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February 8, 2010

JOHN H. BROADLEY

Cynthia T. Brown, Chief  
Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street S.W.  
Washington, D.C. 20423-0001

ENTERED  
Office of Proceedings

FEB 12 2010

Part of  
Public Record

Re: STB Docket AB 295 (Sub-No. 7X), The Indiana Rail Road Company—  
Abandonment Exemption—Martin and Lawrence Counties, IN

Dear Ms. Brown:

In its petition for exemption in this proceeding, The Indiana Rail Road Company (“INRD”) stated that it did not know whether any trail or park organization was interested in trail use of the right-of-way but that INRD would “cooperate with any qualified organization seeking trail use for the Crane-Bedford Line.” See Hoback Verified Statement ¶40.

Two organizations have expressed interest in entering into a trail use agreement for the Crane-Bedford Line: The Indiana Trails Fund, Inc. and a consortium of the City of Bedford and Greenways Foundation. I have attached copies of their expressions of interest. INRD has reason to believe that the Indiana Department of Natural Resources (“DNR”) is supportive of trail use for the Crane-Bedford right-of-way, and as the photographs included in the Combined Historic and Environmental Report demonstrate, the right-of-way may well be valuable for such use.

The Board’s regulations contemplate that where more than one qualified organization applies for a trail use agreement and the railroad is interested in entering into such an agreement, the railroad can select the organization with which to negotiate. INRD does not have the technical knowledge to determine which of the two organizations that have expressed interest would be more likely to successfully assume the responsibilities under a trail use agreement and to convert this right-of-way into a successful trail.

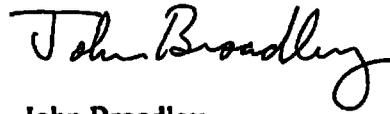
The purpose of this letter is to inform the Board, the two trail use organizations, and the Indiana Department of Natural Resources of INRD’s continued willingness to negotiate a trail use agreement for some or all of the Line, and to solicit the informal assistance of the Board and/or the Indiana Department of Natural Resources in resolving this dilemma rationally, rather

Cynthia T. Brown  
February 8, 2010  
Page No. 2

than forcing INRD to resolve it arbitrarily in the absence of adequate technical knowledge of the issue. INRD is prepared to enter into a trail use agreement covering the entire Line with either of the organizations, an agreement covering the entire Line with the two organizations jointly, or an agreement with one organization with respect to one part of the Line and a separate agreement with the other organization with respect to another part of the Line.

INRD is prepared to meet with representatives of the organizations, the Board and/or DNR to resolve this issue in the interest of all parties.

Yours very truly,



John Broadley

**Attachments**

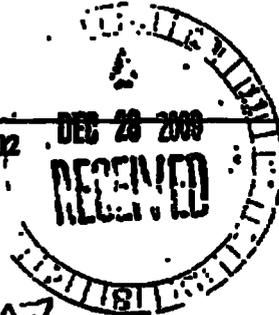
**Cc: w/Attachments**

<b>Shawn M. Girgis</b> Mayor, City of Bedford 1102 16 <sup>th</sup> Street Bedford, IN 47421	<b>Richard Vonnegut, President</b> The Indiana Trails Fund, Inc. P.O. Box 402 Indianapolis, IN 46206-0402
<b>Dale Brier</b> Section Chief Streams and Trails Section Division of Outdoor Recreation Indiana Department of Natural Resources 402 West Washington Street W271 Indianapolis, IN 46204	<b>Ronald E. Carter</b> Executive Director The Greenways Foundation P.O. Box 80091 Indianapolis, IN 46280-0091



**Indiana Trails Fund, Inc.**

P. O. Box 402, Indianapolis, Indiana 46206-0402  
317-237-9348



226207

December 23, 2009

Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423

Re: The Indiana Rail Road Company- Abandonment Exemption- Martin and Lawrence Counties,  
Indiana AB 295 (Sub-No. 7X).

Dear Ms. Brown:

This request is filed on behalf of Indiana Trails Fund, which is an Indiana not-for-profit corporation and public interest organization interested in conversation, recreation, transportation, etc., 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 over two line segments. One is called the Crane-Bedford Line, which runs between milepost 241.35 east of Crane, Indiana and milepost 262.50 in Bedford, Indiana, totaling 21.15 miles. The other segment is called the Bedford Industrial Track, which runs for approximately 1.65 miles away from milepost 262.40 on the Crane- Bedford Line.

**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. Justification for this condition is that the line winds its way through a very hilly and forested part of Indiana. The line segment includes some bridges with some spectacular scenes, and an enchanting tunnel. Further, between the two termini of Crane and Bedford, this Line connects the communities of Indian Springs, Cale, Mt Olive, Williams, and Coxton. These rustic burgs will provide quite attractive spots, encouraging people to hike and explore parts of Southern Indiana.

