

Indiana Trails Fund, Inc.
PO Box 1699
Indianapolis IN 46206-1688
317-237-9348

244914

ENTERED
Office of Proceedings
December 29, 2017
Part of
Public Record

2017 December 22

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

Re: CSX Transportation Company - Abandonment Exemption – beginning near Bedford in Lawrence County, Indiana, at Milepost 00Q251.7, and ending near New Albany, Floyd County, Indiana, at Milepost 00Q314.0, in docket #: AB-55(Sub-No. 775X).

Dear Ms. Brown:

This request is filed on behalf of the Indiana Trails Fund, which is an Indiana Not-for-profit, incorporated in 1994, qualified as 501-C-3, interested in adapting rail lines, with or without rails, into walking and bicycling pathways, 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 Bedford, Indiana and New Albany, Indiana.

REQUEST FOR PUBLIC USE CONDITION

- 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 that this seventy mile stretch can become the southern part of the United States Bicycle Route #37 from Mitchell, Indiana to New Albany, Indiana on the Ohio River. Further, this CSXT corridor connects the Clark (Indiana) State Forest, the Deam Wilderness, and the Knobstone Trail to the Ohio River. This connection, from the Knobstone Trail to the Ohio River, is also a part of the American Discovery Trail.

FILED
December 29, 2017
SURFACE
TRANSPORTATION BOARD

Page 1

FEE RECEIVED
December 29, 2017
SURFACE
TRANSPORTATION BOARD



In addition, this CSXT route is prime to consider as a replacement for a complicated section of USBR #35 through Clarksville, Indiana. This corridor would make an excellent recreational trail and conversion of the property to trail use in accordance with local plans. Bedford has already approved the line for bicycling through Lawrence County to Mitchell. Indiana Trails Fund will ask other communities and counties to approve this route into their local plans (for land use and zoning, for parks and recreation, and for transportation). In addition, this corridor provides important wildlife habitat and 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 garner approval from counties and local communities to include this line in their plans, to have time to appraise the line, to arrange financing to preserve this corridor, and to develop local citizen's support.

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, and to have time to appraise the line. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

REQUEST FOR INTERIM TRAIL USE

- 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:

Indiana Trails, 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, 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 CSXT (owner of record).

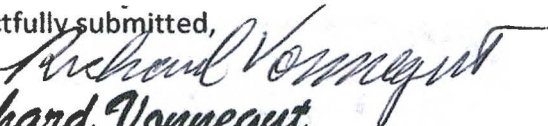
The property, known as the Northern Region, Louisville Division, Hoosier Subdivision, beginning near Bedford in Lawrence County, Indiana, at Milepost 00Q251.7, and ending near New Albany, Floyd County, Indiana, at Milepost 00Q314.0, in docket #: AB-55(Sub-No. 775X), extending 62.3 miles in Lawrence, Orange, Washington, Clark, and Floyd Counties, Indiana. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB- 55 (Sub-No. 775X).

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

By my signature below, I certify service upon CSXT, by U.S. Mail, postage pre-paid, first class, this day of December 22nd, 2017, to the address of...

Mr. Louis E. Gitomer, attorney
Law Offices of Louis E. Gitome LLC
600 Baltimore Avenue Suite 301
Towson, MD 21204
[(410) 296 – 2250, Lou@graillaw.com]

Respectfully submitted,


Richard Vonnegut

Richard Vonnegut
President
Indiana Trails Fund
PO Box 1699
Indianapolis IN 46206-1688
Wk: 317-237-9348
Cell: 317-440-9069
< trails@indianatrails.com >
(www.indianatrails.com)

Included:

fee;

original and eleven duplicates, each with a state and a local map.

