

FOR IMMEDIATE RELEASE:

CONTACT: Logan Day
Save the Nickel Plate, Inc.
317-983-4449
logan@savethenickelplate.org



Response to Noblesville's Eviction of Railroad Museum from Forest Park

Save the Nickel Plate, Inc. expresses continued disappointment with government officials after recent decision not to renew the Indiana Transportation Museum lease in Forest Park.

NOBLESVILLE, IN 12.21.17 - In an announcement Wednesday, the Noblesville Parks Department revealed that they voted not to renew their lease of property within Forest Park to the Indiana Transportation Museum ("ITM"). Our group is very disappointed, albeit not surprised, to learn of Wednesday's display of continued political maneuvering aimed at further eroding and degrading the continuity of the Nickel Plate railroad throughout Hamilton County and Central Indiana. It's especially disappointing after considering the Rail to Trail Conservancy's [report on Rails with Trails](#); which clearly depicts the combination as one of the best solutions for developing trails along active rail corridors.

The Nickel Plate Trail controversy is a conflict fraught with questionable ethical practices and multiple betrayals of public trust by those officials who were elected and appointed to positions within our local governments. Today's announcement is just one link in a long chain of official misconduct directed at the forcible demise of the Nickel Plate railroad. The motives of such actions have, to date, continued to elude our complete understanding. Is it selfish personal interests of a few peoples' vision of a Hamilton County without rails? Or is it perhaps an even more troubling theme of collusion, bribes, and campaign contributions all leading to the planned conversion of the Nickel Plate rail corridor to a trail? We may never know, but there are certainly hints of each element contained within government emails recovered through Indiana Access to Public Records ("IAPR") requests.

Today's continued affront of the existing railroad museum and rail corridor as a whole, seems to be the fulfilled "prophecy" of Noblesville Deputy Mayor, Steve Cooke. In three emails originating from Cooke's government email account, he is quoted as having said, "**Work with community leaders to bring an end to the rail line,**" "**we'll certainly be excited to pull up the tracks from 8th Street and over SR32/38,**" and "**this is an opportunity [railbanking] we couldn't delay given the potential investment that would go into fixing the train tracks.**" Though these quotes are merely a glimpse at the nearly 5,000 emails we've received so far via multiple IAPR requests, they best represent the nefarious nature of our government officials' intent to secretly plan the removal of the tracks and the museum for their own interest, and without genuine, collaborative public input. Cooke's last quote indicates that there may have existed an opportunity to repair the rails; but that railbanking was hastily pursued to stifle that possibility.

It is imperative to revisit the start of this issue which was initiated by whistleblowers from within the ITM publicly sharing their allegations of rail and equipment safety, among other concerns. The Hoosier Heritage Port Authority ("HHPA") immediately suspended ITM operations pending safety inspections of the rails. Five separate Federal Railroad Administration ("FRA") reports found there to be "No Violations" recommended. Additionally, and even more compelling, the private report paid for by the HHPA, made the following statement in the executive summary on the very first page: "**The Consultant has never encountered a 37 mile length of track where there has been so little drainage issues for the majority of the trackage...The light rail, joints, and turnouts are in surprisingly good to fair**

condition...overall the steel components of the track are in relatively good condition.“ Even more surprising, the President of the HHPA, Michael Obergfell, attended an FRA inspection of the railroad line and said that the FRA inspectors indicated that the line was in overall good condition for a tourist railroad, with only a few isolated spots that needed attention. Obergfell is also a VP at USI Consultants, which has more than \$2M worth of roadway and other transportation contracts within Hamilton County. Is this conflict of interest responsible for the persistent message that the rails are too unsafe to use?

With all evidence indicating that the rails were in safe condition with only some maintenance needed for the types of trains being operated, how did the suspension of operations remain in effect? Ultimately the suspension led to the proposed Nickel Plate Trail and the new Nickel Plate Heritage Railroad combining to become the “compromise” solution for a problem that never existed.

