

August 8, 2017

James R. Kopkey

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Ms. Cynthia T. Brown

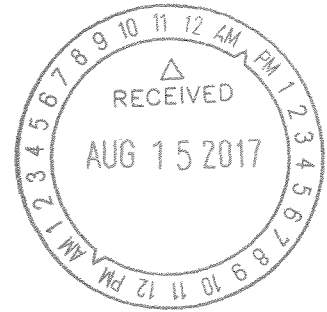
Chief, Section of Administration

Office of Proceedings

Surface Transportation Board

395 E Street, S. W., Room 1034

Washington, DC 20024



244121
ENTERED
Office of Proceedings
August 15, 2017
Part of
Public Record

Re; Docket No. FD 36137

City of Noblesville, City of Fishers, and Hamilton County, Indiana –

Petition for Partial Revocation of Exemption

Dear Ms. Brown:

Enclosed for filing to the above-captioned proceeding are an original and ten copies of my written comments regarding the "Petition for Partial Revocation of Exemption" filed on August 1, 2017 with the Surface Transportation Board. A copy of this filing has also been served on the attorney, Mr. Robert A. Wimbish, who is representing the collective owners, City of Fishers, City of Noblesville and Hamilton County ("the Owners"), of the subject railroad line located in Indiana. A copy is also being served on the Mayor of Fishers and the Mayor of Noblesville.

I am a resident of the City of Noblesville, Indiana, located in Hamilton County, Indiana and I have lived here for over 20 years. Hamilton County is one of the most Republican dominated counties in a state that largely votes Republican, and all most all the government agencies here are controlled by members of the Republican Party.

I am writing this letter to express my opposition to, why I object and to present some observations to the "Petition for Partial Revocation of Exemption" by the "Owners" of the subject railroad line.

This petition is a classic example of how an out-of-control, one party, dominated city and county government operates.

First, the Attorney for the Owners, comes before you with a petition, claiming that the Owners, "were, and presently remain, exempt from the STB's (and before that, the ICC's) jurisdiction and the applicable provisions of Title 49, Subtitle IV of the United States Code as non-carriers."

Secondly, the Attorney for the Owners come before you "Requesting Relief" from an agency that they claim has "NO" jurisdiction over them.

The Owners want; "the Board should partially revoke the exemption that the Owners now hold"

Why?

Because "the Owners request that the partial revocation extend only so far as is necessary to facilitate the Owners' objectives".

The Owners fear, that should they file a proper abandonment application, then someone may step in with an offer to purchase this railroad line through the "OFA" (Offer of Financial Assistance) process and thereby derail their plan to remove some of the rail and build a trail.

Why should the Owners be able to claim that the STB has no jurisdiction on one hand, but then seek it with the other hand?

On page 4 of the Owners petition, under "Requested Relief" their Attorney states the following, "they

plan to negotiate a trails use arrangement intended to preserve the corridor for the possible future restoration of railroad common carrier service”.

Shortly after the Owners purchased this railroad line, the Owners formed the HHPA (Hoosier Heritage Port Authority) to oversee the operation and maintenance of this railroad line. The Indiana Railroad Company continued common carrier freight operations, mainly to a power plant north of Noblesville, Indiana, which converted to natural gas in late 2002 or early 2003. In addition, the Indiana Transportation Museum has operated passenger excursions on this line, almost from the start of the Owners purchase.

The STB was formed in 1996 to take over the regulatory functions of the ICC (Interstate Commerce Commission).

According to the Attorney for the Owners, page 2 of this petition, “operations over the line were conducted by The Indiana Railroad (INRD) pursuant to a lease authorized by the Board’s regulatory predecessor, the Interstate Commerce Commission (“ICC”).

I did a search of the STB filings and did not come up with any filing / filings by the Owners, the HHPA or The Indiana Railroad Company for a “Petition for Discontinuance of Service Exemption”.

Regardless of ownership, with continue common carrier service provided by The Indiana Railroad Company. Why was a “Petition for Change of Ownership” or a “Petition for Continued Operation not filed with the ICC? The railroad line, as the Attorney for the Owners so stated, the abandonment process was never completed. Anyone purchasing a railroad line for continued operation, before the STB was formed, filed with the ICC. Even at that time, there were proper procedures for abandonment, changes in ownership, changes in operators, as well as an “OFA” process.

