



INDIANA LANDMARKS

1201 Central Avenue, Indianapolis, IN 46202
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September 27, 2016

241596

Mr. Rachel Campbell, Director
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

ENTERED
Office of Proceedings
September 27, 2016
Part of
Public Record

Re: Docket No. AB-55 (Sub-No. 401), *CSXT Transportation, Inc. -
Abandonment – Between Delphi and Frankfort, IN*

Dear Ms. Campbell:

The Carroll County Wabash & Erie Canal, Inc. (“CCWEC”) and Historic Landmarks Foundation of Indiana, d.b.a. Indiana Landmarks jointly request a substitution of trail user per 49 CFR Section 1152.29(f). Both parties request CCWEC be substituted by Indiana Landmarks as the trail user under the current Certificate of Interim Trail Use first approved by the Surface Transportation Board on September 23, 2015 and extended on March 23, 2016. Both parties request the transfer of right-of-way responsibility be made this 27th day of September, 2016. A copy of this request is being served on CSX Transportation on the same date it is being served on the Board.

With regard to the above referenced proceeding and the request for a substitution of trail user, you will find enclosed a Statement of Willingness to Assume Financial Responsibility by Indiana Landmarks. This statement includes an acknowledgment that interim trail use is subject to possible future reconstruction and reactivation of the right-of-way for rail service.

The request brought to you today is in addition to the request submitted to the Surface Transportation Board on September 22, 2016 for a 180-day extension of the current Certificate of Interim Trail Use associated with the above referenced proceeding.

If you have questions regarding this request, please contact Tommy Kleckner, director of Indiana Landmarks’ Western Regional Office, 812-232-4534 or tkleckner@indianalandmarks.org.

Respectfully submitted,

Marsh Davis, President
Indiana Landmarks

Dan McCain, President
Carroll County Wabash & Erie Canal, Inc.

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 401)

CSX TRANSPORTATION, INC. – ABANDONMENT –
BETWEEN DELPHI AND FRANKFORT, IN

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned and operated by CSX Transportation, Inc., (“CSXT”), HISTORIC LANDMARKS FOUNDATION OF INDIANA, INC., d.b.a. INDIANA LANDMARKS, a 501(c)(3) nonprofit corporation, whose address is 1201 Central Avenue, Indianapolis, IN 46202, is willing to assume full responsibility for: (1) Managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right of way. The property extends from railroad milepost 0QA 112.6, to railroad milepost 0QA 113.2, a distance of 0.60 miles in Carroll County, IN. The right-of-way is a portion of the line of railroad proposed for abandonment in STB Docket No. AB-55 (Sub-No. 401). A map of the property depicting the right-of-way is attached.

Indiana Landmarks 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. A copy of this statement is being served on CSXT on the same date it is being served on the Board.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marsh Davis", is written over a horizontal line.

Marsh Davis, President
Indiana Landmarks