



NORTHERN INDIANA
**COMMUNITY
 FOUNDATION**
 STARKE FULTON MIAMI

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228560

December 20, 2010

Honorable Cynthia Brown

Acting Secretary

Surface Transportation Board

395 E Street S.W.

Washington, D.C. 20423-0001

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 PUBLIC RECORDS

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Re: Fulton County, llc abandonment in Fulton County Indiana, STB Docket Number: AB-1064X

Dear Ms. Brown,

This request is filed on behalf of Northern Indiana Community Foundation, Inc., which is a 501c3, not for profit, public-private interest organization interested in transportation, conservation and recreation, which is hereinafter referred to as 'proponent'.

While not taking a position on the merits of this abandonment, proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between Milepost 96.9 and Milepost 95.6 of the Fulton County Railroad South End.

A. Public Use Condition

Proponent requests 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 of public use on reasonable terms. The justification for this condition is the extension of the 40+ mile Nickel Plate Trail north into the City Limits of Rochester, Indiana. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to assemble or review title information or complete a trail 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. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail-banking. In addition to the public use condition sought above, proponent also makes the following requests:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

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In order to establish interim trail use and rail-banking under section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d), and 49 C.F.R. 1152.29, Northern Indiana Community Foundation, Inc. is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Fulton County, Inc and operated by Fulton County, Inc.

The property, known as the Fulton County Railroad South End extends from railroad milepost 96.9 near 200 ft. north of Rochester's E. 18th St. to railroad milepost 95.6 near Fulton County's Wabash Avenue, a distance of 1.3 miles in Fulton County, Indiana. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-1064X.

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

Northern Indiana Community Foundation, 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 Fulton County, Inc, by U. S. Mail, postage prepaid, first class, on 12/20/2010.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terri L. Johnson".

Terri Johnson
Executive Director
Northern Indiana Community Foundation, Inc.

