



Indiana Trails Fund, Inc.

P. O. Box 402, Indianapolis, Indiana 46206-0402
317-237-9348 • www.indianatrails.org

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February 13, 2004

Secretary Vernon A. Williams, 202-565-1674
Surface Transportation Board
Mercury Building
1925 K Street, N. W. #100
Washington, DC 20423-0001

ENTERED
Office of Proceedings
FEB 20 2004
Part of
Public Record

Re: STB Docket No. AB-290 (Sub-No. 168X), Norfolk and Western
Railway Co. - Abandonment Exemption - From Kokomo to Rochester In
Howard, Miami, and Fulton Counties, IN

Dear Mr. Williams:

Indiana Trails Fund (ITF) requests that the Board reopen this proceeding and issue a Notice of Interim Trail Use or Abandonment ("NITU") with respect to the part of the line of railroad between Milepost 75.5 near Peru, IN and Milepost I-95.6 at or near Rochester, IN that was the subject of the proceeding. This request is accompanied by a letter of support from Norfolk Southern Railway Company ("NSR").

The need for this action by the Board is explained in detail in the NSR. Although NSR and ITF agreed to interim trail use and railbanking of the whole line following the abandonment of the Indiana Hi-Rail Corporation trackage rights on the north end of the line in its bankruptcy proceeding, a NITU has not been issued for that portion of the line. The Board issued a NITU as to the south portion of the line on which Indiana Hi-Rail had no trackage rights, but stated that a new request for a NITU for the north portion should be made after the Indiana Hi-Rail abandonment of their rights on that portion. As described in the NSR letter, a small segment in the middle of the line is not included in the trail use agreement. Although

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NSR- reopen NITU

Indiana Hi-Rail and its parent company are still in bankruptcy proceedings, the abandonment of the trackage rights took place before NSR and ITF reached a final agreement with respect to the trail use. In order to correct the technical defect in the record, ITF reapplies for a NITU on the north portion of the line in the accompanying letter.

Thank you,

A handwritten signature in black ink that reads "Richard Vonnegut". The signature is written in a cursive style with a large, sweeping initial "R".

Richard Vonnegut
President
Indiana Trails Fund



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Re: STB Docket No. AB-290 (Sub-No. 168X), Norfolk and Western
Railway Company - Abandonment Exemption - Between Kokomo and
Rochester In Howard, Miami, and Fulton Counties, IN

Dear Secretary Williams:

This request is filed on behalf of Indiana Trails Fund, Inc., which is a private/public interest organization interested in the conservation of railroad right-of-ways for both rail reuse and for such non-motor transportation as walking. ITF is hereinafter referred to as "proponent."

Proponent requests issuance of an Interim Trail Use Condition rather than an outright abandonment authorization between Milepost 75.5 near Peru, IN and Milepost I-95.6 at or near Rochester, IN.

This request to definitively declare Interim Trail Use is based upon the circumstance that the railroad right-of-way in this proceeding is suitable for railbanking. In addition proponent also makes the following request:

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, Indiana Trails Fund, Inc. is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of

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NSR- reopen NITU

(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 Norfolk Western / Norfolk Southern RR.

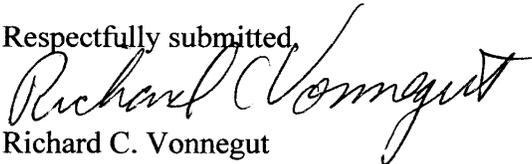
The property from Milepost I-75.5 near Peru in Miami County in Indiana and Milepost I-95.6 at or near Rochester in Fulton County in Indiana is the subject of this proceeding. This 20.1 mile segment is part of Docket No. AB-290 (Sub-No. 168X).

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

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 Mr. James Paschall, Senior Counsel, Norfolk Southern RR, 3 Commerce Place, Norfolk, Virginia 23510, by Federal Express, this 13th day of February, 2004. In addition to ten duplicates for STB, I am enclosing one more, for which I request time and date stamp, to be returned in the enclosed envelope. If ITF is to pay a fee for reopening this case, please advise of the amount.

