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Part of
Public Record

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September 24, 2018

Ann Begeman, Chairman
Deb Miller, Vice Chairman
Surface Transportation Board
395 E. Street, S.W., Rm. 1034
Washington, DC 20423-0001

Re: Docket No. AB 290_117_X

Dear Chairman Begeman and Vice Chairman Miller:

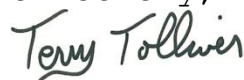
The Surface Transportation Board is currently considering Docket No. AB 290_117_X (Norfolk and Western Railroad Company - Abandonment between Indianapolis and Tipton in Marion, Hamilton, and Tipton Counties, IN). This case seeks clarification on how Hamilton County, as well as the cities of Fishers and Noblesville, might complete the acquisition of the Nickel Plate Railroad, a 37-mile mile railroad extending from Indianapolis, Indiana to Tipton, Indiana.

Our Firm represents Save the Nickel Plate, Inc. in its lawsuit against the Hamilton County Board of Commissioners, the City of Fishers Board of Public Works and Safety, and the City of Noblesville Board of Public Works and Safety. This case is docketed in the Hamilton County Superior Court, 29D03-1809-PL-008614, and alleges these parties failed to comply with Indiana's Open Door Law and requests the Court void any decisions that were made illegally and enjoin continuing, threatened, or future violations of the law. Indiana State Senator Michael Crider, as Chairman of the Indiana Senate Committee on Homeland Security and Transportation, has voiced his support for restoring rail use along this railroad corridor while the Surface Transportation Board resolves these issues (ID 246258).

Our Firm also represents Richard Vonnegut, Jr. in his lawsuit against the City of Indianapolis, the City of Indianapolis Board of Public Works, and the City of Indianapolis Department of Public Works. This Complaint is docketed in the Marion Superior Court, under Cause Number 49D01-1809-PL-037536, and also alleges violations of Indiana's Open Door Law and requests the Court void any decisions that were made illegally and enjoin continuing, threatened, or future violations of the law. In addition, you have previously received a letter from Indianapolis City-County Councillor Jared Evans, who stated the Council was unaware of who had authorized the City of Indianapolis' participation in the Surface Transportation Board case (ID 246251).

In both of these court actions, our clients have alleged serious violations of Indiana law, and should the Courts void those decisions, our clients question whether the Surface Transportation Board could even continue to act upon invalid recommendations made by those bodies. In addition, this issue is of great importance to the City of Indianapolis and surrounding area, as well as the State of Indiana, and yet the City of Indianapolis and Indiana's General Assembly have yet to be provided an opportunity to fully weigh in. We therefore respectfully request that the Surface Transportation Board stay any further action on Docket No. AB 290_117_X during the pendency of these court actions.

Sincerely,

A handwritten signature in black ink that reads "Terry Tolliver". The signature is written in a cursive, slightly slanted style.

Terry Tolliver

I hereby certify that I have served all parties of record in this proceeding with this document via electronic mail. /S/ Terry Tolliver 9/25/18