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August 18, 2017

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By e-filing

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

ENTERED
Office of Proceedings
August 18, 2017
Part of
Public Record

Re: STB Docket Nos. AB-1254X and AB-1255X, *Winamac Southern Railway Company and US Rail Holdings, LLC -- Abandonment Exemption -- in Kokomo, Howard County, IN*

Dear Ms. Brown:

Please refer to my letter to you in the above proceedings dated August 11, 2017, stating that the rail carrier applicants agree to negotiate for railbanking and interim trail use with the City of Kokomo, Indiana.

The applicants assumed that the City of Kokomo's request for interim trail use dated August 11, 2017 had been filed with the Board.

However, on August 17, 2017, the undersigned received a phone call from a member of the Board's staff stating that the City's trail use request has not been filed with the Board.

Hereby forwarded for filing with the Board is a copy of the City of Kokomo's request for interim trail use dated August 11, 2017.

Respectfully submitted,



Thomas F. McFarland
Attorney for Winamac Southern Railway Company and US Rail Holdings, LLC

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FILING FEE WAIVED

THOMAS F. MCFARLAND

Ms. Cynthia T. Brown, Chief

August 18, 2017

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cc: Messrs. Carey Stranahan, P.E., City of Kokomo, Indiana, cstranahan@cityofkokomo.org
Scot Ortman, Winamac Southern Railway Company, sortman@kokomograin.com
Gabe Hall, US Rail Holdings, LLC, gdh@usrailcorp.com



GREG GOODNIGHT, MAYOR

City Hall - 100 South Union Street
Kokomo, Indiana 46901
mayor@cityofkokomo.org
(765) 456-7444

August 11, 2017

Chief, Section of Administration,
Office of Proceedings
Surface Transportation Board
Washington, DC 20423-0001

Re: Winamac Southern Railway Company and US Rail Holdings LLC – Abandonment
Exemption – IN Kokomo, Howard County IN
Docket Nos. AB-1254X and AB-1255X

Dear Chief:

This request is filed on behalf of The City of Kokomo, which is a city in Howard County, Indiana, hereinafter referred to as "proponent."

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between milepost 181.26 at the west right-of-way (ROW) line of Webster Street and Milepost No. 183.64, the end of track at the south ROW line of Defenbaugh Street.

A. Request For Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is: The rail corridor traverses through a heavily urbanized area that would benefit greatly from a pedestrian trail. The corridor requested for Public Use allows this trail to connect an urban population center to schools, churches and businesses. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to review title information and begin negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, ballast, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days

from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, the City of Kokomo is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated WSRV and US Rail.

The property, known as the Russiaville Line, extends from railroad milepost 183.64 near Webster Street to railroad milepost 183.64 at the south right-of-way of Defenbaugh Street, a distance of 2.38 miles in Howard County, Indiana. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-1254X and AB-1255X.

A map depicting the right-of-way is attached.

The City of Kokomo acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

Finally, the City of Kokomo requests the STB to waive the filing fees for this request as the city is a governmental agency.

By my signature below, I certify service upon Winamac Southern Railway Company and US Rail Holdings LLS, by U.S. Mail, postage pre-paid, first class, this 11th day of August, 2017.

Sincerely,

A handwritten signature in black ink, appearing to read "Carey M. Stranahan", written in a cursive style.

Carey Stranahan
City Engineer
City of Kokomo