Is it possible that the Nickel Plate Trail was predestined and already being developed before the rail safety allegations? All one must do is simply look back to 2013, when the Fishers Train Station was torn down, to realize that the railroad was officially on the political chopping block as far back as then. While it's easy to look back and say, “How didn't we see this coming and why didn't we stop it?” it is important to focus on the present situation and demand that the plan be halted immediately and that our elected officials be held accountable. It is without question that the public trust has been betrayed multiple times throughout this ordeal. To date, supporters have indicated that the City of Fishers has continued to deflect and delay multiple IAPR requests while Noblesville and Hamilton County have been fully compliant and cooperative. Is there something that Fishers doesn't want us to see which may implicate their highest-ranking officials in this ongoing act of conspiracy and collusion? We may never know if they aren't made to comply with the IAPR requests.

A supporter of our efforts spoke some very sobering words in light of these recent events: “Truth should be the authority, not authority the truth.” This phrase has never rang more true than amid the misconceptions and frequent distortions of facts which have consumed the spirit of the Nickel Plate Trail. Train supporters do not necessarily oppose a trail, but rather acknowledge and desire the alternative of a trail being developed along the current rails while preserving the history and expanding the operations of the railroad. But at a minimum, they seek transparency and accountability within their government; which would come in the form of a large public forum to openly discuss and consider all of the facts and details of the proposed Nickel Plate Trail.

Central Indiana residents are urged to “Like” and follow our group on Facebook in order to stay connected with future updates and receive notification of an upcoming rally being planned for early January 2018.

TAKE ACTION NOW:

Email Noblesville officials to let them know that you disagree with this assault on the railroad and that the tracks should remain in tact and operational from Indianapolis to Tipton.

City of Noblesville

Mayor | John Ditslear

jditslear@noblesville.in.us

Mayor Asst. | Michelle Glodowski

mglodowski@noblesville.in.us

Dep. Mayor | Steve Cooke

scooke@noblesville.in.us

Noblesville Parks Department

Director | Brandon Bennett

bbennett@noblesville.in.us

Asst. Director | Mike Hoffmeister

mhoffmeister@noblesville.in.us

Comm. Dev. Manager | Kristi Spehler

kspehler@noblesville.in.us

For more information, contact:

Logan Day of Save the Nickel Plate, Inc.

- END -

Supporting Documents

Found Below

From: "Steve Cooke" <scooke@noblesville.in.us>
Date: Monday, September 05, 2016 10:39 AM
To: "Steve Cooke" <scooke@noblesville.in.us>
Attach: IMG_5969.JPG; IMG_5970.JPG; IMG_5971.JPG
Subject: SWQ Trail along 7th Street

Driving around Southwest Quad, and specifically along 7th Street - I was thinking more about replacing the railroad tracks with a trail. Between 8th Street and 7th Street includes the sidewalk, rail tracks and the large City easement - and together would be a fantastic place for a trail and possibly some structures. Would hope this could encourage private development of neighborhoods on both sides - along 8th Street and in SWQ.

Plan:

- **Work with community leaders to bring an end to the rail line.** Too costly to fix the tracks and not used enough. Better to use for trail and connect northern Hamilton County with southern Hamilton County.
- Plan out trail and costs.
- Budget
- Target for completion in 2023 to celebrate county's (and city's) bicentennial.

7/22/2017

From: Steve Cooke <scooke@noblesville.in.us>
Sent: Sunday, February 26, 2017 1:01 PM
To: Elrod; Ashley; McGrath; Leah
Cc: Robert Herrington
Subject: RE: DRAFT: NPT Media Materials
Attachments: FAQ - 2017 - Nickel Plate Trail_cooke edits.doc; PR - 2017 - Nickel Plate Trail_cooke edits.doc

Team Fishers – Again, great work!

The Run of Show looks good. Where should we tell people to park? We have several likely coming from our Council, and probably other stakeholders who will likely attend as well.

Attached are my revisions to the release and FAQ that I see so far. Robert will follow up with the quote from Mayor Ditslear and possibly other changes to make it clear about the connectivity to other trails and our downtown.

