



Ms. Cynthia T. Brown
 Chief, Section of Administration
 Office of Proceedings
 Surface Transportation Board
 395 E Street, S.W., Room 1034
 Washington, DC 20423-0001

ENTERED
 Office of Proceedings
 November 6, 2017
 Part of
 Public Record

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

Mayor Dave Kitchell
 dkitchell@cityoflogansport.org

Deputy Mayor Mercedes Brugh
 mbrugh@cityoflogansport.org

Street Commissioner Tony Shanks
 (574) 753-4610

Sexton Bob Bernhardt
 (574) 753-7082

Fire Chief Bernie Mittica
 (574) 753-3102

Police Chief Brad Rozzi
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Parks Administrator Marc Vendl
 (574) 753-6969

Building Comm. Deb O'Connor
 (574) 753-4381

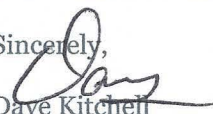
Planning Director Arin Shaver
 (574) 753-7775

Ms. Brown:

I am writing you to request that you dismiss with prejudice the petition submitted by the three entities seeking to terminate the Nickel Plate Railroad in Indiana. In his response letter to my previous comments, the attorney for the petitioner has purposely, knowingly and intentionally misrepresented my response to the matter before you. Without deposition, testimony or as much as a phone call, an e-mail or a letter to me, Mr. Wimbish presented false information that cannot be considered as best evidence in this proceeding – or as factual evidence at all. In fact, what he has presented is the equivalent of “alternative facts” which distort the truth of my objections beyond the pale. To wit:

1. The City of Logansport was never formally advised of this proceeding or the petition, which directly affects rail access from our city to other Indiana communities, and potentially affects commerce and local industry, as well as the region. The fact that active rail exists in Logansport is a moot point and entirely unrelated to this petition. Reduction of competition may have adverse effects on the price of doing business. I suspect most other cities and counties on the line were not contacted.
2. Mr. Wimbish introduced hearsay that I am not familiar with government filings. He also claims that I know “full well” my comments will prejudice the owners. He has never met me, spoken or corresponded with me.
3. I have failed to disclose nothing, though I’m glad to relocate the Indiana Transportation in Logansport. What the petitioner has failed to disclose is the impact on freight costs in Indiana as a result of its petition, as well as the economic development impact on other Indiana cities and the state.
4. The Nickel Plate “owners” Mr. Wimbish refers to have failed their mission to preserve the Hoosier Heritage Port Authority and are attempting a legal maneuver that covers the tracks figuratively and literally of government missteps.
5. I never spoke on behalf of other communities, nor did I claim to do that.
6. Mr. Wimbish cites a congressman speaking on behalf of the project, but peculiarly fails to indicate that there is no support publicly stated by the congressman who represents the communities petitioning this action, nor from our U.S. senators.
7. Mr. Wimbish further attempts to impugn my comments by offering irrelevant information from what he contends is a personal attack, but is only an opinion. I’m unaware who the gentlemen is, but that is not germane to the proceeding.

Again, thank you for what you do for our country and not a Chicago law firm. In the spirit of Abraham Lincoln who signed the transcontinental railroad legislation that created rail expansion in Indiana and our nation, it was not his intent to allow cities and counties to make railroads piecemeal infrastructure that serve no one.

Sincerely,

 Dave Kitchell
 Mayor

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