Negligence on the part of the Owners to submit proper filings with the regulatory authorities, should not release them from the regulations imposed upon other railroad line owners or operators.

The Attorney for the Owners, conveniently left out the fact or any mention of why the passenger operations of the ITM has been suspended. This is now part of a law suit filed in Federal Court by the ITM against the Owners, the HHPA and others not named. Part of the ITM filing is to be reinstated as the operator of this railroad line.

The Attorney for the Owners also conveniently leaves out that the Owners have operators willingly and wanting to restore common carrier service to this railroad line. As previously stated, "they plan to negotiate a trails use arrangement intended to preserve the corridor for the possible future restoration of railroad, common carrier service". The HHPA Board on April 19, 2017 approved seeking a new operator for the railroad line, by releasing an "RFP" (Requests for Proposals). A copy of the "RFP" is attached as exhibit "A".

Those responding, could submit a proposal to operate any proportion or the entire railroad line. Regardless of the amount of the railroad line a proposed operator wanted to operate, "The Operator shall acknowledge that the Operator will be responsible for the maintenance of the entire corridor, if the Operators proposed use of the line only encompasses a shorter portion of the line".

Shortly after the purchase of the railroad line by the Owners and during the time of continued freight operations by the INRD, report ably sometime in 1997, Norfolk Southern Railway removed this railroad line's northern connection to the National Rail Network at Tipton, Indiana. In the "RFP" it stated, "Proposals shall also clearly define their intentions / needs to have a connection in Tipton to the Norfolk Southern Railway reconstructed to ensure the vitality of their proposed operations". Additional track in Tipton has been removed, as well as track on the southern end of the railroad line and the connection with CSX Transportation, there.

In spite of the missing connections to the National Rail Network, five (5) proposals were received by the HHPA to be operators of this railroad line. Four (4) of these proposals were to be operators of the entire railroad line and three (3) want to work toward establishing common carrier freight operations as well as excursions / passenger operations, i.e. possible commuter rail.

"Railbanking" or conversion to a trail should not be allowed when and where, there is an operator willing to continue operations. I have no objection to Railbanking or conversion of an abandon railroad line to a trail, but I very strongly feel that the conversion of any part of this railroad line in to a trail, when there are several willing operators standing by, goes against "common sense" and the basic principals of the Rails to Trails Act and Railbanking.

I have already written a letter to the Mayors of the cities of Noblesville and Fishers, Indiana regarding this railroad line. A copy of my letter is attached as exhibit "B".

On Sunday evening, July 30, 2017 the Owners announced that there would be a meeting Monday morning July 31, 2017 with a public session at 8:15 a.m. to select a new operator for the railroad line. No public impute was allowed. The Owners, to no one's surprise, selected the operator that only wants to operate the northern most 8.5 miles of this railroad line. Not only does this operator fit in to the Owners plans for replacing 9.3 miles of the railroad line with a trail, the operator selected is connected with the Hamilton County Tourism, Inc., which was engaged in conversations with a representative of the Mayor of Noblesville, months before the HHPA approved the release of the "RFP".

While I consider the announcement of this meeting very sneaky, it is also very unprofessional.

What surprised me even more, was not that they decided on a new operator and to go ahead with the trail on Monday morning, but that the Attorney for the Owners already had a filing ready and wasted no time in having it filed with the STB on the following day, August 1, 2017. This is just more indication of the behind the scenes maneuvers by our representatives.

It must also be noted that another trail has been approved and money already appropriated to build this trail to a location I suggested in my letter to the two mayors. I was not aware of this trail plan when I wrote them suggesting a route for a trail that would include the Conner Prairie Pioneer Settlement. This trail is called, "Nickel Plate Trail" and very little of it follows the route of the proposed trail the Owners want to create out of 9.3 mile of the old Nickel Plate Railroad line.

To wrap this up. I object to this petition on the follow grounds;

1. This is not sound transportation policy. Port authorities are an excellent economic development tool, sadly the Owners of this railroad line, while creating a port authority, have not used it as such.
2. There are operators wanting to operate this railroad line in its entirety.
3. I think that it would be more than improper to remove any of this railroad line, while there is an ongoing law suit filed in Federal Court between the Owners and the ITM.
4. I believe that this violates the Rails to Trails Act, not only the law, but the spirit of the law. It was not created to remove rails from an operating railroad line.
5. Hamilton County has over 80 miles of trails now, with more currently being developed and still more in the planning stages.
6. The Owners, through their Attorney, are trying to circumvent the laws created for governing railroad abandonments, railbanking and the conversions of railroad lines to trails.

