

ENTERED
Office of Chief Counsel
April 9, 2026
Part of
Public Record

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April 8, 2026

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

Re: Central Railroad Company of Indianapolis – Abandonment Exemption –
in Howard County, Indiana
Surface Transportation Board Docket No. AB 511 (Sub No. 8X)

CERA Response to Request for Trail Use: Marion Subdivision

Dear Chief of Case Administration:

On April 8, 2026, the Board issued a decision granting the City of Kokomo (the "City") its request for trail use over the Tipton Industrial Lead but denying the City's trail use request over the Marion Subdivision. The Board denied the trail use request over the Marion Subdivision noting that the Central Railroad Company of Indianapolis ("CERA") did not state its willingness to negotiate an interim trail use agreement in CERA's February 4, 2026, letter indicating a willingness to negotiate trail use over the Tipton Industrial Lead.

Based on the Board's decision, CERA discovered that it inadvertently failed to inform the Board that it also is willing to negotiate trail use over the Marion Subdivision.

Pursuant to 49 C.F.R. § 1152.29(b)(2), a railroad has ten days following a petition for trail use to file its willingness to negotiate. However, it is long standing ICC/ STB policy to accept and consider late-filed statements for trail use as long as the agency retains jurisdiction over the involved right-of-way.¹

¹ See *Burlington Northern R.R. Co. – Abandonment Exemption – in Collingsworth and Childress County, TX*, ICC Docket No. AB-6, n. 1 (Sub-No. 338X); *Decision and Notice of Interim Trail Use or Abandonment Metro North Commuter Railroad Company – Abandonment Exemption – In Dutchess and Putnam Counties, N.Y.*, STB Docket No. AB 1311, fn. 3 (Sub-No. 1X) (served Feb. 8, 2024).

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CERA respectfully requests that the Board accept this late-filed agreement to negotiate with the City because CERA has not yet consummated the abandonment of the Marion Subdivision and because the Marion Subdivision is currently subject to a public use condition as set forth in the April 8 decision.

Sincerely,

A handwritten signature in blue ink, reading "Justin J. Marks". The signature is fluid and cursive, with the first name "Justin" and last name "Marks" clearly legible.

Justin J. Marks
*Counsel to Central Railroad Company of
Indianapolis*

cc: Parties of Record