Basically – We needed to revise where we say the Nickel Plate ends in Noblesville. The estimate before was up to SR32. But since we're turning the Nickel Plate onto the Midland Trace Trail at Pleasant Street – that's what we need to say where the NP ends. You'll see what I mean when you review my edits. However, we're not revising the budget estimate yet to account for this change. But geographically speaking, it's less confusing to say it stops at Pleasant (for now hopefully!).

We'll certainly be excited to pull up the tracks from 8th Street and over SR32/38 – but no need to confuse the public with this specificity.

In the FAQ, I also added paragraphs about Rail Tourism and Mass Transit. Feel free to revise accordingly or take out that question altogether. We could certainly put in talking points that could sway people away from both – but I think it's best to remain somewhat neutral to give some cover to our partners.

Let me know if you have any questions.

Thanks,

Steve

From: Steve Cooke <scooke@noblesville.in.us>
Sent: Monday, February 27, 2017 10:42 PM
To: Cynthia Benedict
Subject: Shhh ... it's a secret (well not really)

Hi, Cindy:

I know you are doing well because tonight's vote in Indianapolis was a success! Up here in our neck of the woods, you may have seen the Indy Star story tonight that speculates on a Fishers-Noblesville collaboration to convert the Nickel Plate rail line to a multipurpose trail. The speculation is true, but we're not announcing until 10:30 a.m. on Tuesday at the Fishers train platform. So until then – we're still in confidentiality mode. I wish I could have told you more details about it a few weeks ago – but was sworn to secrecy given the two municipalities working together.

Tomorrow we'll have more information up on our website.

I wanted you to be aware in case you are asked questions about the Green Line. We have Commissioner Altman's support for this project. What we are proposing is to connect our two communities through a trail that could be allowed through the federal rail-banking program where rails can be removed and a trail can be constructed over the top – but preserving right in the future to go back to rail if that use is ever wanted again.

As I'm likely to get questions about transit as well, my response will be that **I still support bringing mass transit to Hamilton County, and Noblesville in particular.** But I know the focus beyond Marion County is the Red Line for now. As for Noblesville and Fishers, I would like to look at where an alternative corridor for the Green Line could be located. Do improvements for SR37, for example, make that corridor attractive? Do improvements for SR37 make Allisonville Road attractive for a possible corridor? But I imagine that analysis will be a long time coming.

I sincerely hope our efforts to build the trail don't derail the Green Line – but the trail is a project we can do here and now that I think will have significant use for residents. And especially for residents up and down 8th Street – imagine having 2 major intersecting trails (with the Midland and Nickel Plate). **Our biggest problem is getting all these trail projects funded! But this is an opportunity we couldn't delay given the potential investment that would go into fixing the train tracks.**

Nothing should change for my HCLA project – except that the conversation just got more interesting!

I'll be in touch – but let me know if you have any questions. I'm meeting with my HCLA team on Thursday night and will probably follow up this weekend about the panel discussion we're planning for Cicero.

Thanks,



Steve Cooke, Deputy Mayor
Mayor's Office O: 317-776-6324
City of Noblesville F: 317-776-6363
16 S 10th Street
Noblesville, IN 46060
www.cityofnoblesville.org

Michael J. Obergfell, PE | Executive Vice President

USI Consultants, Inc.

