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MAYOR
LLOYD WINNECKE

DEPUTY MAYOR
STEVE SCHAEFER

October 25, 2022

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



Re: Norfolk Southern Abandonment in Vanderburgh County, Evansville, Indiana, AB-290 (Sub-No. 411-X)

Dear Ms. Brown:

This request is filed on behalf of the Evansville Department of Parks and Recreation, City of Evansville, Indiana/Vanderburgh County, which is a department of the City of Evansville Indiana which is hereinafter referred to as 'proponent'. While not taking a position on the merits of this abandonment, proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between Milepost +/- 0.00 EB to Milepost +/- 0.24 EB (approximately 0.24-mile long rail line) in the City of Evansville, IN (the "Line").

A. Public Use Condition

Proponent requests 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 of public use on reasonable terms. The justification for this condition is that the rail corridor in question is adjacent to the North Main Street Trail that connects to the Greenway Trail System and will connect a public park to residential neighborhoods as well as providing access to clinic and hospital areas and provide active transportation options and access to downtown. The corridor would make an excellent recreational trail and connector segment and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important connections within the Promise Zone areas and its preservation as a recreational trail is crucial to important connections to schools, work, and greenspaces. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had the opportunity to commence 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.

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B. 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 rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, the City of Evansville, Indiana 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 and operated by Norfolk Southern Railway Company.

The property, known as 0.24 mile rail line extends from railroad abandonment begin at milepost +/- 0.00 EB end of track East edge N. Heidelberg Ave., to railroad milepost abandonment end at +/- 0.24 EB -25' East of CSXT crossing a distance of 0.24 miles in Vanderburgh County, Indiana. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-490 (Sub No. 411_X).

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

The City of Evansville, Indiana 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 Norfolk Southern Corporation, by U.S. Mail, postage prepaid, first class, on October 25, 2022.

Respectfully submitted,



Steve Schaefer
Deputy Mayor / Parks Director
City of Evansville

On behalf of the City of Evansville & Evansville Department of Parks and Recreation

Cc: Hannah Chouest, Norfolk Southern Corporation
Crystal Zorbaugh, Baker & Miller PLLC
Lorie Van Hook, Evansville Trails Coalition
Dirck Stahl, Ziemer Stayman Weitzel & Shoulders

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