Respectfully submitted,



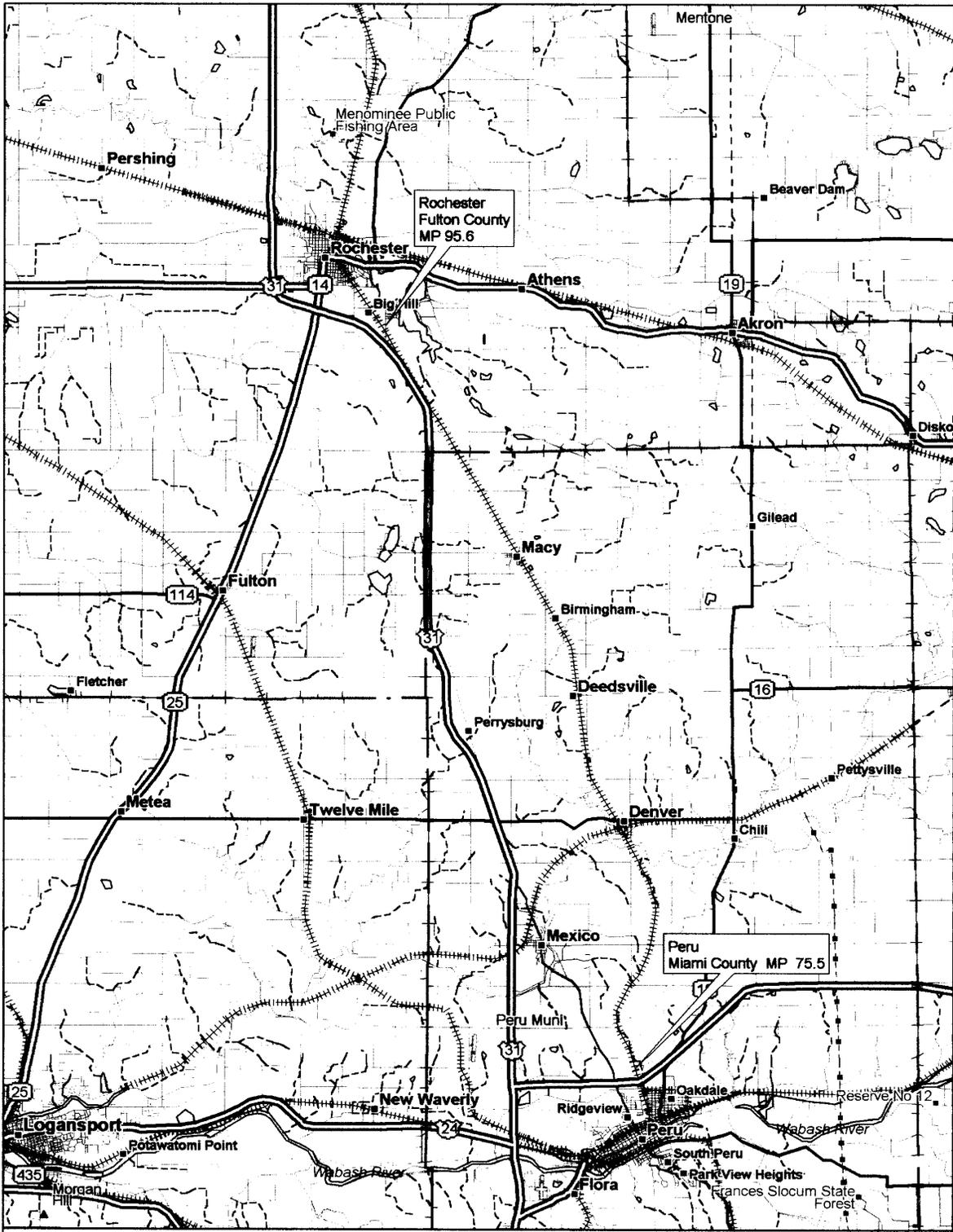
Richard C. Vonnegut
On behalf of Indiana Trails Fund, Inc.