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**The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to assemble and begin carrying out a business plan.**

- 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:**

**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, the 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 (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 Indiana Trails Fund, Inc.**

**The property, known as the Crane-Bedford Line, extends from railroad milepost 241.35 near Crane to railroad milepost 262.50 near Bedford, a distance of 21.15 miles in Martin and Lawrence County. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB- 295 (Sub-No.7 X).**

**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.**

Indiana Trails Fund, Inc.  
Trail Use Request.  
December 18, 2009  
Page 3

By my signature below, I certify service upon:

Mr. Thomas Hoback  
President  
The Indiana Railroad  
101 West Ohio Street, # 1600  
Indianapolis, Indiana 46204,

And to

Mr. John H. Broadley  
John H. Broadley and Associates, P.C.  
1054 31<sup>st</sup> Street NW #200  
Washington D.C. 20007

by U.S. Mail, postage pre-paid, first class, this day of, Monday December 24, 2009.

Respectfully submitted,

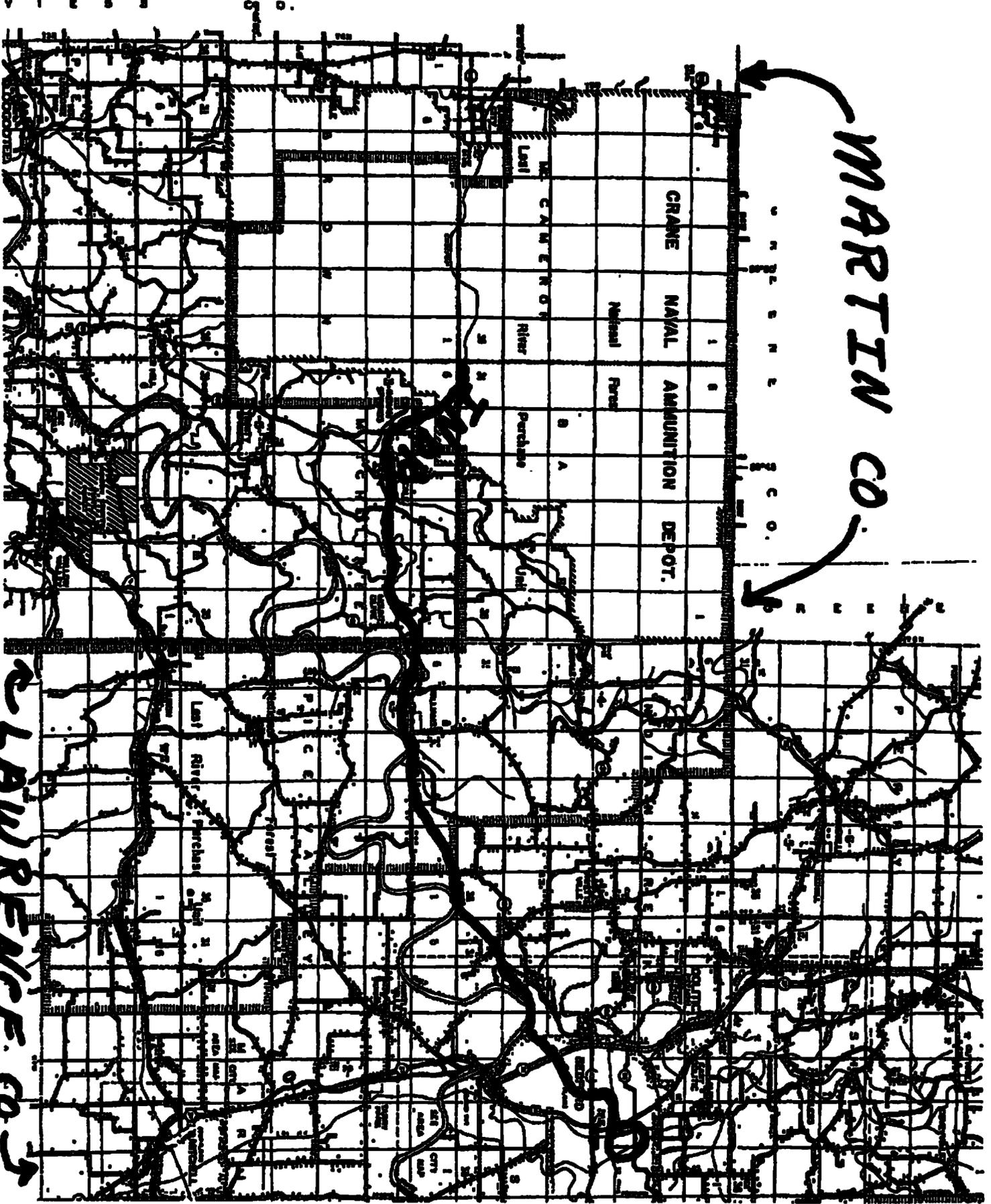


Richard Vonnegut  
President  
Indiana Trails Fund, Inc.

