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Office of Proceedings

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Public Record

2013 June 28

Cynthia T. Brown, Chief  
Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001  
(202) 245-0362

Re: Norfolk Southern, abandonment in Henry County, Indiana,  
AB-290 (Sub-No.326X)

Dear Ms. Brown:

This request is filed on behalf of the Indiana Trails Fund, Inc., which is an Indiana not-for-profit corporation for the purpose to protect and railbank transportation corridors for reuse for economic development by walking, bicycling, and horseback riding, hereinafter referred to as "proponent."

Proponent requests 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 both in New Castle, Henry County, Indiana.

**A. Request For Public Use Condition**

Proponent asks 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 for public use on reasonable terms.

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Justification for this condition is:

This railroad corridor will provide a central link of trails within the overall master transportation plan for walking and bicycling within both the City of New Castle, and Henry County. This plan calls for the eventual construction of five, otherwise separate walking trails throughout the county. Two of these trails are currently under construction. Acquiring this section of corridor is necessary to form a hub and coalesce these future trails into the overall city and county transportation facilities. Furthermore, proponent seeks to with the City and the County to maximize trails opportunities.

The Indiana Trails Fund seeks a time period of 180 days from the effective date of the abandonment authorization. Proponent needs this much time to begin 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. Request For 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: That Norfolk Southern RR agree to this request for Interim Trail Use in order to improve the non-motor transportation facilities and the health of citizens in the City of New Castle 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. §1247(d), and 49 CFR §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 the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by the railroad.

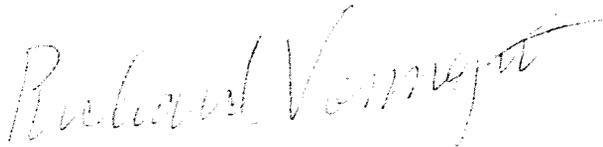
The property, known as "The R Line (.76 Mile )," extends from railroad Milepost "R-1.1629" at M Avenue and Milepost "R-192" at Riley Road both in New Castle, Henry County, Indiana, a distance of .76 miles in Henry County, Indiana. The right-of-way is part of a line of railroad proposed for abandonment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

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

The Indiana Trails Fund, Inc. 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.

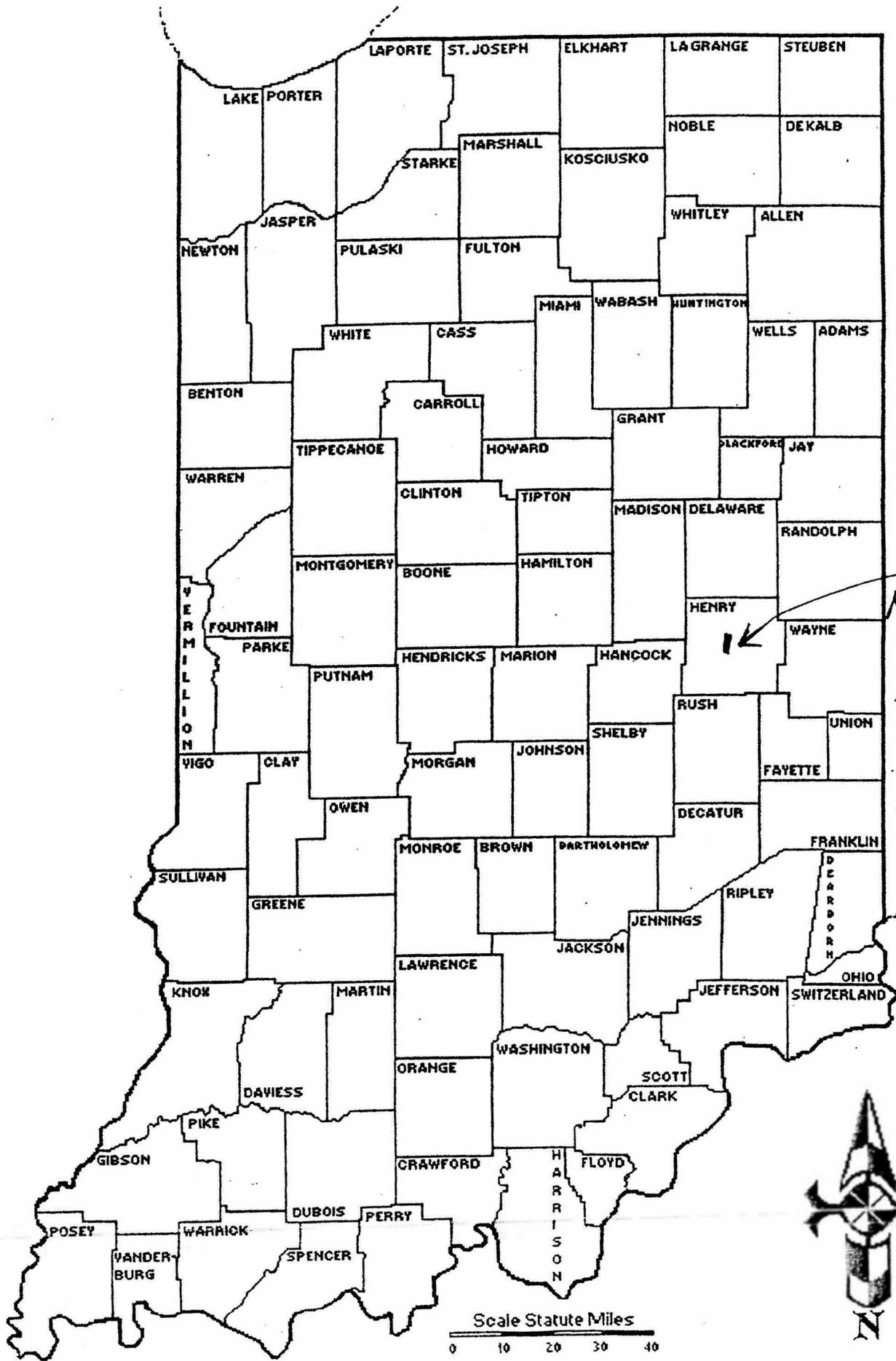
By my signature below, I certify service upon Norfolk Southern Railway, c/o Mssr. Robert Wimbish, Esq., Attorney, Baker & Miller PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037, by U.S. Mail, postage pre-paid, first class, this day of 2013 June 28.

