

July 1, 2019

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Ms. Allison C. Davis
Director, Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20024

ENTERED
Office of Proceedings
July 1, 2019
Part of
Public Record

Re: Docket No. AB_290_ 117X Norfolk and Western Railway Company --
Abandonment between Indianapolis and Tipton IN Marion, Hamilton, and
Tipton Counties, IN

Dear Ms. Davis,

An email (attached below) retrieved through a public records request has raised grave concern over the intent of the railroad owners and trail sponsors to uphold their commitment to preserve the railbanked "Nickel Plate" corridor for future rail reactivation. This is why I am submitting this letter for the members of the Surface Transportation Board to review in the above-referenced proceeding.

The email originated from Jeff Hill, the Director of Engineering for Fishers, Indiana, and states that Mr. Hill would like to ***"...discuss strategy about jointly pushing INDOT to modify their design with the 465/69 interchange and using some of the potential cost savings in the Nickel Plate trail corridor..."*** The email was addressed to Dan Parker, the Director of Dept. of Public Works for Indianapolis and included other officials as well.

Prior to obtaining this email, talk of the railroad owners violating the terms of railbanking was merely hearsay; such as an Indianapolis City-County Councilor mentioning that Mr. Parker had revealed to her, plans for an agreement with the Indiana Dept. of Transportation to assume any cost savings of lowering the height of a highway overpass above the railroad corridor during highway reconstruction - to be "reinvested into the trail". This same information was also revealed recently to members of an engineering firm by staff from the Indianapolis Metropolitan Planning Organization (attached below).

The attached email now substantiates the fact that officials from Fishers, as a railroad owner and trail sponsor, and officials from Indianapolis as only a trail sponsor, collectively sought to (and presumably were successful) influence INDOT's reconstruction plans on the elevated highway passing above the railroad, to lower the height of the highway as cost-savings measures, but in a way that would obstruct the passage of trains in the event of future railroad reactivation.

As a resident of one of the affected communities, I was very upset with the way our local leaders sidestepped public input on this entire project. But as a citizen of the United States, I am appalled that my local leaders are attempting to invoke federal authority under the guise

of "railbanking," while concurrently planning to immediately violate the terms of that federal authority.

On December 21, 2018, the Board issued a decision related to this proceeding in Docket# FD_36137. Three quotes from that decision clearly articulate why it is essential that the board members act immediately to address the concerns arising from the attached email:

1. *"the Owners would be voluntarily placing themselves and the Line back under the Board's jurisdiction"*
2. *"contrary to the Owners' assertions that the future disposition of the Line is solely 'the Owners' prerogative,' (Owners Reply 10, July 13, 2018), Board precedent is clear that 'the right to reactivate a rail-banked line is not an exclusive right' and that a request to reactivate a railbanked line may come from a third party."*
3. *"the Board's chief concern . . . is that the statutory railbanking conditions not be compromised and that nothing occur that would preclude a railroad's right to reassert control over the right-of-way at some future time to revive active service."*

The Board has put the owners on notice that, 1. - their decision to railbank the line and place it under STB authority is voluntary, 2. - future disposition of the line IS NOT solely their prerogative, and 3. - the Board's chief concern is to ensure that the conditions of railbanking not be compromised.

It is now abundantly apparent that the owners of the corridor have no intention to abide by the terms of the railbanking agreement, into which they have voluntarily placed themselves.

If the board members do not act swiftly to stop this gross violation and intentional manipulation of Federal railroad policy, precedent will be established that forever erodes the potency and effectiveness of the STB, it's purpose, and policies.

Please take any action currently available to the Board to put an immediate stop to the perverse actions of the owners and trail sponsors. Seeing as there is a pending motion for a preliminary injunction before the STB, it is strongly urged that the board members consider granting this injunction as a means to halt all activity and investigate this matter.

Thank you for your immediate attention to this matter.

Sincerely,



Tina Siefert
Resident
Fishers, Indiana

I certify that this document has been served upon all parties of record.

/s/ Tina Siefert

From: Hill, Jeff

Sent: Wednesday, June 06, 2018 1:51 PM

To: Dan Parker (daniel.parker@indy.gov) <daniel.parker@indy.gov>; Melody.Park@indy.gov

Cc: Greisl, Chris <greisl@fishers.in.us>; McGrath, Leah <mcgrathl@fishers.in.us>

Subject: Fishers - Indy: Meeting for Nickel Plate Trail

Dan:

Can we collectively meet (you, me, Melody Park, Leah McGrath, Chris Greisl) regarding the Nickel Plate trail? We wanted to convene a small group to discuss how we can capitalize upon the momentum regarding the conversion of trail in the Nickel Plate corridor. We'd like to discuss timing of the filing regarding the banking, discuss strategy about jointly pushing INDOT to modify their design with the 465/69 interchange and using some of the potential cost savings in the Nickel Plate trail corridor, and to understand priorities of Indy in this corridor.