8415 E. 56th Street

Indianapolis , IN 46216

Office: 317 544-4996 | Direct: 317 522-2464 | Cell: 317 965-9167

obergfell@usiconsultants.com | www.usiconsultants.com | Facebook

moving **INFRASTRUCTURE** forward >>

USI Consultants				
E-07-0019	206th St. Expansion - Hague Rd. to S.R. 19	383,300\$	56,631\$	
E-12-0006	209th St. & Hague Rd. Intersection Improvement	236,450\$	41,995\$	
E-13-0016	SS 31008 (226th St. / Jay Ditch) & SS 31069 (Six Points Rd. / Jay Ditch) - Replacement Plan	177,505\$	3,323\$	
E-14-0013	Allisonville Rd. & Cumberland Rd. Roundabout Intersection - Design Engineering	263,310\$	11,926\$	
E-15-0003	209th St & Hague Rd. Roundabout Project - Construction Inspection	124,500\$	60\$	
E-15-0004	SS 31008 (BR 301) - 226th St. over Jay Ditch - Construction Inspection	25,000\$	1,149\$	
E-15-0005	SS 31069 (BR 302) - Six Points Rd. / Jay Ditch - Construction Inspection	25,000\$	4,399\$	
Allisonville Rd. & Cumberland Rd. Roundabout Intersection - Construction Inspection		120,000\$	120,000\$	
E-07-0013	*** West 146th St. Expansion - County Line Rd. to Towne Rd. ***	312,900\$	113,392\$	
USI Constultants Total		1,667,965\$	352,875	

----- Forwarded message -----

From: "Mark Heirbrandt"

To: "Tim A. Knapp"

Cc: "Christine Altman", "Steve Dillinger", "Dan Stevens", "Bradley J. Davis", "Joel B. Thurman", <howardma@aol.com>

Bcc:

Date: Thu, 30 Mar 2017 08:39:57 -0400

Subject: Re: 19th & Pleasant Street City of Noblesville

Thank you Tim!

Sent from my iPhone

> On Mar 30, 2017, at 8:37 AM, Tim A. Knapp

<Tim.Knapp@hamiltoncounty.in.gov> wrote:

>

> All:

>

> Please find the information that I was provided by the City of Noblesville and their consultant USI regarding the 19th/Pleasant Project.

>

> In discussing the value of the area they need from Hamilton County; we were provided what the neighboring properties appraised for per acre.

>

> The average of the 2 other properties is \$92,500/acre, if we use that figure we would get the following for the value of our property:

>

> Fee simple: .172 acre @ \$92,500/acre = \$

15,910.00

> Temporary R/W .034 acre =

\$ 860.00

>

> Total

\$16,770.00

>

> I will bring the information to the executive meeting on April 10th for discussion and execution in open meeting.

>

> Let me know if you have any questions.

>

> Thanks.

>

> Tim

> <19th Pleasant Offer Packet.pdf>

> <19th Pleasant Plan Sheet.pdf>

3 attachments

 **noname.eml**
3K

 **170331 Consultant selections.pdf**
247K

 **cons selections.pdf**
247K

On Aug 2, 2016, at 8:12 PM, Michael Obergfell <obergfell@usiconsultants.com> wrote:

Dear HHPA Board Members & Owners,

As noted in my previous email last Wednesday that is copied below, ITM was informed that HHPA required the information highlighted/bolded as listed. The following is an update as of today on those items in the order listed in my previous email:

