

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

244116

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I am a resident of Clayton, Hendricks County, Indiana, having made many uses of the Railroad in question -- both as a volunteer and a passenger of said Railroad, which is currently owned by the Hoosier Heritage Port Authority and former Norfolk Southern née-Norfolk & Western née- Nickel Plate Railroad, existing between mileposts 2.13 and 39.69 in Indianapolis. I wish to express my concerns that the Surface Transportation Board be aware of all goings on in these proceedings including some moral and ethical ambiguities, and be encouraged to not allow the Towns of Fishers and Noblesville to remove their Rail assets in the name of backwards "Progress", with or without the support and input of the communities they claim to represent.

The Railroad in question was acquired by the "Hoosier Heritage Port Authority", or "HHPA" formally to "Protect the corridor for future use" but originally with the intention of acquiring it for the Indiana Transportation Museum. The line in question was originally intended to be sold by Norfolk Southern to the Indiana Transportation Museum. The HHPA was formed to make the transaction on the Museum's behalf. (See File attached: "TEA GRANT.PDF", downloaded from Indiana Transportation Museum Facebook Page) I mention this, so that you have an understanding behind the motivation and purpose of the railroad as it currently exists.

It is my understanding that it is the job of the Surface Transportation Board to grant abandonments to rail lines that are and have been unused and hold no current or potential use. The notion that the Line in question has been abandoned is wrong. The notion that it was not in use or benefiting its communities is a fallacy created by the Towns of Fishers and Noblesville to suit their agendas. For the STB to grant this abandonment, you would be giving credence to this false narrative that the Rail Assets and Museum are not worth their contributions and existence to no in its community, not just for Fishers and Noblesville, but for any community who wants to kick the trains out because they don't fit the town Leadership's vision. Already, the Adirondack Scenic Railroad in New York faces a similar battle, where the State of New York revoked their operating permit in the name of building a Trail. Permitting one to do so sets a precedent that the other can do so as well, and puts every museum and scenic railroad in the country in jeopardy should their towns turn on them.

In early 2016, internal differences arose both within the Indiana Transportation Museum and in their relationship with the Hoosier Heritage Port Authority, resulting in a then temporary moratorium while both parties got their houses in order and worked on a way to proceed. Prior to this, and according to publicly released information by ITM, collected by market research, the rail corridor serviced ~100,000 passengers and brought an average of \$40-\$50 per person into the Community of the 2015 Operating Season (ITM's last year operating before the imposed suspension) Even if ITM and the HHPA could not rectify their own differences, if for nothing else, it is worth intensely studying ITM's Ridership and Profit reports, as they will show a willing and working Market for Entertainment and Transportation Services. This is in stark contrast to the Towns' claims that the Railroad is "Abandoned".

Additionally, one of the most successful services offered by the Indiana Transportation Museum is a train operating between Fishers and the Indiana State Fair. Not just a "Museum Train Ride", these trains provided nine round trips daily during the seventeen days of the fair from the North Side to Indianapolis, and it is clear that it is a service which the Fairgrounds relied upon not as an attraction, but as an infrastructure service. This year, good weather has given the State Fair a much higher turnout, but without the Train operating, the State Fair has suffered from inadequate Parking options as the many patrons once brought in by ITM now must also come by other means.

However, during the service disruption, the towns of Fishers and Noblesville began intensely promoting an idea that the Railroad was not just un- or under maintained but that it was outright dangerous. Claims were made that were not significantly substantiated. Rather than work with the Museum, the Towns cancelled a meeting and publicly leveled an accusation of toxic spillage, which the IDEM (Indiana Department of Environmental Management) found ungrounded. During Public hearings about whether the Public wanted Rail or Trail or Both, The Fishers Mayor couldn't be bothered to come to the meeting. Worse, a Noblesville private entity tried to fill the Hearing with Pro-Trail people through Emails. These details were later discovered through a citizen's FOIA request. Online petitions show significantly higher interest in the rail line. The Towns argue these petitions are filled out by residents outside of their jurisdiction, including people like myself who actively patronized the museum, even volunteered at it, but isn't that the whole point of Tourism to bring people in from outside of your community?

