



Indiana Trails Fund, Inc.

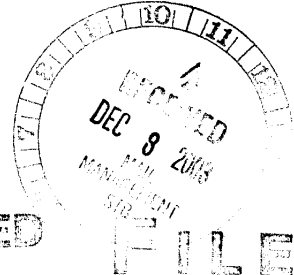
P. O. Box 402, Indianapolis, Indiana 46206-0402
317-237-9348 • www.indianatrails.org

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Office of Proceedings

DEC 08 2003

Part of
Public Record



6 December, 2003

Mr. Vernon Williams
Secretary
Surface Transportation Board
Mercury Building #100
1925 K Street, N.W.
Washington, DC 20423-0001
202-565-1674, general
202-565-1592, public

RECEIVED
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STB

Re: CSX Abandonment Exemption in LaPorte, Porter, and Starke Counties,
Indiana, STB Docket No. SB-55 (Sub-No. 643X)

Dear Secretary:

This request is filed on behalf of Indiana Trails Fund, and the Northwestern Indiana Regional Planning Commission. ITF is an Indiana Not-for-profit Corporation interested in preserving corridors for walking and bicycling transportation. NIRPC is the metropolitan planning organization for the area. Hereinafter, both are 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 Malden (Porter Co.) and North Judson, (Starke Co.), and between LaCross (LaPorte Co.) and Welsboro (LaPorte Co.) all in 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 rail corridor in question will provide important links in a northwestern Indiana trail system. 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. Proponent is willing to assume full responsibility for management of (the right-of-way), or for any legal liability arising out of the transfer or use of (the right-of-way) (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. The property, known as the Western Region, Chicago Division, the Wabash Subdivision extends from railroad milepost 0.63 near La Cross to railroad milepost 15.23 near Wellsboro near, a distance of miles 14.6 miles in LaPorte County, Indiana, and from milepost 212.56 near North Judson in Stark County to milepost 230.92 near Malden in Porter County, Indiana, a distance of 18.36 miles. The right-of-way is part of a line a railroad proposes for abandonment in STB Docket No. AB- 55 (Sub-No. 643X).

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CSX

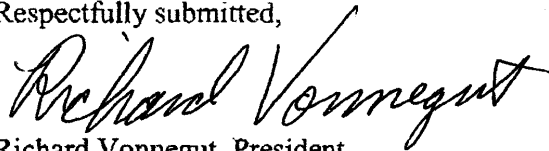
A map depicting the right-of-way is attached.

Proponent 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.

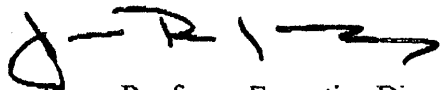
By my signature below, I certify service upon:

Natalie S. Rosenberg, Senior Counsel, Law Department, CSX
Transportation, 500 Water Street, Speed Code J-150, Jacksonville, FL
32202, 904-359-1253 = NSR, 904-359-3100 = CSX, 904-359-2488 = FAX,
by U.S. Mail, postage pre-paid, first class, this 6th day of December 2003.

Respectfully submitted,



Richard Vonnegut, President,
Indiana Trails Fund, and



James Ranfranz, Executive Director,
Northwestern Indiana Regional Planning Commission.

included:
map of rail lines
map of Indiana
\$150.00 filing fee

cc:
original plus ten to STB
one to CSX
one to be date stamped and returned

INDIANA

Scale 1 : 1,600,000
1" = 26.3 mi

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