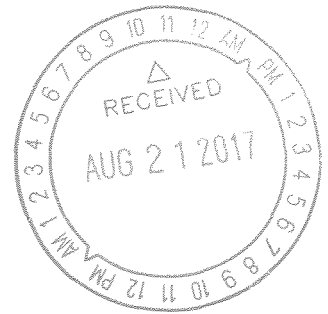


**HOOSIER RAILS to TRAILS COUNCIL, INC
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2017 August 16

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20024

244155

ENTERED
Office of Proceedings
August 21, 2017
Part of
Public Record

**Re: Docket No. FD 36137-0
City of Fishers, City of Noblesville, and Hamilton County, Indiana –
Petition for Partial Revocation of Exemption**

Dear Ms. Brown:

The Hoosier Rails to Trails Council, Inc. ("Council") is vehemently opposed to the goal of the City of Fishers, City of Noblesville, and Hamilton County, Indiana ("Owners"), specifically to kill the Indiana Transportation "Museum" and to eliminate train service on this Nickel Plate "Line", as the Owners have proposed in FD36137-0.

The Hoosier Rails to Trails Council observes three outcomes for this Line. Eliminating the Line is the worst outcome, because it shortens it's future. The second outcome is reasonable. This lets the train operate as it has, carrying passengers and paying for track and train upkeep, as it has from Tipton, Indiana to 38th Street in Indianapolis, for twenty-five years. The third outcome is to turn the line over to the Museum and let it improve the track and whole operation, not only from 38th in Indianapolis to Tipton, but expand 4 miles southward to Indianapolis Union Station. This could enable runs to Tipton County, and possibly to Howard County, if not all the way to Michigan City, Indiana. See maps.

As to the first outcome – Elimination – that is the whole purpose of the current Owners filing. The Owners say that they just want to make a rail-trail "in the middle third". The "middle third" runs from the south side of Noblesville, which is about in the center of this thirty~eight mile route, southward nine miles through Fishers to the border with Indianapolis and Marion County.

Their actions belie what they say. With this idea, the Owners would have another railroad group operate the northern portion from Noblesville to Tipton, approximately twenty miles. The southern portion, some eleven miles in Indianapolis and Marion County would be physically severed from any rail service. None of these actions are positive or viable for the future.

As is clear to those who think about the outcome of the line, without service on the south portion, intersections in Indianapolis will become annoying to car drivers, who will want the rails eliminated – abandoned, or subject to “adverse abandonment”, or subject to rail-banking. These outcomes are not positive in the long run. One is that running trains just northward to Tipton is not economically viable, and will – eventually – result in the failure of the Line. Unless the partial abandonment as mentioned in FD 36137-0 comes into the full authority of the STB, this Line will fail, which is the realistic purpose of FD36137-0, when the legal diversions are stripped away.

On page 4, the Owners note the “...Board will revoke an exemption if a petitioner has demonstrated conduct that frustrates the [rail transportation policy] and the Board has determined that the reinstated regulator provision could ameliorate the alleged harms.” This passage is meaningless in the case of FD36137-0, and to the extent that FD 36137-0 is the basis for the goal of getting rid of the Museum and Nickel Plate, then this petition should be thrown out. The Owners have never mentioned any harm either in letting the Museum operate throughout the year over nearly all of the thirty~ eight miles, or run the very popular “Fair Train” from Fishers to the State Fair each year during August. The train has carried tens of thousands of families to and from the State Fair for over about twenty~five years. Much of the money to maintain the track came from this train. The Owners paid virtually no money at all to maintain the track. In this filing, the Cities/Owners not only have shown no harm for letting the train operate, but the Owners can show neither any economic harm, nor any other harm, as they have neither a master plan nor a feasibility study showing any specifics about the Nickel Plate “Line”. Indeed, the Cities/Owners have shown no – and cannot show any – harm in letting the STB assert full authority over this whole forty mile line, re-establish rail service on the Indianapolis portion – and the middle portion – and the northern portion CONTINUOUSLY of this whole forty mile Line.

As is clear to locals, about the middle portion, the City of Fishers has plans and financing to build an on-road and side-path trail northward towards Noblesville. The Name is Nickel Plate Trail. Why? So both the Cities of Fishers and Noblesville can tell the public who ask about the Nickel Plate Trail, “It’s a done deal”! This is but one of many similar schemes of deceit which the Owners are foisting upon not only their citizens, but to the citizens of Indiana as a whole.

As to those who note that this line is the second oldest extent rail line in Indiana, and those who say that commuting could come about in the future, the Owners say that rail-banking will preserve the line.

NOT SO! In the filing of FD 36137-0, the Owners' claim that because the line is partially abandoned, the STB should give up all the rest of it's authority and let the Owners "self railbank" the Line. Consider "self railbank" to be a term for the wording on page 5, " ...the Owners' request that the (Board's) partial revocation (of the "approval for abandonment") extend only so far as is necessary to facilitate the Owners's objectives."