If, the Owners are not willing to operate this railroad line to its fullest potential, then they should seek an operator that will, or be forced to sell the entire railroad under the "OFA" process.

On behalf of this historical section of the former Nickel Plate Railroad, I ask that you reject the Owners "Petition for Partial Revocation of Exemption" and order them to abide by the same laws that other railroad owners / operators have to.

Respectfully submitted,

A handwritten signature in cursive script, reading "James R. Kopkey". The ink is dark and the signature is fluid, with a large initial 'J' and 'K'.

James R. Kopkey

**HHPA PROPOSED REQUEST FOR OPERATOR
PROPOSALS ANTICIPATED SCHEDULE**

BOARD APPROVAL OF RFP:	APRIL 19, 2017
PROPOSAL DUE DATE:	JUNE 13, 2017
REVIEW COMM. SCORES DUE DATE:	JULY 1, 2017
POTENTIAL INTERVIEWS:	JULY 1 – JULY 31, 2017
FINAL AWARD MADE:	JULY OR SPECIAL AUGUST MTG OF BOARD



NOTE: SUBJECT TO CHANGE BASED ON NUMBER OF PROPOSALS RECEIVED, IF INTERVIEWS WILL BE HELD BY HHPA OR OWNERS , ETC.

**REQUEST FOR PROPOSALS
HOOSIER HERITAGE PORT AUTHORITY
RAILROAD OPERATOR
FOR MARION, HAMILTON AND TIPTON
COUNTY, INDIANA**

Issued by:
Hoosier Heritage Port Authority
33 North 9th Street, Suite 215
Noblesville, IN 46060

Approved for Release Date: April 19, 2017

INTRODUCTION AND PURPOSE OF RFP

The Hoosier Heritage Port Authority ("HHPA"), a port authority duly established under the laws of the State of Indiana, Pursuant to Indiana Code §8-10-5-1, is soliciting proposals from interested operators/parties (Operator), for the development of railroad operations on the HHPA rail line. The HHPA was organized to protect and preserve the existence of the real property, as a single parcel of real estate in perpetuity for such uses as may benefit the citizens of its owners, the City of Noblesville, City of Fishers and Hamilton County, Indiana (collectively, "Owners"). Uses may include; but not limited to, recreation, transportation and tourism purposes. The HHPA rail line is approximately 37 miles of railway from Indianapolis, Indiana to Tipton, Indiana ("Corridor")

The HHPA is interested in maximizing the public benefit of the available railroad and promoting economic development and tourism. The rail line has been used in recent years for theme trains and scenic excursions, which the HHPA would like to see further expanded and enhanced in the future for the mutual benefit of all parties involved.

The HHPA is seeking an Operator that will meet or exceed the HHPA's Goals for its Operator as follows:

- Manage and operate the rail line in a safe, efficient, and productive manner for the benefit of the HHPA, its Owners, and the communities through which it runs.
- Properly maintain and safeguard the rail line through the highest standards, in accordance with FRA and HHPA standards, along with continued annual investment in the maintenance of the line, as agreed to between the parties.
- Implement appropriate marketing activities to attract new customers and maximize the economic impact of the HHPA's facilities to the communities served.
- Communicate with the HHPA, Owner's and communities served at all times to ensure the operations are safe, efficient, and maximizing the return for the communities as well as the Operator.

The HHPA is interested in identifying and working with the Operator to further develop the potential on the rail line. Potential Operators are invited to submit proposals to operate on part or the entire rail line.

The HHPA anticipates that the Operator will be responsible for the maintenance of the Corridor, including, but not limited to, maintenance of track and ties, clearing and repair of drainage facilities, inspection and repair to embankments and railroad structures, vegetation control along the right-of-way, clearance of litter and debris, and upkeep on any supporting facilities, such as ticketing areas, parking areas and loading platforms. The Operator shall acknowledge that the Operator will be responsible for maintenance of the entire Corridor, if the Operators proposed use of the line only encompasses a shorter portion of the line. This acknowledgment would exclude any areas that may be determined by the Owners to not be a part of the Corridor under any proposed operations agreement.

