

AB 290-117 and FD 36137

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RE: AB 290-117X and FD 36137

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Ms. Brown,

The National Association of Reversionary Property Owners (NARPO) has just been made aware of the May 31, 2018 STB decision in FD 36137 and AB 290-117X where the STB allowed the three cities to petition the STB for Interim Trail Use. It appeared that the STB decision hinged on the fact that Norfolk Southern allegedly didn't consummate the AB 290-117X abandonment back in 1995. But back in 1995 railroads could consummate an abandonment by the canceling of the tariffs for the stations along the line of railroad. It was NARPO's conclusion back in 1995 that Norfolk Southern did in fact cancel all the tariffs for this line. Back in 1991 when AB 290-117X first was proposed by Norfolk Southern, NARPO was representing four property owners along the line near Noblesville. These property owners had reversionary rights to the underlying land of the railroad right of way and thus were very concerned as to the outcome of the abandonment. NARPO sees no indication that the Board or staff actually looked back in the archives to ascertain that Norfolk Southern did or did not cancel the tariffs or other indicia that will show the rail line abandonment was consummated according to the ICC regulations.

NARPO would request the Board to revisit the issue of consummation of AB 290-117X through other means than the now standard Letter of Consummation.

Richard Welsh--executive director NARPO

I verify that all Parties Of Record have been notified of this submission.

Signed--Richard Welsh

August 23, 2018