

210784

ENTERED
Office of Proceedings

MAR 12 2004



Indiana Trails Fund, Inc.

Part of
Public Record

P. O. Box 402, Indianapolis, Indiana 46206-0402
317-237-9348 • www.indianatrails.org

March 11, 2004

Secretary Vernon A. Williams
Surface Transportation Board
Mercury Building
1925 K Street, N. W. #100
Washington, DC 20423-0001
202-565-1674- Tele

FILE RECEIVED

MAR 12 2004

ENTRANCE
TRANSPORTATION BOARD

MAR 12 2004
RECEIVED

Re: The A&R Line, Incorporated from railroad milepost 0.0W near Kenneth in Cass County, Indiana to milepost 21.0W near Winamac in Pulaski County, Indiana, a distance of 21.0 miles. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-855 (SUB-NO. 1X)

Dear Secretary Williams:

This second request is filed on behalf of Indiana Trails Fund, Inc., which is a private/public interest organization interested in the conservation of railroad right-of-ways for both rail reuse and for such non-motor transportation as walking. ITF is hereinafter referred to as "proponent."

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between Milepost 0.0W near Kenneth to Milepost 21.0W near Winamac in Cass and Pulaski Counties, Indiana.

A. Request For Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is: The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides open space and its preservation as a recreational trail is consistent with those purposes. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time: to begin negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period

requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY
In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C.

§1247(d), and 49 CFR §1152.29, Indiana Trails Fund, Inc. is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability], and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by CSX Transportation, Inc.

The property, known as the A&R Line, Incorporated from railroad milepost 0.0W near Kenneth in Cass County, Indiana to milepost 21.0W near Winamac in Pulaski County, Indiana, a distance of 21.0 miles. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-855 (SUB-NO. 1X)

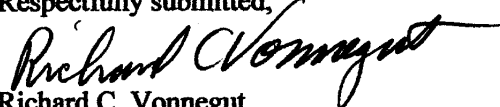
A map depicting the right-of-way is attached.

Indiana Trails Fund, Inc. acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon both Mr. Louis E Gitomer, Of Counsel, Ball Janik, LLP, 1433 F Street, NW, Suite 225, Washington, DC 20005 (202-466-6532), and Mr. Gary A. Laakso, Vice President, Regulatory Counsel, Rail America, 5300 Broken Sound Blvd NW, Boca Raton, Florida 33487 (561-237-1427) by U.S. Mail, postage pre-paid, first class, this 25th day of July, 2002 .

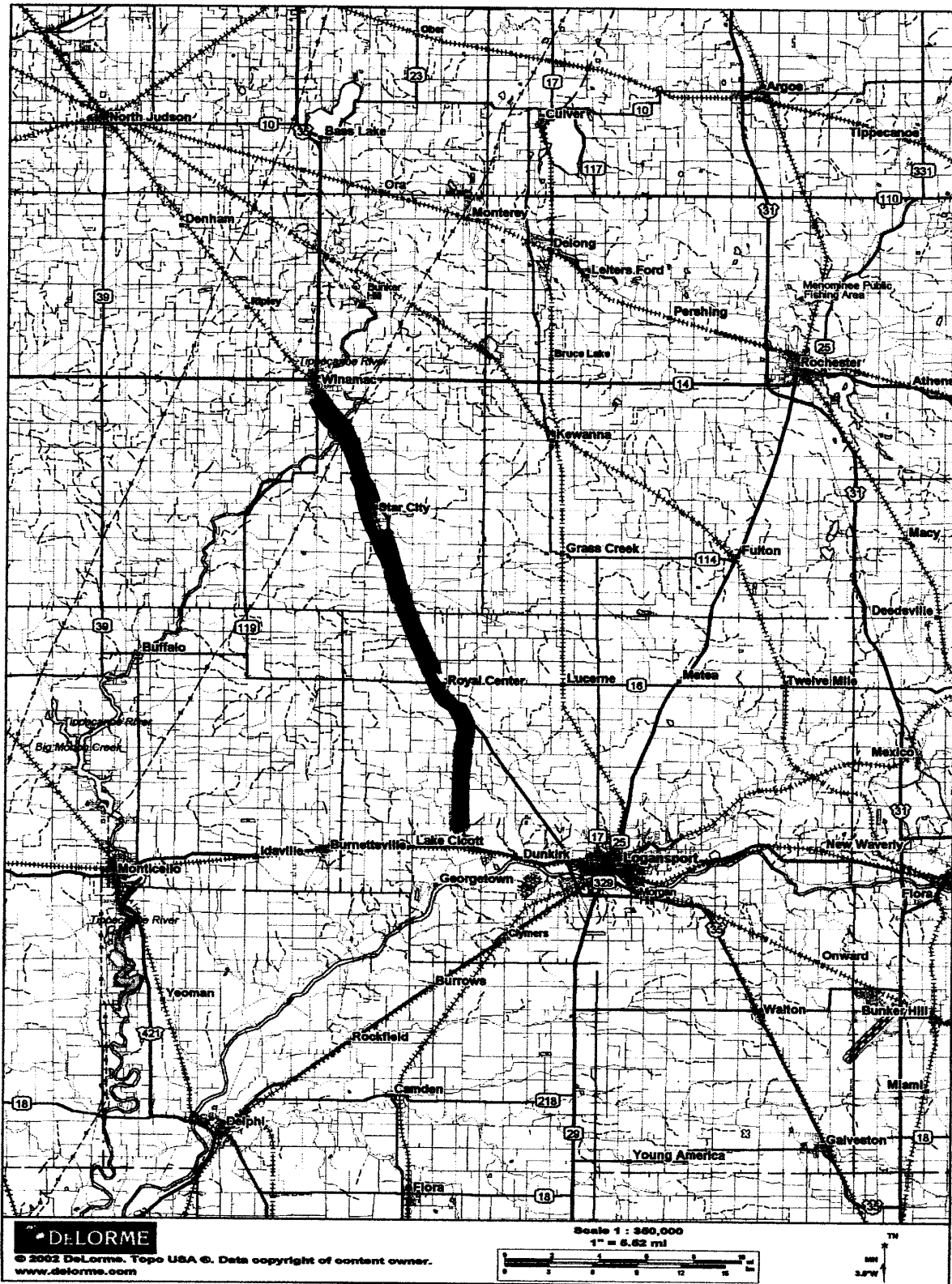
In addition to ten duplicates for STB, I am enclosing one more, for which I request time and date stamp, to be returned in the enclosed envelope. Also enclosed is an application check for \$150.00.

Respectfully submitted,



Richard C. Vonnegut
On behalf of Indiana Trails Fund, Inc.

Enc:
Maps
10 duplicates
\$150 filing fee



DeLORME

© 2002 DeLorme, Topo USA ©. Data copyright of content owner.
www.delorme.com

Scale 1 : 350,000
1" = 5.62 mi

