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DAVID B. SCHILLING
WILLIAM K. STEGER
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September 28, 2006

Via UPS Overnight Delivery

ENTERED
Office of Proceedings

SEP 29 2006

Part of
Public Record



Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 "K" Street, N.W.
Washington, D.C. 20006

Re: *The Indiana Rail Road Company – Abandonment Exemption
Monroe County, IN AB 295 (Sub-No. 6X)*

Dear Mr. Williams:

Enclosed for filing in this proceeding are an original and then (10) copies of a Joint Petition to Vacate and Reissue NITU, the extant NITU served May 17, 2005, and a Statement of Willingness to Assume Financial Responsibility by Indiana Trails Fund, Inc. with included consent by Monroe County Parks and Recreation. It is intended that the transfer shall be effective October 1, 20096, or upon reissuance of an appropriate NITU to the new trail user, whichever is later.

Please file stamp and return to me one of the extra copies of the Petition and Statement of Willingness in the enclosed stamped self-addressed envelope.

Sincerely,

William K. Steger
Monroe County Attorney

cc: John H. Broadley (enc.)
Indiana Trails Fund, Inc. (enc.)

BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, D.C.

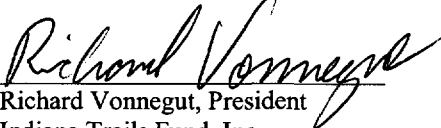


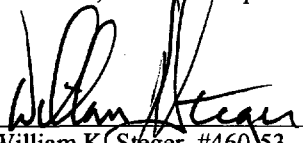
The Indiana Rail Road Company -- Abandonment
Exemption -- Monroe County, IN

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Joint Petition to Vacate and Reissue NITU

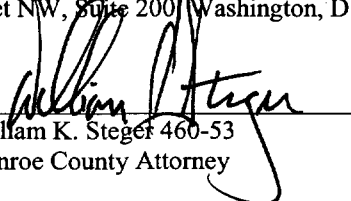
Indiana Trails Fund, Inc., and the Monroe County (IN) Parks and Recreation Board, on behalf of the Monroe County Parks and Recreation Department, pursuant to 49 CFR 1152.29(f) respectfully request that the Surface Transportation Board reopen this proceeding, vacate its Notice of Interim Trail Use decided May 16, 2005 and reissue an appropriate NITU in favor of Indiana Trails Fund, Inc., effective October 1, 2006. The Fund's Statement of Willingness to Assume Financial Responsibility and a copy of the extant NITU is being filed contemporaneously with the Joint Petition, and served upon counsel for the Indiana Rail Road Company.


Richard Vonnegut, President
Indiana Trails Fund, Inc.
P.O. Box 402
Indianapolis, IN 46206-0402
Tel: (317) 237-9348
e-mail: www.indianatrails.org


William K. Steger, #460-53
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition and Statement of Willingness to Assume Financial Responsibility was served by first class United States mail or overnight courier delivery to: John Broadley, John H. Broadley & Associates, 1054 31st Street NW, Suite 200 Washington, D.C. 20007 on 28th day of September, 2006.


William K. Steger 460-53
Monroe County Attorney

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BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, D.C.



The Indiana Rail Road Company -- Abandonment
Exemption -- Monroe County, IN

AB 295 (Sub-No. 6X)

Statement of Willingness to Assume Financial Responsibility

In order to establish interim trail use and railbanking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, the Indiana Trails Fund, Inc. (interim Trail User), is willing to assume full responsibility for management of, for any legal liability arising out 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 the Indiana Rail Road Company (Railroad). The property, known as Ellettsville Branch extends from railroad milepost 213.69 to railroad milepost 216.13 southeast of the Town of Ellettsville, a distance of 2.44 miles in Monroe County, Indiana. The right-of-way is part of a line of railroad proposed for abandonment in Docket AB-295 (Sub-No. 6X).

Maps depicting the property are attached.

Indiana Trails Fund, Inc. acknowledges that use of 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. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

Indiana Trails Fund, Inc.

Richard Vonnegut
Richard Vonnegut, President
P.O. Box 402
Indianapolis, IN 46206-0402

Dated: September 27, 2006

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Consent to Reissuance of NITU.

The current interim trail user, Monroe County Parks and Recreation Board, on behalf of the Monroe County Parks and Recreation Department hereby petitions the Surface Transportation Board to reopen its proceedings, vacate the Notice of Interim Trail Use decided herein on May 16, 2005, and issue an appropriate replacement NITU to the Indiana Trails Fund, Inc. effective October 1, 2006, or upon issuance of the replacement NITU, whichever is later.

Monroe County Parks and Recreation

Farrell N. Duckworth
Monroe County Parks and Recreation Board
Farrell N. Duckworth, President

Charles R. Stephenson
Monroe County Parks and Recreation Department
Charles R. Stephenson, Administrator

Dated: September 20, 2006

Dated: September 20, 2006