The Indiana Transportation Museum and many of its supporters or supporters of the Railroad at-large have tried to work with the Towns in compromise. There already exist several sections of Trail BESIDE the then-active Rail line which could be expanded and built upon without the loss of the Right of Way as a Rail asset. The Museum has tried in the past to promote those bicycle trails with trains that take Rider and Bicycle to a Trailhead, and then let them ride back, or vice-versa. But such proposals have been ignored by Town Leadership. Additionally, a Trail already dubbed "Nickel Plate Trail" following a different route between Fishers and Noblesville has already been proposed; connecting both towns to Connor Prairie Historic Site. (See attached file: NKPTrail.png) The Fishers segment is already in development. Ultimately, as a "compromise", The HHPA held an "RFP" "Request for Proposals" for new operators on the line. several town officials worked to create a proposal to use the northern portion of the railroad, arguably the least profitable, while they converted the southern portion as a trail as intended. During the HHPA's RFP, this was the only proposal out of 5 submitted to not use the portion the Town desired for the trail, and unsurprisingly as the one tailor made to fit what the Towns wanted all along was the one that was chosen. Those involved in the proposal's development abstained from voting as to avoid a Conflict of Interest, leaving one entire portion of HHPA unvoted. But does that really avoid the conflict, by not voting after the fact? In closing, I urge the Surface Transportation Board to listen to my and many other inputs and evaluate these scenarios morally and ethically. The Towns of Fishers and Noblesville have taken an unfortunate opportunity to, if you will pardon the term of phrase, railroad through an agenda the majority of their constituents do not want, rather than fix a unique feature they already have. The accusations by the Town that the Railroad is unused and abandoned are untrue; the tracks are silent because THEY made it so. Even if the HHPA and ITM cannot rebuild the lost trust between themselves, an active demand and customer base exists for the use of the line and is being forcefully and immorally driven out by the Town Leadership of Fishers and Noblesville for their own visions. I urge the Surface Transportation Board to deny their requests to Rail bank the corridor for

use as a Bike Trail and instead work with their constituents and the proponents of both Rail and Trail to find a solution that appeases everyone.

Thank You,

Morgan Davis

I certify that I have this day served copies of the document upon the Applicant in this proceeding, by E-mail.

Signature /s/[Morgan W. Davis]

Date_August 14, 2017_



Project Overview

Funding History

Amendment History

<<Go Back

Nickel Plate Trail (1383179)

Des Number 1383179 Amendment 16-08.1 ADMINISTRATIVE Exempt Category Exempt Est Total Project Cost \$1,463,150
Lead Agency Fishers Contact (ERC) Jeff Hill 3175953162 INDOT District Greenfield County Hamilton Co.
Project Type Pedestrian Enhancement Letting Date 10/12/2017 Functional Classification Not Applicable Bike/Ped Component(s) Yes 100

Title Nickel Plate Trail

Limits Nickel Plate Trail from Municipal Complex to Conner Prairie of Distance (mile) 1.9 miles

Description Extension of Nickel Plate Trail serving downtown Fishers and connecting new Transit Oriented Development and Municipal Complex with Conner Prairie living history museum.

Phase	Fund Source	Prior SFY	SFY2016	SFY2017	SFY2018	SFY2019	SFY2020	Future SFY	Total
PE	LOCAL	\$115,000	-	-	-	-	-	-	\$115,000
	Total Preliminary Engineering	\$115,000	-	-	-	-	***	-	\$115,000
RW	FEDERAL - STP Group I (Urban)	-	-	\$34,400	\$80,000	-	-	-	\$114,400
RW	LOCAL	-	-	\$8,600	\$20,000	-	-	-	\$28,600
	Total Right of Way	-	-	\$43,000	\$100,000	-	***	-	\$143,000
CN	FEDERAL - STP Group I (Urban)	-	-	-	\$764,150	-	-	-	\$764,150
CN	LOCAL	-	-	-	\$191,000	-	-	-	\$191,000
	Total Construction	-	-	-	\$955,150	-	***	-	\$955,150
CE	LOCAL	-	-	-	\$143,000	-	-	-	\$143,000
	Total Construction Engineering	-	-	-	\$143,000	-	***	-	\$143,000
Total Programmed		\$115,000	-	\$43,000	\$1,198,150	-	-	-	\$1,356,150

