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Part of
Public Record

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20024

Re: Docket No. FD 36137-0
City of Fishers, City of Noblesville, and Hamilton County, Indiana Petition for Partial
Revocation of Exemption

Dear Ms. Brown:

Enclosed for filing to the above-captioned proceeding a comment regarding the "Petition for Partial Revocation of Exemption" filed on August 1, 2017 with the Surface Transportation Board (the "Board"). A copy of this comment has also been served on the attorney, Robert A. Wimbish, who is representing the collective owners, City of Fishers, City of Noblesville, and Hamilton County (the "Owners"), of a railroad line in Indiana.

Ms Brown and interested parties,

Referencing the latest rebuttal by the "Owners" and their attorneys, dated 8 November 2017, it is clear to me that the "Owners" and their attorneys are increasingly perturbed by the growing dissent for their request and the fact that interested parties have become aware of their intentions and have turned to you for relief. "Methinks they doth protest too much." This speaks directly to our assertions that their plan was to "fly under the radar" and remove these rails without discussion, public comment or viable proposals in deference to their wishes.

For example, as we are not attorneys (by Grace or good fortune) I would like to point out that several of us reached out to the STB for direction with regards to filing comments on this matter. We were advised that to submit a copy of our comments to the "Attorney of Record" was sufficient for our efforts. For this reason, I take issue with a subtitle in the correspondence from Fletcher and Sippel, on Page 1, which proposes to promote their tolerance by not challenging 'the apparent practice of many commenters' to "skirt the agency's service rules" and serve "all other parties to the proceeding (of which there are dozens) as is required." We found it redundant to respond to the "dozens" of parties that shared our concerns. This is a trivial, but telling argument.

I also take issue with the comments put forward in favor of Rail Banking made by the Honorable Jim Banks and the Honorable Trey Hollingsworth, neither of whom represent any part of the state involved in this discussion.

The politician who is imminently involved is the Mayor of Logansport, Dave Kitchell, who eloquently expressed his concerns

and support for retaining the rail line. His comments to the STB were also attacked by the “owners” and their attorneys as “meritless” (sp?) This despite the fact that their assertions of his city being “some 50 miles distant” [referencing his complaint that the other politicians (Banks and Hollingsworth) do not represent the rail line in any way] ignore the fact that his city sits directly on top of the line in question. The “Owners” request would sever any opportunity for Logansport (Mayor Kitchell), points to the north in Indiana, and the capitol, Indianapolis to be connected on the Nickel Plate line.

It is also becoming apparent that politicians in Marion County (Indianapolis) are being made aware of the intentions of the “Owners” and are concerned for the loss of value.

The “Owners” have simply made their request with a blatant disregard for outside comment or discussion and I ask that this be considered.

With this all having been said, and as the time for comment *may* have passed, I submit this as more of an inquiry. I otherwise ask that it be “designated as correspondence” as the “Owners” demand, but I would hope my questions would be considered and answered for all concerned.

I will submit a copy of this letter to the “Owner’s” attorney.

So, here are my questions;

Because the “Owners” categorically refuse to consider any operator’s proposal to run train traffic on the “southern” section of the rail corridor, but rather, propose replacing it with a largely redundant trail, it causes one to speculate that the “Owner” may have alternative intentions for some part(s) of the Right of Way should the Rail Banking request be granted. This raises the following questions:

- 1 – What responsibility does the “Owner” have to maintain the integrity of the corridor for future rail use?
- 2 – Specifically, would any development (structure, road, building or bridge, etc) be in jeopardy if it obstructed the continuity of the corridor?
- 3 - Under what circumstances would the Owner be in violation of this agreement and what would the consequences be?

I thank you for your consideration and explanation.

Thoughtfully,

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“I certify that these comments have been provided to the Applicant's Attorney of Record via email. /S/ Michael D Bowen