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December 13, 2019

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VIA E-FILING

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

ENTERED
Office of Proceedings
December 13, 2019
Part of
Public Record

Re: Docket No. AB-290 (Sub-No. 117X)
Norfolk and Western Railway Company – Abandonment Exemption –
Between Indianapolis and Tipton in Marion, Hamilton, and Tipton Counties, Ind.

Notice of trails use agreements

Dear Ms. Brown:

Pursuant to 49 C.F.R. § 1152.29(h), the City of Indianapolis, Indiana (“Indianapolis”), the City of Fishers, Indiana (“Fishers”), the City of Noblesville, Indiana (“Noblesville”), and Hamilton County, Indiana (“Hamilton County”)¹ hereby notify the Board that Indianapolis, Fishers, and Noblesville each has, over the course of the past ten days, entered into a separate License Agreement (the “Agreement”) with the Owners – through the Hoosier Heritage Port Authority, acting on behalf of the Owners – under which each will assume trails sponsorship of separate, contiguous portions of the Nickel Plate Line, the subject of the above-referenced proceeding. Specifically:

- Indianapolis and the Owners have executed an Agreement under which Indianapolis will serve as trail sponsor for the segment of railroad line extending from approximately milepost I-2.13 (proximate to the intersection of E. 13th Street and Lewis Street) to approximately milepost I-14 (to the north of the Line’s crossing of E. 96th Street) (the “Indianapolis Segment”), a total distance of approximately 11.87 route miles.
- Fishers and the Owners have executed an Agreement under which Fishers will serve as trail sponsor for the segment of railroad line extending from approximately milepost I-14

¹ Collectively, Fishers, Noblesville and Hamilton County will be referred to as the “Owners.”

(to the north of the Line's crossing of E. 96th Street) and approximately milepost I-19 (to the south of the Line's crossing of E. 146th street) (the "Fishers Segment"), a total distance of approximately 5 route miles.

- Noblesville and the Owners have reached an agreement under which Noblesville will serve as trail sponsor for the segment of railroad line extending from approximately milepost I-19 (to the south of the Line's crossing of E. 146th street) to approximately milepost I-23 (adjacent to the eastern end of Great Lakes Drive) (the "Noblesville Segment"), a total distance of approximately 4 route miles.

A map of each of the aforementioned segments is attached. The Indianapolis, Fishers, and Noblesville Segments are the subject of extant notices of interim trails use ("NITU"), and each of the above-described Agreements encompasses the full extent of each segment in keeping with the scope of the applicable NITU. See Norfolk and Western Railway Company – Abandonment Exemption – Between Indianapolis and Tipton in Marion, Hamilton, and Tipton Counties, Ind., Docket No. AB-290 (Sub-No. 117X) (STB served Jul. 3, 2019).

Indianapolis, Fishers, Noblesville and the Owners hereby certify that, under the Agreement applicable to the respective segment of the line for which each individual municipality will assume trail sponsorship, the trail sponsor has agreed, upon effectuation of its license covering the appropriate segment, that it will – (1) will assume full responsibility for managing that segment; (2) protect the Owners against any potential legal liability arising out of the trails sponsor's assumption of a license to the subject segment (or, to the extent that each trail sponsor is immune from liability, then to indemnify the Owners against any potential liability); and (3) to the extent applicable, to assume payment of any and all taxes that may be levied or assessed against the right-of-way post-transaction.

The undersigned hereby certifies that this letter has been served upon all listed parties of record to this proceeding. If you have any questions or require any additional information, please contact me.

