

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail: rwimbish@bakerandmiller.com

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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:

As the record in this proceeding reflects, the Indiana Trails Fund (“ITF”) and the City of New Castle (“New Castle”) separately filed with the Board (on July 1 and July 26, 2013, respectively) requests 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, and Board issuance of a notice of interim trails use (“NITU”) to permit ITF or New Castle to negotiate an interim trails use arrangement with Norfolk Southern Railway Company (“NSR”) covering the aforementioned line segment. In turn, NSR has advised in response to each such filing that it does not object to a PUC, and that it is willing to negotiate a trails use arrangement with either would-be trail sponsor, subject to appropriate protections for the continued operations of C&NC Railroad Corporation on track the short line leases from NSR that is immediately adjacent to the line segment of interest to ITF and New Castle. In its July 29 response to New Castle’s PUC and NITU request, NSR stated as follows:

It is not clear . . . why the [New Castle] and ITF have come forward separately to pursue an interim trails use arrangement, or whether or not [they] 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 [New Castle] and ITF to coordinate their respective efforts with [NSR], and preferably for the two interested parties to designate one of the two of them as “lead” contact for purposes of discussions going forward.

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NSR has learned that ITF, at NSR's urging, has had recent discussions with New Castle concerning trails use negotiations, and that New Castle will allow ITF to assume the lead role in negotiations with NSR with respect to the subject line segment. For its part, NSR understands that it is expected to choose between ITF and New Castle, so that the Board may designate one of the interested parties as the trail sponsor for purposes of the requested NITU. On the basis of the aforementioned coordination between ITF and New Castle, NSR hereby advises the Board that it will elect to negotiate a possible interim trails use arrangement with ITF.

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