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Norfolk Southern Railroad
c/o Alan H. Shaw
President and Chief Executive Officer
650 W. Peachtree St. NW
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Norfolk Southern Railroad
c/o Floyd E. Hudson III
Vice President Field Engagement
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Norfolk Southern Railroad
c/o Vice President Safety
650 W. Peachtree St. NW
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Norfolk Southern Railroad
c/o Nabanita Chatterjee Nag
Executive VP of Corporate Legal Affairs
And Chief Legal Officer
650 W. Peachtree St. NW
Atlanta, GA 30308

Re: Norfolk Southern Railroad Crossing at Muncie Industria Center Trail
Muncie, Indiana

Dear Representatives:

By way of introduction, I represent the Delaware County Commissioners ("County") and the Delaware County Redevelopment Commission ("DCRC"). The County is writing as one last attempt to reach someone within your organization before it takes legal action. The County and DCRC built the Muncie Industria Center Trail ("Trail"). The Trail is a multi-million-dollar trail in the heart of Muncie's Industrial Area on the south side of the City. The project created three miles of walking and biking trails for Muncie residents. The Trail serves Ivy Tech Community College, the Industria Centre Industrial Park, Magna PowerTrain, Progress Rail Services, Midwest Metal Products, the United States Postal Service, D.I.Y. Group, Vectren Energy Delivery, Attlin Construction, Diamond Plastics Corporation, the Red Dog Saloon, and the Delaware County Justice Center and Jail, to name a few.

The Muncie Industria Center Trail runs parallel to South Cowan Road. The Trail stops at the crossing of the Norfolk Southern Railroad Crossing at the intersection of

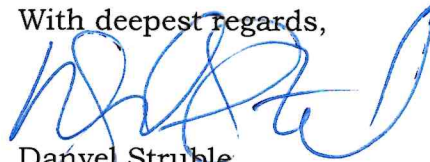
Parcel No. 18-11-28-100-009.000-002 and Parcel No. 18-11-28-300-001.000-001. The County ran the Trail as close to the railroad tracks as allowable. When the Trail stops, there is a ditch on both sides that citizens must walk down and back up to cross over the railroad tracks.

Immediately after completion of the trail, the County and DCRC began receiving complaints from citizens and businesses that the area was dangerous. A significant amount of people bike on the Trail. They must get off their bikes, find a way to carry them through the ditch, over the tracks, and through the second ditch before they can continue on the Trail. Last summer the County had to place barricades at the end of the Trail on both sides of the track to stop people from riding in the ditch. Last July, a citizen, working at Magna PowerTrain, rode his bike on the Trail. He wrecked his bike at the tracks, flipping headfirst over the handlebars. He broke his nose, shattered his glasses, and destroyed his bicycle. The complaints and concerns are increasing significantly by citizens and business owners and employees in the area.

Nearly a year ago, I began the lengthy process of attempting to locate an individual at Norfolk Southern Railroad who could assist in negotiating a crossing path at the location of the crossing on South Cowan Road. My research indicates that a Public Improvement Project must be initiated to get a crossing path over the track. Despite a few emails being returned, Norfolk Southern has passed the buck amongst numerous employees. I have yet to get a response from the gentleman I believe oversees starting a public project to erect a crossing path, Eldridge Chambers (EW). The attempted communication with Mr. Chambers numbers in the dozens at this point.

The goal of the Trail is to give the citizens an outlet to travel with ease in the Industria Centre area, to be out in nature and exercise, and most importantly to have a safe avenue to do those things. However, Norfolk Southern Railroad's refusal to discuss this matter with the County has created a public health and safety issue for the Commissioners. The County has the power to act in accordance with ensuring the effective operation of government as to local affairs. If I do not hear from someone in your organization within ten (10) days from the date of this letter, the County will begin the process to declare the site a public health and safety risk and begin taking action to remedy the issue.

With deepest regards,



Danyel Struble
*Attorney for Delaware County
Commissioners and Delaware County
Redevelopment Commission*