- 1) HHPA has not received any of the medical, vision, or hearing certifications of their Engineers or Conductors as required by the CFR's listed in our Revised Policy of Use.
- 2) HHPA has not received notification that check rides of these same individuals are up to date or in progress.
- 3) HHPA has not been provided access to any drug or alcohol test results on their personnel or ITM's program in general.
- 4) HHPA did receive a track inspection report from ITM's inspector (PDF Attached), it listed two items, some trees that needed trimmed and some ties that need replaced in the area near the fairgrounds. ITM reported that they have installed 80 new ties in that area, and were working down there today. I will report more on track condition from Fishers to the Fair Grounds later in this report. It is worth noting that ITM's track inspector certifications have not been received by HHPA, thus we cannot rely on this current inspection report as we have no proof that the inspectors certifications are up to date in accordance with CFR requirements. Track inspection information in the past has never been reported to HHPA, after years of asking for such information. In the past, we have been told that ITM's inspectors don't put anything in writing, it's all in their inspectors head, which is unacceptable. I learned today that to be a certified track inspector, there are FRA courses that need to be taken and tests they have to pass. None of this documentation has been provided to HHPA.
- 5) HHPA has received a draft On Track Safety Program from ITM. However, since this is a draft, they apparently have not had a safety program to date, and I'm sure this means their personnel are not up to speed on what it contains. They did provide us with a draft at least, which is a start. (I've attached for your information)
- 6) HHPA did receive an updated Timetable from ITM (attached for your information). The Timetable is a document that every railroad maintains that lists all their personnel in charge, speeds on all sections of the track, areas where slower speeds are required, etc. However, the only thing ITM changed from previous Timetable provided was the cover page with a new date and the second page of updated contacts/personnel. The DSLE's ITM listed are Engineers that either no personnel file was provided to HHPA to review at our inspection of their personnel files by HHPA's Executive Director and Consultant, so we have no records of their qualifications. Their DSLE that was at the file inspection review meeting was moved from the DSLE category in the timetable because we informed them that he did not have current certifications to show us. The other DSLE that ITM listed in their updated Timetable we have been told that he was no longer going to volunteer. So basically we have no records to verify any of their DSLE's are certified to the CFR regulations. The DSLE is probably the most important person with any railroad, as they oversee the training of all Engineers and Conductors. This alone, in my opinion, should be reason to maintain our suspension of ITM until a properly certified DSLE is presented to HHPA with all required documentation.
- 7) Cleaning of culverts and bridges. ITM's president sent an email that stated the following: "The abutments on the Fall Creek bridge have been cleaned off and other bridges will have the same done this week as our volunteers can get to them. A thorough cleaning of the Fall Creek, Allisonville Road, and State Road 19 bridge bearing areas and an assessment of each must wait until a contractor can be hired to do the work according to the 5-year Bridge Maintenance Plan. Specialty equipment, reclamation of debris, and traffic control will be required for this work. Our plan will be to complete this in the spring of 2017." I have been unable to verify the cleaning of the Fall Creek bridge as of today, but as of Friday when I inspected the Fall Creek bridge, no work had been completed, and there is some serious rusting issues of the lower chord of the truss that needs to be addressed soon.
- 8) ITM provided HHPA with a copy of the FRA equipment inspection report on the remaining coach cars that were not inspected previously by the FRA (PDF Attached). As with all the other FRA reports since we issued the Revised Policy of Use, nothing was listed except that no violations/exceptions were noted. This is a main concern of mine and our consultants. We do not feel the FRA wants to

get in the middle of this issue and has thus issued no violations. It is my understanding from our Executive Director that the inspections could not have been very thorough, as the inspector was there for a very short time on a recent Sunday. Since the ITM is considered a tourist railroad at this time, they really are not subject to FRA inspection requirements like a freight or passenger railroad would be held to. I personally think that the HHPA should take no comfort in these reports, especially after what I was educated on today during a hi-rail inspection with our consultant and a railroad contractor that I will brief you on later in this email. I also believe that ITM's operations need to be held to a higher standard than a normal tourist operation, since they want to operate at speeds up to 25 MPH and due to the fact that all the crossings from Noblesville to the Fairgrounds cross very heavily traveled roads, and are loaded with passengers, so no safety issues should be compromised. From the education I've received recently, most, if not all tourist operations run at Class I railroad speeds of 10 MPH or less.

- 9) HHPA did receive a maintenance plan from ITM for the remainder of 2016 (PDF Attached). I find it to be woefully inadequate, but you can form your own opinion. My opinion is based on the recent report they provided to us that noted they netted almost \$290,000 (after expenses) on the Polar Bear Express this past winter. Only proposing \$145,000 of maintenance is well short of the \$300k we were told they would be working towards, especially considering the revenue they reported on the Polar Bear Express, and the lack of maintenance over the past several years.