RFP SUBMISSION REQUIREMENTS

1. Cover letter stating the Operator's interest in providing railroad service operations. Include the following information:
 - Full name of organization and contact
 - Mailing address, email address, and phone number
 - Legal status (Individual, partnership/LLC, corporation, non-profit)
2. Overview of proposed project team. Please include names, qualification (including licenses and professional certifications) and resumes of the officers and key personnel. Please identify the individual(s) who will have overall responsibility for the day-to-day operations. Include resumes of these key individuals that provides qualifications for the duties proposed in the routine operations of the railroad.
3. Organizational chart, including all participants in the proposal, showing the proposed relationships between the responder and the key personnel and support staff.
4. Proposed funding of operations, equipment, facilities, etc. shall be clearly defined within the proposal. Each Operator shall specify projected revenue and their source(s), along with projected expenditures for a minimum period of the first five years of the Operator's Agreement to be negotiated with HHPA.
5. The HHPA line runs from approximately 2.1 miles south of 38th Street in Indianapolis, Marion County, IN, north through Hamilton County, IN to SR 28 in Tipton, Tipton County, IN, a distance of approximately 37 miles. Operator shall clearly identify in their proposal if they intend to utilize the entire line as described or a portion of the line. If a portion of the line is proposed, clearly identify the limits of proposed operations and proposed maintenance limits, knowing that the intention of the HHPA is for the Operator to maintain or finance the maintenance of the entire line within the limits specified in the final negotiated Operator Agreement. Proposals shall also clearly define their intentions/needs to have a connection in Tipton to the Norfolk Southern railway reconstructed to ensure the vitality of their proposed operations.
6. Description of proposed operations; including, but not limited to the following:
 - a. Proposed operations and proposed start-up timelines.
 - b. Proposed areas of operations, note clearly which parts of the line are proposed for operations, facilities, excursions, freight, storage, etc.
 - c. Proposed equipment and facilities – clearly define currently owned equipment and what proposed facilities and locations would be utilized as part of the overall operations.
 - d. Proposed operation employees, titles, certifications, and experience.
 - e. Annual anticipated excursions with projected annual revenue generation.
 - f. Maintenance and rehabilitation plans for the HHPA's facilities - including proposed initial anticipated capital improvements to allow for operations on the railroad line as proposed. Please indicate what maintenance and rehabilitation

- work would be done via the operators own forces or would be done by contractors, if maintenance investment in the HHPA's facilities is proposed.
- g. Short and long-term vision for HHPA facilities.
 - h. Short and long-term investments into HHPA facilities and the communities involved, with clearly identified statements as to the anticipated economic impact to the communities served by the Operators proposal.
 - i. Any other pertinent information related to the Operators proposed operations that will be to the mutual benefit of the Operator and HHPA and its Owners.
 - j. List any proposed requirement that the Operator would expect of the HHPA, whether it be monetary for maintenance of the HHPA facilities, or for such work as re-establishment of a connection to Norfolk Southern's line in Tipton, IN., to allow for freight or egress/ingress of the Operators equipment. Any expected involvement of the HHPA or the Owners of the line shall be clearly defined in the proposal.
7. Required lease term to ensure long-term viability of the Operator. At a minimum, the proposal shall state a desired term and a minimum term that the Operator can agree to in the proposal.
8. Financial statements, preferably audited, for the past three years. Responders can clearly mark any proprietary information as "Proprietary". Responders must include balance sheets, statements of income and expenses and cash flow statements.
9. Insurance plan, specifying limits of liability and deductible. This can be either current or proposed limits as applicable.
10. Operator shall clearly specify in their proposal whether they plan to pay an annual lease payment in exchange for use rights, or propose an annual maintenance plan with defined investment minimums into the facilities of the HHPA in exchange for use of the HHPA facilities. If an annual lease payment is proposed, the Operator shall clearly define in their proposal their anticipated annual use fee, or fee structure. If an annual maintenance investment is proposed, the Operator's proposal shall include anticipated investment dollar amounts, minimum investment dollar amounts, and how they will report such investments in their proposal.

PROPOSED SELECTION CRITERIA

The HHPA and Owners will form a joint proposal review committee comprised of eight (8) members made up as follows; five (5) members of the HHPA Board of Directors, excluding the HHPA President, and three (3) at-large members, one appointed by each of the following Owners; the Mayor of the City of Fishers, the Mayor of the City of Noblesville and the Board of Commissioners of Hamilton County, Indiana.

