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ROBERT A. WIMBISH

July 29, 2013

VIA E-FILING

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

Re: *Norfolk Southern Railway Company – Abandonment Exemption – In
Henry County, Indiana, STB Docket No. AB-290 (Sub-No. 326X)*

Dear Ms. Brown:

On July 26, 2013, the City of New Castle, Indiana (the “City”) filed in the above-referenced proceeding a request for the imposition of a 180-day public use condition (“PUC”) applicable to a roughly 0.76-mile segment of rail line in New Castle, Indiana, extending from milepost R 1.1629 to milepost R 1.92 (which the City erroneously refers to as “milepost ‘R-192’”). In the same filing, the City also requests STB issuance of a notice of interim trails use (“NITU”) to permit the City to negotiate an interim trails use arrangement with Norfolk Southern Railway Company (“NSR”) covering the aforementioned line segment.¹

Consistent with NSR’s filing of July 17, 2013, in response to ITF’s July 26, 2013 request for a PUC and NITU, NSR does not object to the City’s request for the imposition of a 180-day PUC in keeping with the City’s July 26th filing. NSR also hereby states its willingness to negotiate an interim trails use arrangement in accordance with the terms of the City’s aforementioned July 26th filing.

¹ The City’s PUC and NITU request is virtually identical to a filing submitted by the Indiana Trails Fund (“ITF”) on July 1, 2013, targeting the same line segment. (For example, the City and ITF filings both contain the same erroneous milepost reference, and each would-be trail sponsor fails to identify itself specifically in its respective Statement of Willingness to Assume Financial Responsibility.)

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It is not clear to NSR, however, why the City and ITF have come forward separately to pursue an interim trails use arrangement, or whether or not the City and ITF regard each other as "competitors" in seeking to convert the subject line segment to a trail. In the interest of avoiding unnecessarily duplicative trail use discussion, however, NSR encourages the City and ITF to coordinate their respective efforts with NSR's, and preferably for the two interested parties to designate one of the two of them as "lead" contact for purposes of discussions going forward.

Please let me know if you have any questions concerning this filing.

Sincerely,



Robert A. Wimbish
Attorney for Norfolk Southern
Railway Company

cc: All parties of record
Maquiling Parkerson
Marc Kirchner
Lawada Poarch
Richard R. Wilson
Spence Wendelin