Respectfully submitted,



Richard C Vonnegut Jr.,  
President,  
Indiana Trails Fund, Inc.

- Cc:
- ten duplicates.
  - A check for \$250 per (27) (i) A request for a trail use condition in an abandonment proceeding under 16 U.S.C.1247(d)
  - One macro/state map.
  - One micro/local corridor map

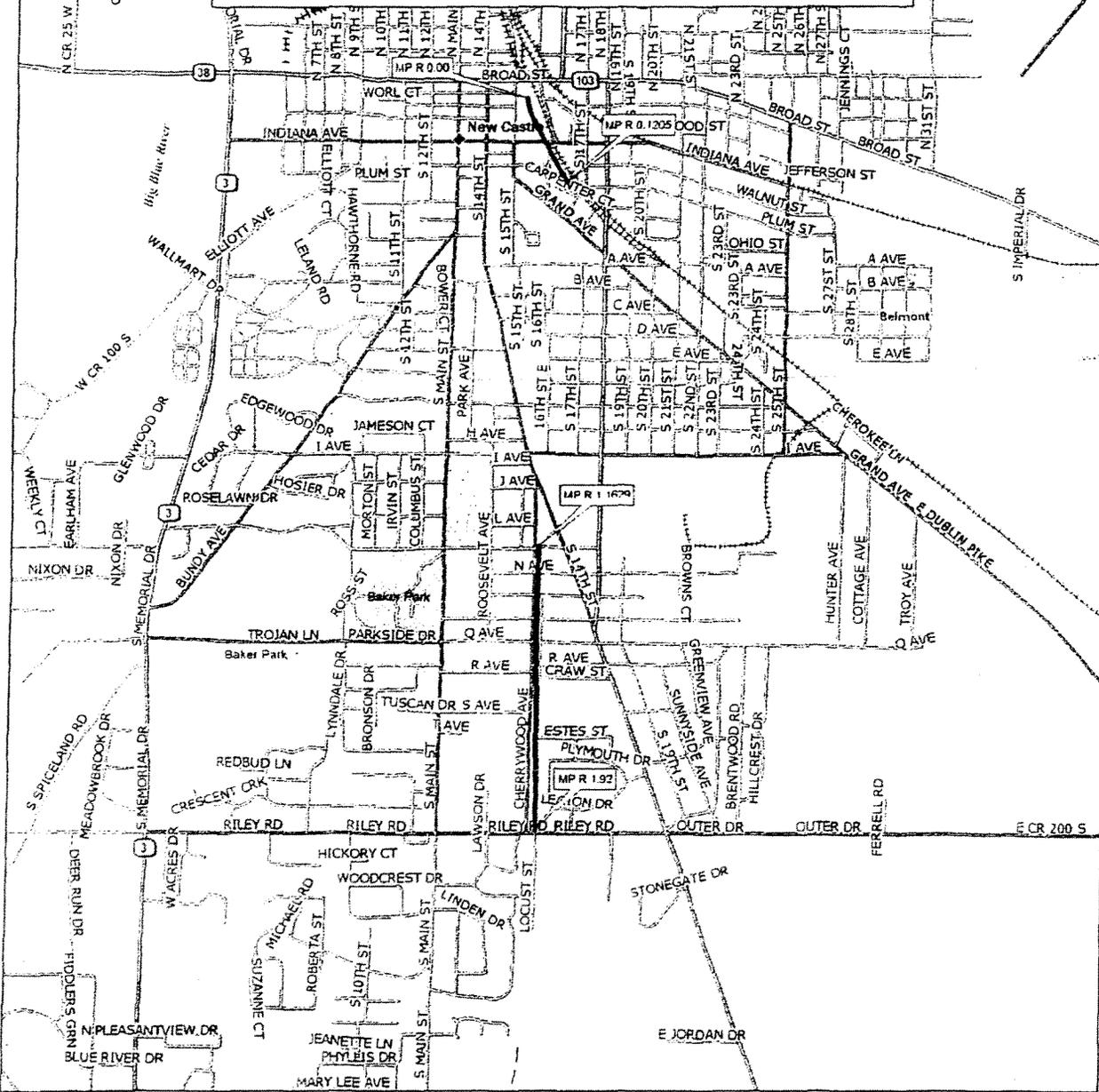


THE  
R. LINE  
.76 m  
New  
Castle

Scale Statute Miles  
0 10 20 30 40



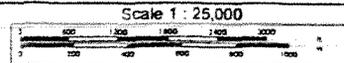
Proposed Abandonment  
 Docket No: AB 290 (Sub-No. 326X)  
 New Castle, IN  
 R Line  
 Milepost R 0.00 - Milepost R .1205  
 and Milepost R 1.1629 - Milepost R 1.92



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1" = 2,083.3 ft Data Zoom 13-0