Each member of the joint proposal review committee shall independently review each proposal received by the submittal deadline and fill out the attached review scoresheet. Upon completion of the independent scoring by each member of the review committee, each review committee member shall turn in their score sheets after signing and dating to

the HHPA Executive Director within 30 calendar days of receipt from proposers. The HHPA Executive Director, in coordination with the HHPA President and counsel, shall review and tally the score sheets for consistency and address any issues that may arise during the scoring process. Upon final review by the HHPA Board President, the President shall announce in the next available HHPA Board of Directors public meeting the results of such scoring and present the results to the HHPA Board.

With recommendation from the Review Committee and/or the HHPA, the HHPA reserves the right to short list a minimum of two, with no maximum, of the highest scoring Operators for interviews, should such interviews become necessary to determine the final selection of the short listed proposers after initial scoring and review of the proposals received. If such becomes necessary, as determined solely by the Review Committee, it will be announced in a public meeting of the HHPA and ample time will be given to the proposed Operators to prepare for such short-list interviews. The Owners of the facility will be invited to participate in the interviews, or, at their option, the Owners may choose to conduct their own interviews. If such interviews are desired, as determined by the HHPA and/or the Owners, it will be announced in a public meeting of the HHPA and ample time will be given to the proposers to prepare for such short-list interviews.

The final recommended Operator shall be presented to each Owner after such approval by the HHPA Board for final approval of each Owner at their next regularly scheduled public meeting, a majority of which shall be necessary for final approval of the awarded Operator. The final approved Operator shall enter into an agreement or lease with the HHPA within 120 calendar days of award, with terms in accordance with their approved proposal and final negotiated terms of the agreement, before any operations shall commence. If an agreement is not reached between the top scored/awarded Operator and the HHPA within 120 calendar days after award, the HHPA reserves the right to negotiate with the next highest scored Operator at their sole discretion.

The HHPA reserve the right to reject any and all proposals at their sole discretion.

QUESTIONS AND CONTACT

Rhonda Klopfenstein, Executive Director
Hoosier Heritage Port Authority
rhondask@frontier.com
(317)776-8268

Site visits to inspect the track is available by request to the HHPA Executive Director. HHPA VAL Maps are also available by request to the HHPA Executive Director.

REQUEST FOR PROPOSALS SUBMITTAL REQUIREMENTS

Nine (9) copies of the proposal shall be submitted in sealed envelopes and shall be received by the HHPA Executive Director at 33 North 9th Street, Suite 215 Noblesville, IN 46060 by **4 pm on June 13, 2017.**

The outside of the sealed envelope shall state "HHPA Request for Operator Proposal", the proposed Operators organization name, address, contact and contact information.

Any proposal received after the above noted deadline shall be returned unopened.

Approved By:
HHPA Board of Directors
April 19, 2017

2017 HHPA OPERATOR REQUEST FOR PROPOSALS SCORESHEET

(SCORERS SHALL CIRCLE SCORE GIVEN IN EACH CATEGORY AND TALLY THE WEIGHTED SCORE AND SUM THE TOTAL IN THE BOXES PROVIDED)