Today, I went on a hi-rail trip with a contractor from the Louisville area that our railroad consultant Ms. Hale secured to come give me an education on what inspectors look for and give us their "off the record" opinion of the current conditions. Both gentlemen that came are FRA Certified Inspectors. Although they said the track was in fairly good condition for a tourist railroad, they showed me several areas that should not have passed an FRA inspection or the inspections of ITM's track inspectors. It is worth noting that the contractor said they would not recommend any speeds over 10 MPH, which is the limit for Class I rails, and what most tourist railroads run at or below, thus the opinion that they were in fairly good condition for a tourist railroad. At one point, I asked them to get up to 25 MPH, which is the limit for Class II rails, and the ride was very bad, which they explained was due to the age of the rail and the fact that the ties were not in good condition overall. As ties weaken/rot, the track shifts more and deflections occur that after time are permanently engrained in the rails. These permanent deflections cause trains to oscillate at higher speeds, which is typically the underlying cause of most derailments. In addition, they found numerous defects for even Class I rails, such as inadequate satisfactory ties at several locations where old abandoned spurs or turnouts and switches are located on the mainline. These areas has no good ties within the turnout limits, which is a Class I defect. This means that no operations at any speeds should occur until a Class I defect is repaired. I was informed by one of the inspectors that previously worked for the company that did our federal aid tie replacement project a couple of years ago, that these ties in the switch and turnout areas were not touched due to the fact that they are longer ties and such ties were not provided as part of the tie replacement project. We also stopped at several spots to inspect the areas on foot, and at two of the handful of spots that we stopped at we found one of the rail splice bars we inspected at each location had a crack in it, which is also a Class I defect. We did not have time to inspect the whole track on foot, and since the contractor donated their time today, I wasn't about to ask them to do so. That said, I'm sure we didn't luck out and find the only two cracked bars on the 11 miles of track from Fishers to the Fairgrounds. How many of these splice bars are cracked is unknown, but finding two at the handful of stops that we made has me very worried as to the overall state of these important splice locations on the rail.

The other major issue is the sight distance at most of the crossing in Marion County. Since brush cutting has not taken place, sight distance is very limited at most crossings. This is a very dangerous situation even though stop signs are present at these streets. At 25 MPH a train comes at you pretty quick if not paying attention, and with the infrequent use our tracks see, this is a serious safety issue in my opinion as most frequent users of these roadways are not used to encountering trains.

A full listing of the items we found are as follows:

Class I defects found (cannot operate even at 10MPH or less):

- Switch ties are bad and loose joints at the switch south of 96th Street

- A center break compound bolt, 3 ½ x 6 on 115 lb side and 2 1/5 x 5 on 90 lb side just north of Masters Road
- Need new Head Block ties at switch south of 82nd Street

Class II defects found:

- Quarter Break Point Bar, 9AR, south of Kessler

Additional Repairs needed before train movements:

- Clean out crossing depression next to rail at Kessler Blvd
- Replace ties North of Fall Creek and in the area of Citizens Energy water treatment plant, Class I due to condition of tie

Additional Requirements to run as Class I:

- Slow order at all crossings and curves
- Site obstruction at Graham Rd due to brush
- Bent Rail south of 71st Street, slow order

What is needed for Class II Service throughout (up to 25MPH max speed):

- Ties and surfacing
- Rail Splice Bolts Tightened
- Brushing cutting at crossing, site obstruction
- Take out turns

With all of this said, I see no way that I can recommend to the Board and Owners that HHPA lift the suspension of ITM's operations and allow the Fair Train to run starting this Friday. I want your feedback before I present this to ITM tomorrow. I see no way ITM can come into compliance that quickly, and these issues are not issues that should be rushed through just for the sake of the Fair Train. The liability is too high to waive our requirements in my opinion. I value your feedback and want to ensure we are all united on this front, so please respond with any concerns or input you have as soon as possible. I would like to know if each and every one of you are in agreement with our findings and direction.

I apologize for the length of these correspondences, but these issues require such. Running a railroad is serious business, lives are at stake each and every time the train runs.

If you would like to discuss any concerns/issues you may have, please feel free to call me on my cell.

If everyone is in agreement, I will put together a press release for all communities to review/comment on, and then utilize so our message is consistent and clear when we go public.

Sincerely,

Michael J. Oberfell, PE | President

Hoosier Heritage Port Authority
33 N 9th Street, Suite 215
Noblesville, IN 46060
Office: 317-776-8268 | Cell: 317 965-9167