Enclosures:

2 maps: 1 of corridor; 1 of Indiana area

10 duplicates for STB

1 duplicate w/envelope to be date stamped and returned



Rochester
Fulton County
MP 95.6

Peru
Miami County
MP 75.5

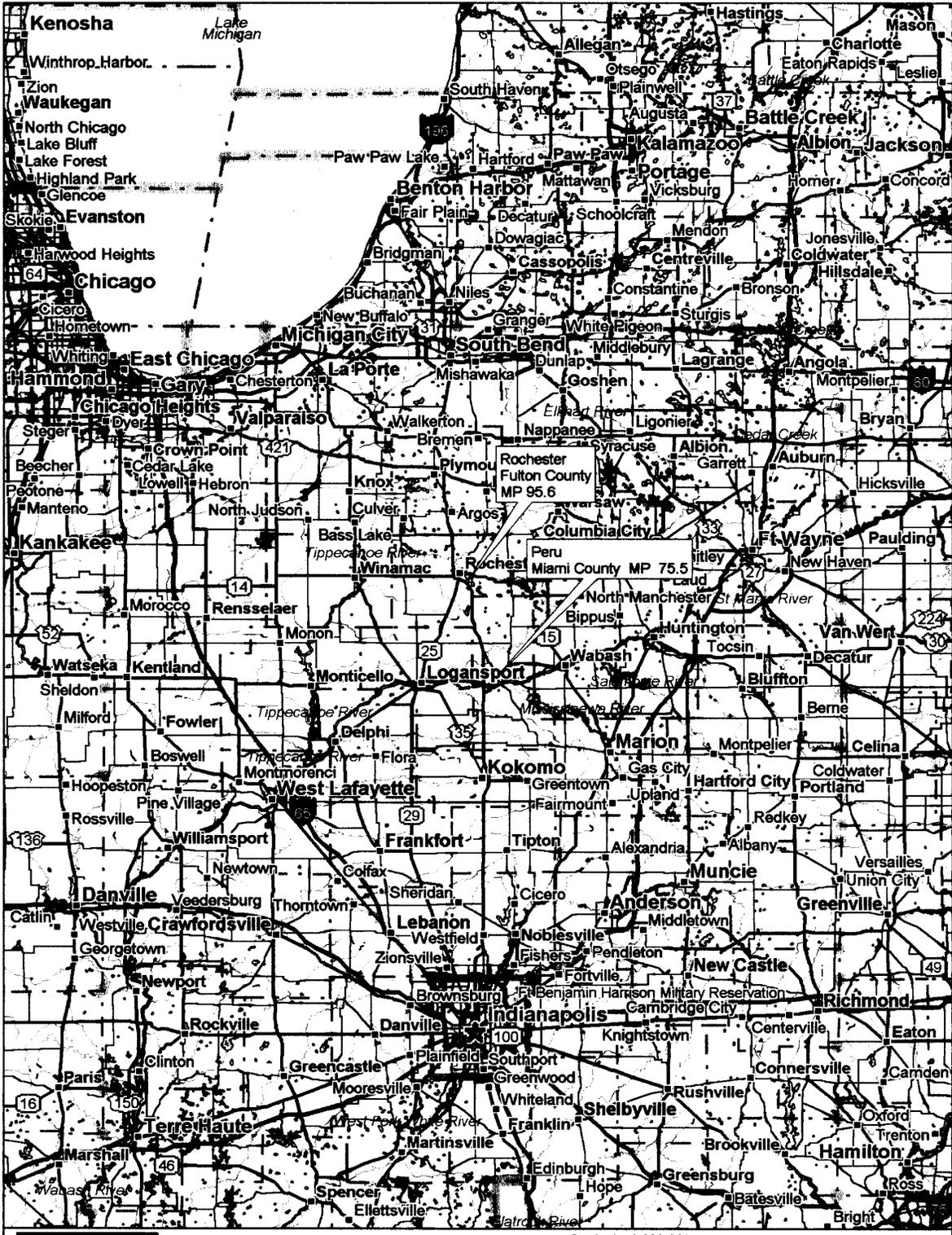
DELORME

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Scale 1 : 200,000
1" = 3.16 mi



TN
MN
3.8°W

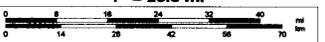


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Scale 1" = 26.3 mi



38°W
86°W