EVALUATION CRITERIA RATED BY SCORERS

CATEGORY	SCORING CRITERIA	SCORE (Circle One)	WEIGHT	CATEGORY WEIGHTED SCORES (score x weight)
OPERATORS PROPOSED OVERALL ABILITY TO MEET THE GOALS OF THE HHPA	OPERATORS PROPOSED OVERALL ABILITY TO MEET THE HHPA GOALS: Operators proposed overall ability to operate in a safe, efficient and productive manner, in accordance with current standards, with adequate investment, to ensure Operator will positively impact the communities served and meet the HHPA's Goals.		30	
	Demonstrated outstanding organizational structure, overall resources, investment, programs, and proposed operations that will exceed HHPA's goals	2		
	Demonstrated high level of organizational structure, overall resources, investment, programs, and proposed operations that will exceed HHPA's goals	1		
	Overall organization structure, overall resources, investment, programs, and proposed operations at appropriate levels to meet minimum level of HHPA's goals	0		
	Insufficient overall organizational structure, overall resources, investments, programs, or proposed operations to meet minimum level of HHPA's goals	-1		
OPERATORS ORGANIZATIONAL STRUCTURE, PERSONNEL EXPERIENCE AND UNIQUE EXPERTISE OF PROPOSED TEAM	OPERATORS PROPOSED OVERALL ORGANIZATIONAL TEAM QUALIFICATIONS AND EXPERTISE: Operators proposed operations organizational structure and team members capabilities, experience, and expertise and predicted ability to manage and maintain an economically viable safe operation to the benefit of HHPA & the communities impacted.		20	
	Demonstrated outstanding organizational structure, personnel qualifications, and expertise to ensure long-term viability of operations proposed	2		
	Demonstrated high level of organizational structure, personnel qualifications, and expertise to ensure long-term viability of operations proposed	1		
	Organizational structure, personnel qualifications, and expertise meet minimum levels of expertise to ensure long-term viability of operations proposed	0		
	Insufficient materials provided to ensure the proposed organizational structure, personnel qualifications, and expertise are provided will meet the needs the HHPA's goals and vision.	-1		
OPERATORS FINANCIAL VIABILITY	OPERATORS PROPOSED FINANCIAL VIABILITY: Operators proposed operations, programs, outreach, organizational structure, revenue forecasts, and capital investments, are clear, manageable, and feasible.		15	
	Demonstrated outstanding level of financial viability that will ensure long-term success of Operator	2		
	Demonstrated high level of financial viability that will ensure long-term success of Operator	1		
	Financial viability appears to meet minimum levels for long-term success of Operator	0		
	Insufficient evidence presented of financial viability to ensure minimum levels of success of Operator	-1		
PROPOSED INVESTMENT INTO HHPA FACILITIES OR PROPOSED LEASE PAYMENTS	OPERATORS PROPOSED INVESTMENT INTO HHPA: Operators proposed capital investment into HHPA facilities or proposed lease payments for use of the Corridor are clear and adequate for the HHPA's, Owner's and Communities along the Corridor future success.		15	
	Demonstrated outstanding investment ensuring the future success of the HHPA, Owner's and Communities served	2		
	Demonstrated high level of investment to ensure the future success of the HHPA, Owner's and Communities served	1		
	Proposed investment meets minimum levels to ensure future success of the HHPA, Owners and Communities served	0		
	Insufficient investment to ensure the future success of the HHPA, Owners and communities served	-1		

2017 HHPA OPERATOR REQUEST FOR PROPOSALS SCORESHEET

(SCORERS SHALL CIRCLE SCORE GIVEN IN EACH CATEGORY AND TALLY THE WEIGHTED SCORE AND SUM THE TOTAL IN THE BOXES PROVIDED)

EVALUATION CRITERIA RATED BY SCORERS

CATEGORY	SCORING CRITERIA	SCORE (Circle One)	WEIGHT	CATEGORY WEIGHTED SCORES (score x weight)
OPERATORS PROPOSED EXCURSIONS, PROGRAMS, AND TOURISM IMPACT TO HHPA COMMUNITIES SERVED	OPERATORS PROPOSED PROGRAMS IMPACTS TO COMMUNITIES SERVED: Operators proposed excursions and programs ability to positively impact the communities served in terms of increased tourism opportunities, economic impact, railroad education, etc.		10	
	Demonstrated outstanding program that will ensure positive impact to communities served	2		
	Demonstrated high level of programs that will ensure positive impact to communities served	1		
	Organizational structure, personnel qualifications, and expertise meet minimum levels of expertise to ensure long-term viability of operations proposed	0		
	Insufficient organizational structure, personnel qualifications, and expertise to ensure long-term viability of operations proposed	-1		
PROPOSED MINIMUM AND DESIRED LEASE TERM & LIMITS OF CORRIDOR USE	OPERATORS PROPOSED MINIMUM/DESIRED LEASE TERM AND LIMITS OF PROPOSED CORRIDOR USE & MAINTENANCE: Operators proposed minimum or desired lease term within reasonable limits and their proposed limits of operations and maintenance on the Corridor has ability to meet the needs of the HHPA and Owners.		10	
	Demonstrated outstanding minimum and/or desired lease term and limits of proposed corridor use and maintenance that exceed the needs of the HHPA and its Owners	2		
	Demonstrated above average minimum and/or desired lease term and limits of proposed corridor use and maintenance that will meet the needs of the HHPA and its Owners	1		
	Demonstrated average minimum and/or desired lease term and limits of proposed corridor use and maintenance that may meet the needs of the HHPA and its Owners	0		
	Inadequate minimum and/or desired lease term and limits of proposed corridor use and maintenance that will not meet the needs of the HHPA and its Owners	-1		
		WEIGHTED TOTAL SCORE: (Add 6 weighted scores - Max Total = 200)		

The scores assigned above represent my best judgment of the Operator's abilities for the rating categories based on the proposal submitted.