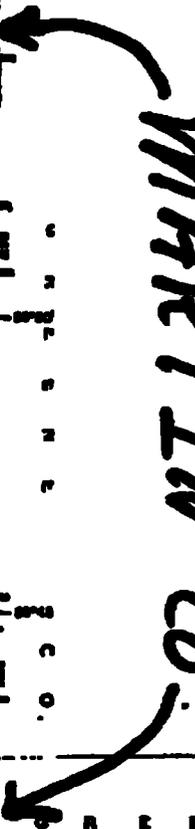
**Enclosures:**

- 1 Original
- 10 Duplicates
- 1 Macro map
- 1 Micro map
- 1 Check for \$250 for Railbanking





MARTIN CO.



LAURENCE CO.

V I E W



EXECUTIVE DIRECTOR

Ron Carter

BOARD OF DIRECTORS

Anita Knowles  
President

Charlie Skoog  
Vice President

Jenny Wilz  
Secretary

Karen Bohn  
Treasurer

Mitch Barloga

Yvette Rollins

LEGAL COUNSEL

Barnes & Thornburg, LLP

COMMUNICATIONS & DESIGN

Hirons & Company, Inc.

mediumFUSION, LLC

December 31, 2009

**Ms. Anne Quinlan**  
**Acting Secretary**  
**Surface Transportation Board**  
**395 E Street, S.W.**  
**Washington, DC 20423-0001**

**RE: The Indiana Rail Road Company—Abandonment  
Exemption-In Martin and Lawrence Counties,  
Indiana, Docket #AB\_295\_7\_X**

**Dear Secretary:**

**This request is filed on behalf of the City of Bedford, Indiana, which is a municipal corporation, and Greenways Foundation, Inc., which is a non-profit conservation group, both of which are hereinafter referred to as the "proponents". While not taking a position on the merits of this abandonment, the proponents request issuance of a Public Use Condition, as well as a Certificate of Notice of Interim Trail Use rather than an outright abandonment authorization between Milepost 241.35 and Mile Post 262.50, a distance of 21.15 miles, also including the Bedford Industrial Track branching from the Crane-Bedford Line at approximate milepost 262.40 and proceeding from the Crane-Bedford Line in an open counter-clockwise loop (east-north-west-south) for approximately 1.65 miles. The combined 22.75 miles of railroad right-of-way are hereinafter referred to as the "right-of-way".**

**Greenways Foundation, Inc.**  
**P.O. Box 80091**  
**Indianapolis, Indiana 46280-0091**

**Phone: 317.848.7855**  
**E-mail: [info@greenwaysfoundation.org](mailto:info@greenwaysfoundation.org) [greenwaysfoundation.org](http://greenwaysfoundation.org)**

**A. Public Use Condition.**

Proponents request the STB to find that this property is suitable for 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, ballast, ties and signal equipment, except of public use on reasonable terms. The corridor would make an excellent recreational trail and conversion of the property to trail use will be a tremendous benefit to the citizens of Martin and Lawrence Counties, including the city of Bedford. The time period sought is 180 days from the effective date of the abandonment authorization. Proponents need this much time because they have not had an opportunity to review title information, or to commence 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. Interim Trail Use.**

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Proponents also make the following request:

**STATE OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and rail banking under section 8(d) of the National Trails Systems Act, 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29, City of Bedford and Greenways Foundation, Inc. are willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is

Page 3  
December 31, 2009

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 and operated by The Indiana Railroad Company.

The City of Bedford and Greenways Foundation, Inc. acknowledge 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.

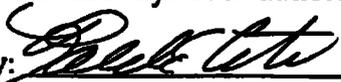
By signature below, we certify service upon The Indiana Railroad Company, c/o John H. Broadley & Associates, P.C., 1054 31<sup>st</sup> Street NW, Suite 200, Washington, D.C. 20007, by U.S. Mail, postage prepaid, first class, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Respectfully submitted,

City of Bedford

By:   
Shawna M. Girgis  
Mayor  
1102 16<sup>th</sup> Street  
Bedford, IN 47421

The Greenways Foundation

By:   
Ronald E. Carter  
Executive Director  
Post Office Box 80091  
Indianapolis, IN 46280-0091