

September 5, 2018

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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., Room 1034
Washington, DC 20423-0001

ENTERED
Office of Proceedings
September 5, 2018
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.**

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

***Opposition to Request of City of Indianapolis, Indiana, for Interim Trails
Use/Rail Banking and Statement of Willingness to Assume Financial
Responsibility***

Dear Ms. Brown:

On August 17, 2018, the City of Indianapolis, Indiana, filed a Request in this case for Interim Trails Use/Rail Banking and Statement of Willingness to Assume Financial Responsibility on a portion of the 37.56-mile Nickel Plate Line running from milepost I-2.13 at Indianapolis, Indiana, to milepost I-39.69 at Tipton, Indiana (the “Line”). The Request concerns a portion of the Line from milepost I-2.13 to approximately milepost I-14 in Indianapolis, a total distance of 11.87 miles. US Rail Holdings, LLC (“US Rail”) respectfully files this letter as its response in opposition to the Request.

The City of Fishers, Indiana filed a similar Request on June 8, 2018, and the City of Noblesville filed a similar Request on August 3, 2018. US Rail previously opposed those Requests and asked that the Board deny them. For the reasons stated by US Rail regarding that Request by the City of Fishers, the Board should likewise deny this Request by the City of Indianapolis, Indiana. In support of its opposition, US Rail respectfully incorporates by reference its June 6 Motion for Clarification, its June 6 Verified Motion for Preliminary Injunction, and its July 3 Rebuttal to Reply of Petitioners previously submitted in these proceedings.

Moreover, on August 20, 2018, Jared Evans, District 22 Councillor of the City of Indianapolis Council, filed a letter in the above-referenced proceedings in reply to this Request by the City of Indianapolis asking the Surface Transportation Board to suspend this proceeding until various issues are resolved about who owns the Line, who authorized the Request for the issuance of the Notice of Interim Trail Use, and who asked the City of Fishers, Indiana, City of Noblesville, Indiana, and Hamilton County, Indiana (“Requestors”) to file this petition for the City Indianapolis. Mr. Evans expressed great confusion among himself and his colleagues on the Council because they are unaware of who may have authorized the filing on behalf of Indianapolis. Mr. Evans also mentioned there is further confusion about whether Indianapolis has a right to participate in any decisions that are made regarding the Line. US Rail respectfully joins in this request by Mr. Evans to resolve these issues before proceeding with this trail use request.¹

Thank you for your attention to this matter.

Respectfully submitted,



Donn C. Meindertsma
Counsel for US Rail Holdings, LLC

cc: All parties of Record

¹ On August 31, 2018, the Requestors responded to Councillor Evans’s letter, claiming that the Mayor of Indianapolis authorized the trail use request. However, they supplied no verification of this statement or any other statement they made in response to the Councillor’s concerns.