Respectfully submitted,

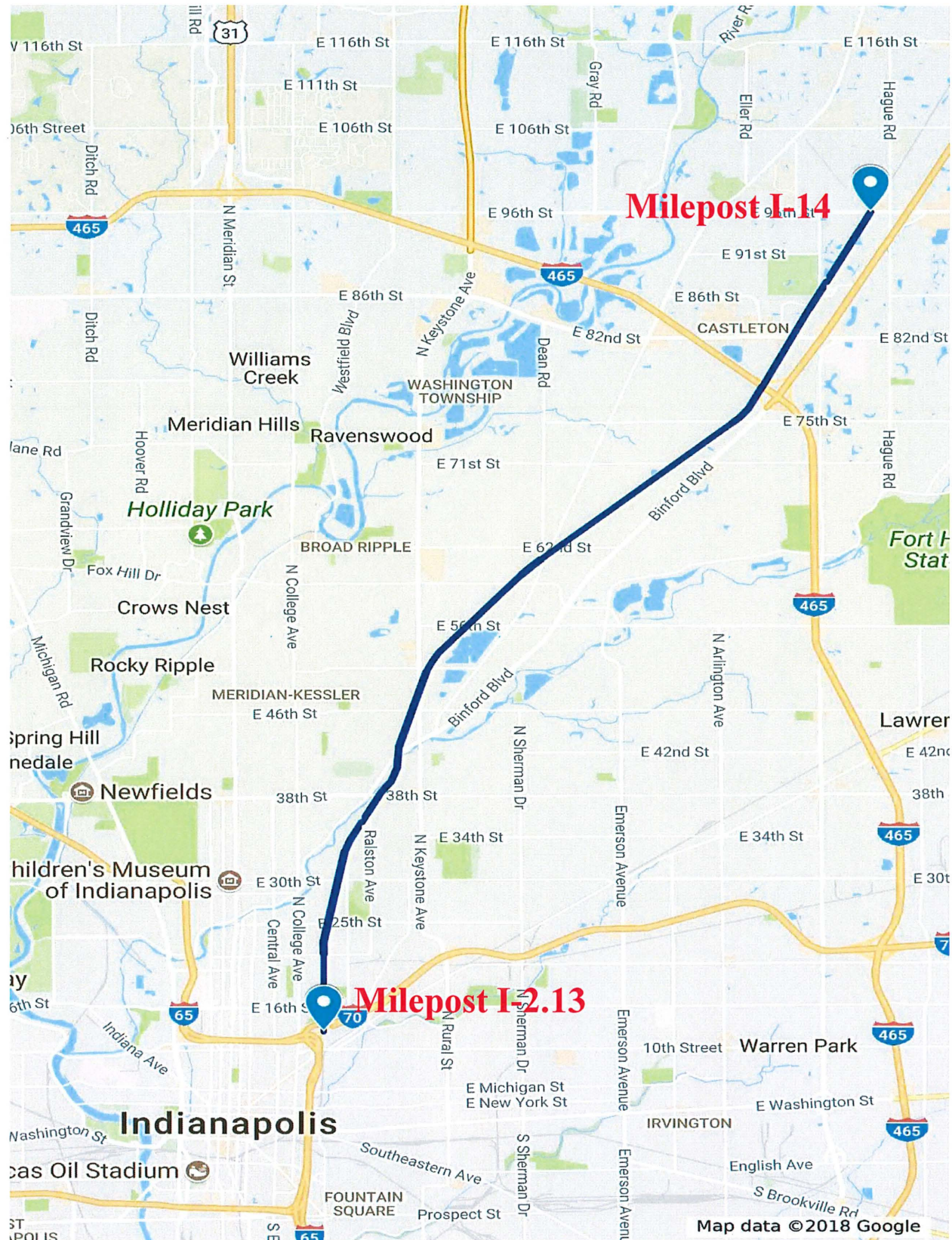


Robert A. Wimbish
Counsel for City of Indianapolis, Indiana; City of Fishers, Indiana; City of Noblesville, Indiana; and Hamilton County, Indiana

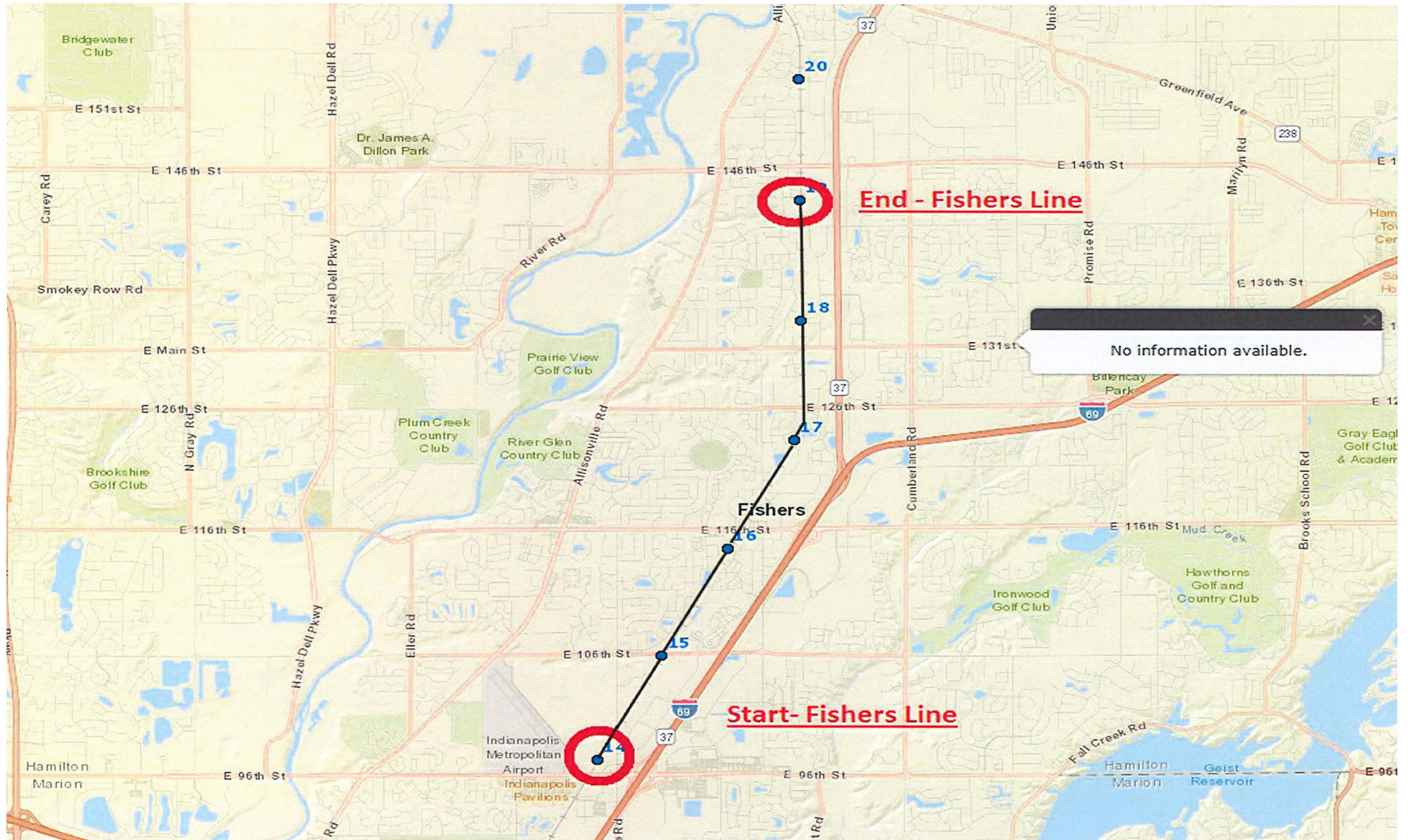
Enclosures (maps)

cc: All parties of record

Indianapolis Segment



Fishers Segment



Noblesville Segment

