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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

**Re: Docket No. FD 36137
City of Fishers, City of Noblesville, 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 written comment regarding the "Petition for Partial Revocation of Exemption" filed on August 1, 2017 with the Surface Transportation Board (the "Board"). A copy of this comment has also been served on the attorney, Robert A. Wimbish, who is representing the collective owners, City of Fishers, City of Noblesville, and Hamilton County (the "Owners"), of a railroad line in Indiana.

We are residents of Noblesville, IN wishing to express our opposition to the proposed railbanking and interim trail use of the subject railroad line (the "Line") from milepost I- 2.13 at Indianapolis, Indiana, to milepost I-39.69 at Tipton, Indiana. The Owners have petitioned the Board requesting partial revocation extending "only so far as is necessary to facilitate the Owners' objectives" to permit them to expedite and simplify the process of railbanking the Line and converting it to a trail for interim use. Allowing the Owners to circumvent the full process of revocation, abandonment, and railbanking proceedings could potentially diminish the public's role and effect in this case. We, as residents of Noblesville, have not been afforded adequate opportunity to engage the Owners in genuine discussion or feedback regarding the plan to railbank this publicly owned Line.

We used the services of the passenger rail operator (Indiana Transportation Museum) prior to its suspension in 2016 by the Owners' representative body (the "Port Authority"). We object to the use of the Line as only a trail for the following reasons:

- A. As the Line has operated at almost no cost to the public or their governments over the past 21 years, ITM has provided thousands of passenger trips each year, thereby reducing vehicular trips each year in this very busy corridor. Annually, the Line has provided thousands of people with very popular trips from Fishers to and from the Indiana State Fair, among other destinations.

B. We are concerned that removing the rails in this corridor will eliminate the possibility of having a light rail system or a commuter rail service in the near term, which are among the stated objectives of the IMPO and the IN-DOT. A 2013 Transportation Plan survey of 590 Fishers residents leads to two significant findings:

- 80.8% of respondents believe that "Improving connections to and between Fishers and other Indianapolis metro areas" is important or highly important.
- 69.6% of respondents agreed or strongly agreed that if light rail were made available to them, they would use it.

We believe these numbers would be even higher had the folks in the Noblesville area and those living farther north in Hamilton County been considered. Further, demands for public transit are expected to grow in this highly congested corridor with the addition of IKEA and Top Golf facilities which are anticipated to draw up to 2 million additional trips per year to this corridor.

- C. We are greatly concerned that there was no feasibility study performed to assess the benefits and the costs of removing the rail and substituting a trail, and no results or a report was presented to the public for their evaluation and/or comment.
- D. Further, a feasibility study could (and should) have considered whether the Line and the new trail could co-exist along the same right-of-way as is done in many places across the country.
- E. We are greatly concerned that the public has had almost no input, no "public hearings" were held or recorded and at only one forum was the public allowed to speak regarding the planned removal of the rail building of a trail.
- F. We are concerned about the entire process, below, that has led to the selection of a new rail operator, who proposes to operate ONLY north of Noblesville to Tipton. IN.
- ITM was suspended by the Port Authority for alleged safety problems in 2016. However, the FRA later determined that only a few minor issues required correction, but no issues warranted suspension of normal ITM operations.
 - Even after receiving the FRA inspection reports, the Port Authority continued the ITM suspension, now the subject of a federal lawsuit, thus denying Hamilton County residents and other visitors the opportunity to enjoy rail excursion trips.
 - The surprise announcement by the mayors of the Cities of Fishers and Noblesville in January 2017 about plans to remove the tracks and install a new trail was shocking to many residents. Emphasis the Mayors placed on opportunities for development made it clear that these concerns were the likely genesis for this new trail decision that was sprung on the public.
 - Meanwhile, projects are in the works, where funding has been requested and grants even received in one case, which appear to be designed to tie into the planned trail. It is easy to conclude that the Cities of Noblesville and Fishers have planned to replace the rails with a trail for some time without notice to residents.

- After maintaining the ITM suspension for a year, the Port Authority requested and received RFPs for operation of the Line. After evaluation and scoring, two proposals were selected for further consideration. The highest rated proposal from Iowa Pacific was for operating over the full Line. The second highest rated proposal, offered by Nickel Plate Heritage Railroad, was for operating ONLY from Noblesville to the north.
- With minimal notice to the public, the Owners of the Line met to select the new operator. Due to both a conflict of interest and an absent Commissioner, Hamilton County did not vote on the issue but the Boards of Public Works and Safety (led by the Mayors) of the Cities of Fishers and Noblesville, voted unanimously to direct the Port Authority to select and negotiate ONLY with Nickel Plate Heritage Railroad as the operator of the Line from Noblesville to the north.

We believe it is this entire process of shutting down the line and diminishing its length without due process for those affected that is of greatest concern to the citizens of Noblesville and Fishers. Neither the Cities nor the County conducted surveys of all those affected; they conducted no engineering or cost benefit studies, no "public hearings" were held and no referendums on this issue were ever placed on a ballot.

Although dormant in the last year, the Nickle Plate Line was not abandoned and has been operational for approximately 30 years. Mayors of Noblesville and Fishers have not taken into consideration their constituents' needs or desires to have the line continue. They have not provided their residents with an opportunity to participate in the decision-making process. Nor have they fully considered that Hamilton County is the fastest-growing County in Indiana and is in dire need of expanded public transit in this overcrowded north eastern Indy corridor. Therefore, it is our request that the Board require the Cities of Fishers and Noblesville and Hamilton County (the Line Owners) be subject to the full process, and not allow a shortened process in the abandonment procedure that would diminish the effect of public participation in this process.

Sincerely,



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