SCORER'S SIGNATURE: _____

SCORER'S NAME (PRINTED) _____

DATE SCORED: _____

EXHIBIT "B"

James Kopkey

15 Lions Creek Court South

Noblesville, In. 46062

Jkironhorse251@aol.com



Noblesville Mayor John Ditslear

June 15, 2017

Fishers Mayor Scott Fadness

I am 66 years old and have lived in Noblesville, Indiana for the past 20 plus years.

I recently attended the City of Fishers' and the City of Noblesville's "listening sessions" regarding the proposed conversion of the Nickel Plate Railroad in to a trail. I also, recently attended the last board meeting of the "Hoosier Heritage Port Authority" which manages this multi-owned railroad.

First of all, the City of Fishers listening session was an outright disappointment/joke. I had no trouble determining, that this project has been in the development process behind closed doors for some time and that the City of Fishers had already made a decision to proceed and was not interested in any public input.

Fishers was a quint, quiet little town, but the big money of developers and a mayor jealous of Carmel have taken over.

Considerable money was spent on building a joint use depot near the railroad tracks some years ago. The town had an attractive municipal center, nicely laid out with plenty of green space.

Now come the big money developers, the depot was razed and massive new development has filled every possible spot or soon will.

On a recent drive south from Noblesville, on Indiana 37, I saw these tall poles! I thought, what the hell is that? Why any city would want something so ugly, to be the first thing people see of their city, even miles before you get there, is beyond me!

Many of my out of town or out of state friends have commented about the unique county courthouses of Indiana. When Hamilton County built the new courthouse next to the river, I feared for the old courthouse's future. Fortunately, as of now it appears to be well maintained and its future is safe.

The City of Noblesville and its citizens have stepped up to the plate and saved much of its historical architecture.

When a local church wanted to expand, someone stepped up and moved a huge historical house across the street. When the city decided to convert the historic Carnegie Library in to the current city hall, a Noblesville citizen stepped up and moved more than one historic home slated for demolition. Sadly, the city did not have enough foresight to leave in place the "Carnegie Library" stone over the door in place.

In addition, while the old grain elevator was not savable, the old mill it's self was previously saved and has become a show piece for what can be done.

When I was growing up, we had many trails throughout our communities, they were called "sidewalks". We walked on them, rode our bikes on them, roller skated and even put chalk lines on them and played hop-sotch. Sadly today, many cities fail to maintain their sidewalks, have even removed them and many new developments do not include them. I guess they cost the developers too much money to build, in their drive for maximum profits.

Many cities cannot find the money to maintain their streets, let alone their sidewalks. I will bet that I could do very little looking to find under maintained sidewalks in Noblesville or Fishers, but we seem to be able to come up with millions of dollars to build new trails.

Some years ago, a very good friend decided to move completely out of Hamilton County. He was tired of the constant property tax increases.

It all really comes down to just how much is enough?

If I wanted to live in a city like Carmel, then I would just move there.

Take a short drive in to Carmel from the north, and look at all the older homes that people have been forced out of, because they could no longer afford the property taxes. Many of these homes had been in their families for years and are now small businesses or law offices.

With 80 plus miles of trails currently in Hamilton county, how many more do we really need?

How many parks?

The city of Noblesville just spent around \$10.9 million on the Federal Hill Park, built in a flood plain and now wants to spend another \$3 million for a pedestrian bridge across the White River to connect the park with the downtown. The city recently spent around \$1.7 million for a short segment of the trail along the river, which was recently under water as a result of the recent rains. There is going to be an estimated \$8 to \$10 million spent of the "Midland Trace Trail".

Now we want to take a 9.2-mile piece right out of the middle of the former Nickel Plate Railroad for another trail.

Can we not be more creative then this? I am not against the trails, but I am against destroying something, just so we can have another trail.

