

CLARK HILL

Eric M. Hocky
T (215) 640-8523
F (215) 640-8501
Email:ehocky@clarkhill.com

Clark Hill PLC
Two Commerce Square
2001 Market Street, Suite 2620
Philadelphia, PA 19103
T (215) 640-8500
F (215) 640-8501

clarkhill.com

July 29, 2020

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BY E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

ENTERED
Office of Proceedings
July 29, 2020
Part of
Public Record

Re: Norfolk Southern Railway Company - Abandonment Exemption - In Hudson and
Essex Counties, New Jersey
Docket No. AB-290 (Sub-No. 408X)
Request for Notice of Interim Trail Use (color image included)

Dear Ms. Brown:

This request is filed on behalf of Open Space Institute Land Trust, Inc., a New York not-for-profit corporation ("OSILT" or "Proponent"). The filing fee of \$350 has been paid through Pay.Gov.

Proponent requests issuance of a Notice of Interim Trail Use with respect to the approximately 8.6-mile rail line between Milepost WD 2.9 in the City of Jersey City to Milepost WD 11.5 in the Township of Montclair, in Hudson and Essex Counties, New Jersey (the "Rail Line") that is the subject of this exempt abandonment proceeding. A map of the Rail Line is attached as Exhibit A to the enclosed Statement of Willingness to Assume Financial Responsibility ("Statement of Willingness").

Proponent has entered into an agreement with Norfolk Southern Railway Company ("NSR") to acquire the Rail Line for the public use of development of a trail and open space, while holding the Rail Line for possible reactivation of rail service. OSILT anticipates that the Counties of Essex and Hudson, New Jersey (the "Counties"), will ultimately substitute for OSILT as the Proponent, subject to any necessary substitution authorization under 49 CFR §1152.29(f).

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Proponent requests that the Board issue a Notice of Interim Trail Use for the entire 8.6-mile Rail Line. In order to establish interim trail use and rail banking 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 financial responsibility as set forth on the enclosed Statement of Willingness.

By my signature below, I certify service of a copy of this request on counsel for Norfolk Southern Railway Company shown below.

Respectfully submitted,

CLARK HILL PLC

/s/ Eric M. Hocky

Eric M. Hocky
Attorneys for
Open Space Institute Land Trust, Inc.

EMH:e
Enclosure

cc: William A. Mullins, Attorney for Norfolk Southern Railway Company
Crystal M. Zorbaugh, Attorney for Norfolk Southern Railway Company

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under Section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR 1152.29 with respect to the Rail Line (as defined below”) owned by Norfolk Southern Railway Company (“NSR”), Open Space Institute Land Trust, Inc., a New York not-for-profit corporation (“OSILT”), is willing to assume full responsibility for management of, for any legal liability arising out of the transfer of use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for payment of any and all taxes that may be levied or assessed against the Rail Line.

The property, a portion of the former New York and Greenwood Lake Railroad, extends between Milepost WD 2.9 in the City of Jersey City to Milepost WD 11.5 in the Township of Montclair, in Hudson and Essex Counties, New Jersey, a distance of approximately 8.6 miles. The property is all of the line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-No. 408X).

A map depicting the Rail Line is attached as Exhibit A.

OSILT 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.

A copy of this statement is being served on Norfolk Southern Railway Company on the same date that it is being served on the Board.

Open Space Institute Land Trust, Inc.



By: _____

Name: Terrence Nolan

Title: Senior Vice President

Dated: July 29, 2020

