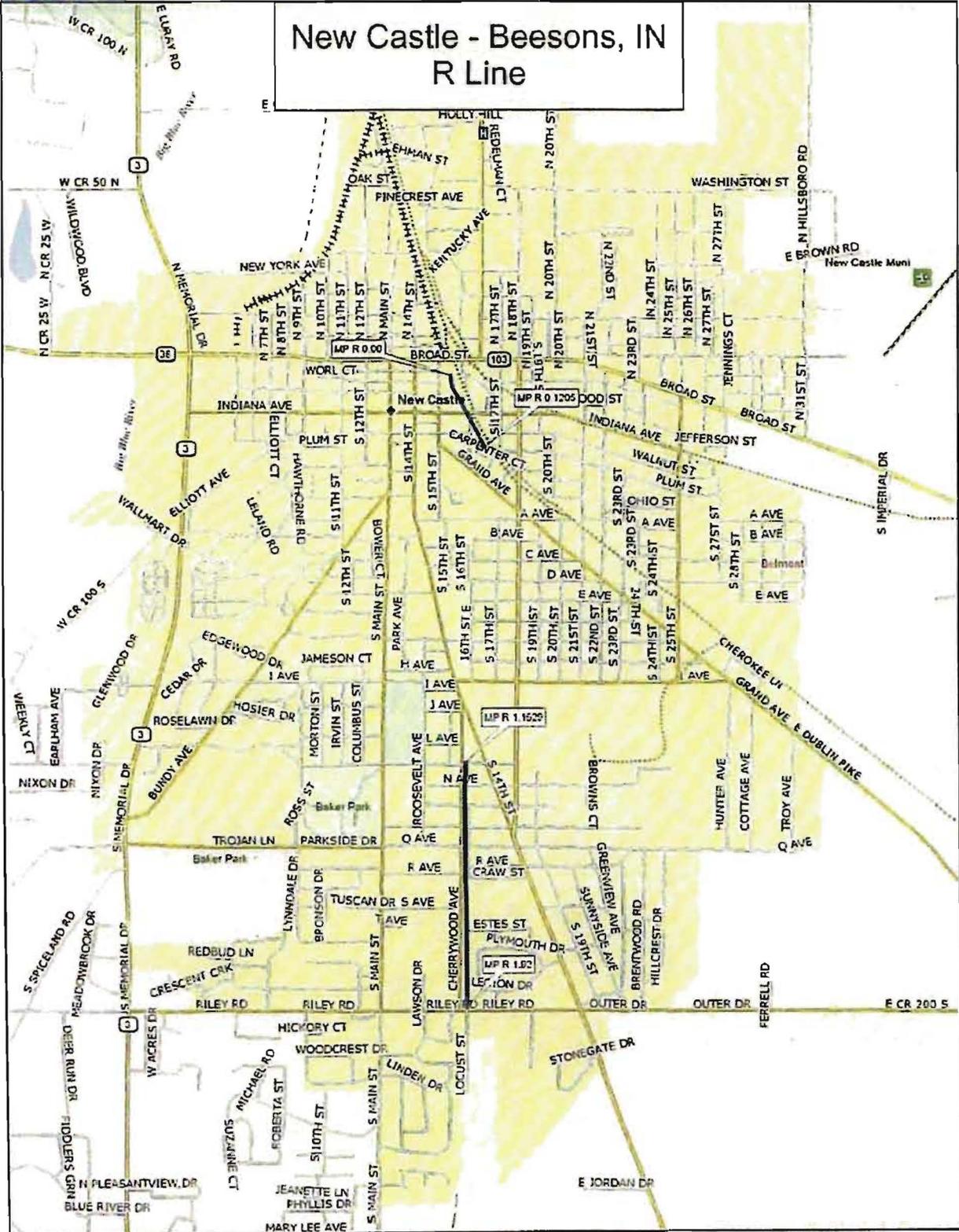
Greg York

Mayor

City of New Castle

- CC:
- ten duplicates.
  - One micro/local corridor map.

# New Castle - Beesons, IN R Line



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