

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

ROBERT A. WIMBISH
(312) 252-1504
rwimbish@fletcher-sippel.com

January 17, 2018

244994

VIA E-FILING

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
January 17, 2018
Part of
Public Record

Re: ***CSXT Transportation, Inc. – Abandonment Exemption – in Clark,
Floyd, Lawrence, Orange, & Washington Counties, Ind.,
Docket No. AB-55 (Sub-No. 775X)***

Request for Interim Trails Use/Rail Banking

Dear Ms. Brown:

The City of New Albany, Indiana (“New Albany”) hereby petitions for Board issuance of a Notice of Interim Trail Use applicable to the entire line segment (the “Line”) that is the subject of the above-referenced abandonment exemption proceeding. In satisfaction of the requirements of 49 C.F.R. § 1152.29(a), New Albany supplies below its Statement of Willingness to Assume Financial Responsibility for the Line under a to-be-negotiated interim trails use arrangement.

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d), and 49 CFR § 1152.29 with respect to the right-of-way possessed and operated by CSX Transportation, Inc. (“CSXT”), New Albany is willing to assume full responsibility for: (1) managing the subject right-of-way; (2) any legal liability arising out of the transfer or use of the right-of-way (or, to the extent that New Albany is immune from liability, then New Albany will indemnify CSXT against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way.

The Line, designated by CSXT as a portion of the Northern Region, Louisville Division, Hoosier Subdivision, extends between Milepost OOQ251.7 near Bedford in Lawrence County, Indiana, and Milepost OOQ314.0 near New Albany in Floyd County, Indiana, a total distance of approximately 62.3 route miles in Lawrence, Orange, Washington, Clark, and Floyd Counties, Indiana.

FILING FEE WAIVED

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The right-of-way is part of a line of railroad proposed for abandonment in Docket No. AB-55 (Sub-No. 775X). A map depicting the Line's right-of-way is attached.

New Albany acknowledges that its proposed use of the right-of-way is subject to New Albany continuing to meet its responsibilities described above, and is subject to possible future reconstruction and reactivation of the right-of-way for rail service.

New Albany also hereby acknowledges the prior trails use request of Indiana Trails Use Fund, Inc., and CSXT's expression of willingness to negotiate trails use with that entity. New Albany intends to coordinate its rail banking efforts to avoid unnecessary duplication of negotiations for trails use with CSXT. Also, New Albany is aware of the recently-filed notice of intent to file an offer of financial assistance ("OFA") filed by Paul Didelius, seeking to acquire a roughly 10-mile portion of the Line for continued (or, in this case, restored) rail service. Accordingly, New Albany recognizes that Mr. Didelius' OFA efforts take precedence over interim trails use. New Albany is willing, under the circumstances, to negotiate a trails use arrangement for the entire Line if there is no transfer for active rail service or, in the event of the conveyance of some of the Line under the OFA procedures, for that portion of the Line that is not transferred under that process.

All parties of record in this proceeding, including CSXT, will be served with a copy of this request on the same date that it is being served on the Board.

Finally, New Albany has confirmed in advance with the Board's Office of Proceedings that, as a consequence of being a full- public municipal subdivision of the State of Indiana, the otherwise-applicable filing fee associated with a request for issuance of a trails use condition will be waived automatically.

Respectfully submitted,

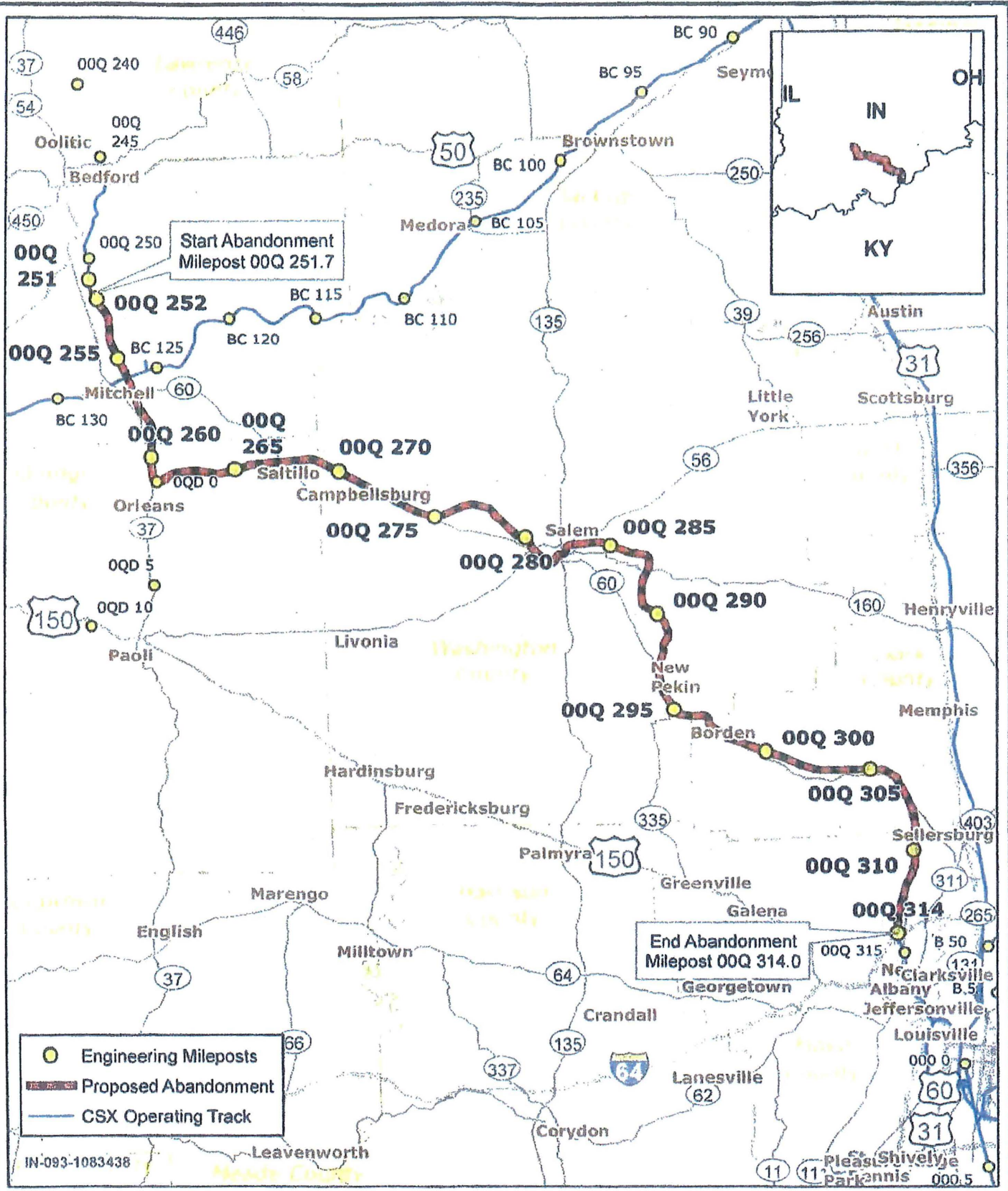


Robert A. Wimbish
Counsel for the City of New Albany, Indiana

RAW:flr

cc: All parties of record

Enclosure



IN-093-1083438



CSX Transportation, Inc.
Proposed Abandonment
Clark, Floyd, Lawrence, Orange, and Washington Counties, IN
Hoosier Subdivision
 Milepost 00Q 251.7 - 00Q 314.0
 Total Distance of Approx. 62.3 Miles
 Louisville Division - Hoosier Subdivision
 STB Docket No. AB 55 (Sub-No. 775X)