Note that FD 36137-0 reads, "(The acquisition by [a State or State subdivision] of a line approved for abandonment and not yet fully abandoned is exempted from the Board's jurisdiction.")

"Accordingly, the Owners understand that they are free to retain or dispose of the Line at their collective discretion without the need to invoke any STB procedures if they so wished."

This would mean that the Owners could "self-railbank" some or all of the line at will, without any public announcement – at all.

- Their having held meetings with only legal minimum notice is well known by watchers.
- Their having held meetings in executive session, without public comment is well-known by followers.
- That they have filed this FD36137-0 with only mention of the mileposts for the Thirty-eight miles, and not for any lesser (9 miles) indicates that they might decide on a whim to rip out whatever portion of rail at any time.
- That the only reason given in FD36137-0 to rip out rail, thereby ending train service southward from Noblesville, is that, "... the Owners have decided to revisit their options for the Line, and have concluded..." The conclusion of these Mayors is inconclusive because they gathered no committee to study the Line, hired no consultant to study the economic benefit, social benefit , any other benefit, or a rail feasibility study, planned a drawing of bike ped facilities and those costs in a master plan, and held no public input meetings. All this belies the statements in FD 36137-0 which begin with, What is the relief that the Owners are requesting? Since the Owners cannot state any realistic economic – or other - benefit, why this FD in the first place?

The Owners know that the public strongly wants the VERY POPULAR Fair Train and other excursions returned to service. Therefore, they have taken to stealth attacks on the Museum, the track and the Fair Train. Thus the mayors have shown themselves to smack of malfeasance.

In addition to all said about the southern and central part of this Line, the Mayors have completely avoided discussions that the thirty-eight miles is actually part of a 150 mile intact corridor from Indianapolis to Michigan City on the shore of Lake Michigan.

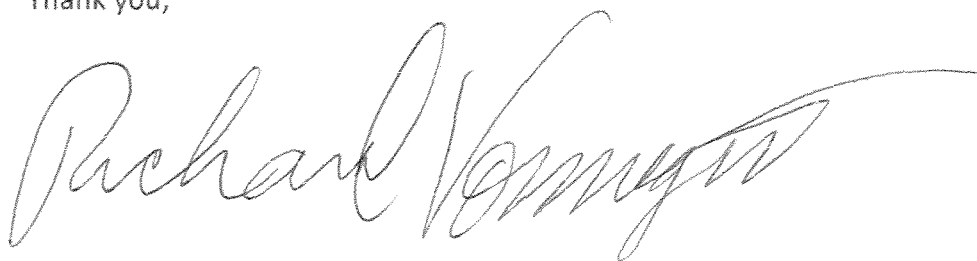
Visioning forward, there is a strong economic tourism value of running trains with bicycle facilities, so hikers and cyclist can explore Norther Indiana, the Indiana Dune, but also get onto east and west (Amtrak) trains to go westward to Chicago, and to eastward to the Great Appalachian Passage, if not Washington DC, and the east coast.

In addition, If the Line were to be turned over to the Museum, so they would have long term management, then the Museum could arrange for strong financing to build a bridge over 10th Street in Indianapolis to physically connect what is now just a legal connection to the national transportation system (speaking of a defacto railbanking). This bridge could increase rail traffic exponentially as people in Noblesville, Fishers, Castleton, and other locations could ride the train to Indianapolis Colts football games, Indianapolis Indians baseball games, numerous other sporting events, many entertainment shows, a plethora of conventions, many restaurants, and other activities.

In summary, the Mayors' and Owners' extreme contrived lack of vision, and conspiracy of schemes, present an embarrassing disservice to the citizens who deserve more: a positive growth of rail experiences, from Indianapolis through to Michigan City and Lake Michigan.

The Hoosier Rails to Trails Council petitions the STB to totally turn down FD 36137, to hold a public field meeting in the Indianapolis area, and to mandate the Line be turned over to the existing and competent Indiana Transportation Museum.

Thank you,

A handwritten signature in black ink, reading "Richard V. Wright". The signature is fluid and cursive, with a long, sweeping horizontal line extending from the end of the name.

Richard Vonnegut

Vice Chair

317-440-9069

< trails@indianatraill.com >

- CC:
- State map of Line
 - Local map of Line
 - State map without rail from Noblesville to Fishers
 - Filing fee = zero
 - Service to Mr Robert A. Wimbish by first class United States Postal Service.
Fletcher & Sippel LLC, 29 North Wacker Drive Suite 920, Chicago, Illinois 60606-2832
(312) 252-1500, <rwimbish@fletcher-sippel.com
Attorney for the City of Fishers, City of Noblesville, and Hamilton County, Indiana
 - Original and 10 duplicates.





