

September 13,2017
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244326

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Office of Proceedings
September 13, 2017
Part of
Public Record

Ms. Cynthia T.Brown
Chief, Section of Administration
Officer of Proceedings Surface Transportation Board
395 E Street S.W., Room 1034
Washington,D.C. 20024

Re: Docket No, 36137
City of Fishers,City of Noblesville, and Hamilton County Indiana
Petition for Partial Revocation of Exemption

MOTION TO DENY PETITION

Dear Ms. Brown,

Enclosed for the above-captioned proceeding is an e-filing with this captioned MOTION TO DENY THE PETITION. It has also been served to the attorney Robert Wimbish who is representing the collective owners of a railroad,the City of Fishers, Indiana,("Fishers")and the City of Noblesville, Indiana, ("Noblesville") and Hamilton County.Indiana, collectively (the Owners"), filed a petition for partial revocation of exemption (the "Petition"), with the Surface Transportation Board (the"Board"),August 1,2017,
The railroad line ("the Line") extends roughly 37.56 miles from Tipton, Indiana milepost I-21,3 to Indianapolis,Indiana to milepost I-39.69,known as the Nickel Plate Line.

The Petition page 10,line 6 and 7, "the Owners should be allowed to submit themselves to the Board's jurisdiction in part".Partial jurisdiction is a very peculiar concept. The Owners can ask to be exempt from certain Board regulations, but in the end, it is either subject to the Board's jurisdiction, or not subject to it.

When a railroad is subject to the Board's jurisdiction, that means that it is subject to and must comply with statutes,rules,and regulations administered by the Board,and with any applicable order issued by the Board.

Petition page 3 line, 15,16,17, "Recently the Owners have decided to revisit their options for the Line, and have concluded that the local area would most benefit from the creation of a recreational trail/linear park along the Line's right-of-way".

The Owners have not demonstrated a measurable benefit of a recreational trail/linear park to the public and the local area.

49 U.S. Code section 10101 (4) to ensure the development and continuation of a sound rail transportation system...to meet the needs of the public ". No evidence of the public need for a trail has been demonstrated by the Owners. Over 50 comments filed to the Board demonstrate public opposition for the trail.

Historically the line has consistently served adjoining communities as valuable passenger transportation and entertainment for more than 24 years. The Line connects to the Indiana State Fair grounds. Over 41,000 passengers paid fare to ride the train. Scheduled daily transportation occurred during the entire Indiana State Fair. The train is known as the State Fair Train. More than 41,000 passengers riding the Indiana State Fair Train demonstrates public need for the train .

The Petition is incomplete.

The Owner's omitted mandatory information in the Petition, O.E.A. 49 C.F.R. section 1105.8 (a).(c) and C.F.R. 800.4.evidence of research of the Line, data.maps, all communications with and decisions from the National Historic Preservation Office, State Historic Preservation Office and the Tribal Historic Preservation Office.

In conclusion: The Board must deny the petition for partial revocation of exemption.

Respectfully submitted for your consideration,

Linda Kraatz

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Thank you for your consideration on this matter,
Respectfully submitted,

Linda Kraatz