Our deputy mayor, Leah McGrath, is going to be out of town next week, is there any possibility that we could still meet this week, perhaps even Friday afternoon?

Thanks,

Jeff Hill, P.E., PTOE

<image001.jpg>

Director of Engineering, Department of Engineering

P 317.595.3162

www.fishers.in.us

<image002.jpg><image003.jpg><image004.jpg>

Stakeholder Interviews

The Jacobs team held interviews with key local stakeholders identified by the client to better understand the opportunities and challenges for a potential rail-with-trail design. These included representatives from the Indianapolis MPO, CIRTa, IndyGo, VisitIndy, Hamilton County Tourism, and Health by Design. Interviews were also requested with representatives from the Indianapolis Department of Metropolitan Development, ICAT, Indiana State Fair, Indiana Office of Tourism Development, Indiana Economic Development Corporation, and Indianapolis Chamber of Commerce, but were not granted.

Stakeholder interview insights included:

► **The Indianapolis region has not historically been supportive of alternative transportation but may be turning a corner.**

- IndyGo is currently implementing the region's first rapid transit lines in the area: the Red, Purple, and Blue Lines, which will use BRT.
- There has been interest in building an intermodal station near the airport, which would connect Amtrak and the Blue Line.
- IndyGo is developing strategic plans for mobility hubs with features like car sharing services in areas with supportive land uses.
- Residents have begun pushing back on highway expansion projects, such as the Rethink 65/70 Coalition's efforts to make the I-65/I-70 North Split reconstruction design more pedestrian-friendly.
- Although regional mindsets are shifting, stakeholders do not believe there is political will to extend transit beyond Marion County at this time.

► **The "Green Line" was a proposed rapid transit line along the Nickel Plate corridor and BRT would likely have been the preferred mode.**

- The Green Line was proposed as a rapid transit project in the *2016 Central Indiana Transit Plan*.
- Both light rail and BRT were considered as potential modes for the Green Line. Initial studies showed that if the project were to move forward, BRT would likely be the preferred mode. The conceptual design included bidirectional bus lanes and would require property acquisition along much of the corridor to get sufficient right-of-way (ROW).
- Although the concept may be physically possible, the political and financial issues associated with property acquisition make implementation highly unlikely.
- The MPO began but never completed an Environmental Impact Statement (EIS) because the Federal Transit Administration (FTA) did not believe there was local commitment to the project. The draft EIS has not been published to the MPO's website.

► **The Green Line is no longer considered a viable project.**

- Initial studies by the MPO and IndyGo showed the projected cost of the Green Line was higher than the cost for the other three planned Marion County rapid transit lines combined.
- There is no existing mechanism to fund the Hamilton County portion of the Green Line.

► **Both Fishers and Indianapolis are moving forward with trail plans along the corridor and have initial public support.**

- The City of Fishers' trail master plan included a broad set of stakeholders and has support from many community members and organization.
- Indianapolis is also applying for funding to construct a trail project south of 96th Street through a state grant with INDOT.

► **INDOT roadway projects currently under design or construction along the corridor may create new challenges for potential freight operations.**

- Clear Path 465 project (Interstate 465 and 69 Northeast) and the North Split project Downtown may not be building overpasses for freight compliance, which could eliminate the potential for future freight along the Nickel Plate.

► **Public appetite for continued excursion rail may be limited, and negative experiences with excursion rail may influence perception of potential transit.**

- The Fair Train is viewed as a novelty and a nuisance by some people, who are bothered by the noise. Many people are not familiar with modern transit systems and may not realize they would be much quieter than the Fair Train they have experienced in the past.
- Hamilton County Tourism does not have the resources to extend their operations of the Nickel Plate Express further south.

► **There are alternative alignments available to provide transit service to the Fishers and Noblesville communities, if the Nickel Plate corridor is not used for transit**

- US 37 runs roughly parallel to the rail corridor from Fishers north and could be used for express bus service or rapid transit, if the surrounding land use were to increase in density.
- If Marion County were to use its portion of the rail corridor for rapid transit in the future, the line could potentially connect with a route along US 37 at Fishers to offer continuous service to Downtown Indianapolis.

► **The region needs to coordinate land use with transportation infrastructure.**

- Lack of coordinated land use and transit planning has been a concern for the Indianapolis Department of Metropolitan Planning, IndyGo, and the Chamber of Commerce
- Many of the existing land uses in the Indianapolis area are unproductive and present an opportunity for redevelopment.
- Land use regulations should promote higher intensity, walkable, transit-oriented development around planned stops, which have been previously identified by the MPO