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STB

BOARD OF COMMISSIONERS - PULASKI COUNTY

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August 18, 2003

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Office of Proceedings

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Public Record

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 Case Street, N.W.
Mercury Building, Suite 500
Washington, D.C. 20423

RE: Docket No. AB-847 (Sub-No. 1X), Toledo, Peoria & Western - 209311
Railway Corporation-Discontinuance Exemption-(Between North
Judson and Monterey) in Starke and Pulaski Counties, IN
Docket No. AB-856 (Sub-No. 1X), J.K. Line, Inc.-Abandonment - 209312
Exemption-(Between North Judson and Monterey) in Starke and
Pulaski Counties, IN
Docket No. AB-847 (Sub-No. 2X), Toledo, Peoria & Western - 209310
Railway Corporation - Discontinuance Exemption-(Between
Kenneth and Winamac) in Cass and Pulaski Counties, IN
Docket No. AB-855 (Sub-No. 1X), A & R Line, Inc.-Abandonment - 209309
Exemption-(between Kenneth and Winamac) in Cass and Pulaski
Counties, IN

Dear Mr. Williams:

The Pulaski County Board of Commissioners received your letter dated July 10, 2003 wherein the railways expect to be filing on or about July 30, 2003 a petition for exemption seeking authority with the Surface Transportation Board (STB) to discontinue service for the Toledo, Peoria and Western Railway Corporation as well as the J.K. Line, Inc. and A and R Line, Inc. The Board of Commissioners of Pulaski County is very concerned over the fact that certain bridges and culverts will continue to exist if the railway is abandoned, and eventually will result in a significant expenditure for the County to remove said bridges. Eventually they will give way and be a hazard to the health and safety of persons and property.

Additionally, there are numerous raised crossings, specifically along U.S. Highway 35 between Winamac and Logansport, in Cass County, Indiana and there are also raised crossings on the other railway between Monterey, Indiana, and North Judson, Indiana, on the J.K. Line, which need to be removed and put back down to the original grade. These raised crossings have always been very hazardous during bad weather. The Board of Commissioners of Pulaski County understand that the Board of Commissioners of Cass County (Logansport, Indiana) have similar concerns and expect that you will be hearing from them during the near future.

Even if the Rails to Trails organization assume responsibility to maintain the railroad beds as walking trails, the Board of Commissioners has a concern that said groups may not be able to maintain the bridgeways and would result in expenditure of tax monies, the Board of Commissioners believe that the organization that undertakes the responsibility should have to post a performance bond guaranteeing that the excavation work and bridge removal be done according to previously approved specifications and requirements and that a performance bond be authorized in the event there is a failure to comply with said removal. The Board of Commissioners believe that specific written plans should be submitted and approved in advance by the Pulaski County Board of Commissioners individually for each and every crossing, bridge, or culvert or drain that may be affected. The Board of Commissioners are concerned that if there is a failure to perform or to properly remove, this will be a great expense to the taxpayers or to the private land owners who may acquire an interest at some later date along the right of way. Further, the Pulaski County Drainage Board has responsibility, under Indiana law, to protect all of the dozens and dozens of drains that exist along or crossing the right of way and believe it is necessary that these problems be taken into account. Specifically, the County needs to have the names and addresses and telephone numbers of responsible persons who may be responsible for the undertaking of the excavation of the raised crossings or the removal or maintenance of trestles, crossings and culverts. The County believes that a performance bond should be required to have a fall-back in the event that the right of ways are given to a not-for-profit organization that undertakes the responsibility for maintaining walking trails or any other similar activity.

The Board of Commissioners of Pulaski County have had contact with local hiking, biking and trail organizations in Pulaski County and have learned that no group is particularly interested in obtaining the use of the rail lines because we already have numerous walking trails available in each small community. This is a county with a population of approximately 14,700 people and feel that the expense and maintenance would be prohibitive for any local group in a very small populated area such as Pulaski County, Indiana.

Board of Commissioners of Pulaski County, IN

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Marion L. Kasten, President

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Pulaski County Auditor's file

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