I want to make something else perfectly clear, I am not an advocate for the Indiana Transportation Museum. This organization is out of control internally and needs to get its act together, but I seriously doubt that this will ever happen. The problems within the ITM have been there for many years and their operation and maintenance of the NKP rail line can also be debated for years to come.

The operational failures of the ITM are NO reason for those in political power to get together and destroy a historical asset.

The ITM alone, is not solely to blame for the failures or the current condition of this historical rail corridor.

Since the very beginnings of the Hoosier Heritage Port Authority, it has been run by those in political power and incompetent. There was no reason for anyone in power here, to sit back and let the northern connection with Norfolk Southern and the southern connection with CSX Transportation to be removed. They also have done nothing to replace the rail on the south end that was stolen.

Now with an "RFP" { Request For Proposals } just released, seeking a new operator, they are handicapped from the start. Try trucking in a 120-ton locomotive or 80 foot passenger cars.

At a recent board meeting of the Hoosier Heritage Port Authority, I ask what they [the board] intended to do about the connections on both ends of the rail line. They did not want to talk about it. Instead, they tried to pass the buck, that it happened in the past when none of them were around. I told them that this was not true, as per the CSX connection on the south end. This happened during the current executive director's tenure, which has been 17 years. These people were supposed to be the stewards of this publicly owned asset, they clearly have not been.

I am completely against removing any rail from this line for a trail and I am also against a rail with trails.

It seems to me, that very little thought has been put into this planning, other than it is easy to tear up the rail.

First; What is to be seen along this trail? Nothing but peoples' backyards and the unsightly back sides of small businesses and industry.

Second; You have completely left out one of the counties major historical attractions, Conner Prairie Settlement.

Why not avoid destroying one historical asset and redesign the trail to include another, which you have completely left out of the equation. There may be some issues with rerouting the trail, but there is plenty of room along the Conner Prairie Settlement frontage for a trail. By including Conner Prairie, people would have somewhere midway on the trail to visit, or many may not want to take the trail for its entire length.

In the past, the owners of the NKP rail line have invest little in it. Maintenance was to be done by the ITM in lien of lease payments. At some point, this was bound to caught up with the ITM, as their revenue has never been sufficient to keep up with the maintenance.

This rail line is an asset of the cities and the county, just like a trail is, but unfortunately, the owners have not seen fit to invest in the maintenance of this asset. Had the Hoosier Heritage Port Authority acted as other port authorities have here in Indiana, they would have worked to develop an industrial base on this line, not only for the freight revenue, but for good paying industrial jobs.

Not everyone in this county can make a living in the tech industry.

The real future of this rail corridor is in the expansion and development of the NKP rail line. It is past time that it is given the opportunity for development that it has long deserved, not to be ripped from the face of the earth.

Start with;

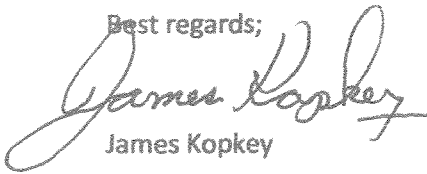
1. Stop the trail on this right of way.
2. Find a new Executive Director and a Board of Directors that really care about developing this rail corridor.
3. Invest tax dollars in it as you are willing to invest in trails or development. Take pride in the railroad.
4. Look at what other communities in Indiana and elsewhere have done with their port authorities or community owned rail lines.
5. Seek out a new and competent operator for a joint freight and tourist operation.
6. Get the railroad reconnected to the national rail system. This is not the job of an individual operator. This needs to be done by a government entity or multiple government agencies. More power through a combined effort. A reconnection may have to be forced upon the connecting carriers, through the Surface Transportation Board, since nothing was done when the connections were removed.
7. Find a location along the line for an industrial development, not just any industry, but industries that will use the railroad.
8. Get in to downtown Indianapolis.

This does not have to be done in the order I have listed, but all these need to be done.

Most importantly, please do not convert any of this rail line in to a trail. Once it becomes a trail, it will never go back, regardless of what you may think, too many "Not in My Back Yard".

Give this historical NKP rail line a real and sincere opportunity to become something we can be proud of, then it will truly become something that will benefit all.

Best regards;

A handwritten signature in cursive script that reads "James Kopkey". The signature is written in dark ink and is positioned above the printed name.

James Kopkey