

MULLINS LAW GROUP PLLC

Transportation Solutions for the 21st Century

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March 18, 2025

VIA E-FILING

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

 GRANTED Office of Proceedings	DECISION ID NO.: 52519
	DECIDED DATE: 3/19/2025
	SERVED DATE: 3/19/2025
	APPROVED:  Acting Director
☒ CITU extended until 4/8/2026.	

Re: Conrail Abandonment of Lines in Zanesville, OH, AB-167 (Sub-No. 445N); Ohio-Rail Corporation—Discontinuance of Service and Lease Operations In Perry and Muskingum Counties, OH, AB-1321X
Extension of CITU Negotiations by One Year

Dear Ms. Brown:

The Ohio-Rail Development Commission (“ORDC”) and the Muskingum Valley Park District (“MVPD”) hereby jointly petition the Surface Transportation Board (“STB”) for an order extending the period for negotiations for interim trail use and railbanking between ORDC and MVPD concerning rail lines between milepost 0.0 to milepost 3.1 (“Glass Rock-East”) and Z&W Industrial Track from milepost 45.8 to milepost 57.5 (“Glass Rock West”) (the “Line” or the “Glass Rock Branch”) for an additional year until April 8, 2026.¹

ORDC and MVPD have been negotiating a mutually acceptable trail use and railbanking agreement since the STB issued a replacement Certificate of Interim Trail Use (“CITU”) on April 8, 2024 (“CITU Decision”).² In the CITU Decision, the Board vacated the original CITU, which was issued to a different trail sponsor, on March 13, 2023.

¹ See Limiting Extensions of Trail Use Negotiation Periods, EP 749 (Sub-No. 1); Rails-To-Trails Conservancy – Petition for Rulemaking, EP 753 (STB served Dec. 4, 2019) (in this rulemaking decision, the STB “adopted a final rule amending its regulations related to the National Trails System Act to: (1) provide that the initial term for Certificates or Notices of Interim Trail Use or Abandonment will be one year (instead of the current 180 days); (2) permit up to three one-year extensions of the initial period if the trail sponsor and the railroad agree; and (3) permit additional one-year extensions if the trail sponsor and the railroad agree and extraordinary circumstances are shown.”).

² In the CITU Decision, MVPD replaced the Perry County Board of Commissioners as the CITU sponsor.

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While significant progress has been made between ORDC and MVPD towards the establishment of a CITU, more time is needed to resolve certain operational and contractual concerns. At all times, ORDC has maintained an intention to transfer the Line intact for interim trail use and railbanking. Further, ORDC and MVPD have continued to negotiate in good faith for the transfer of the Line, and the STB retains jurisdiction to extend its original order. An additional year will allow ORDC and MVPD to resolve the remaining issues and implement interim trail use of the Line. Accordingly, ORDC and MVPD respectfully request that the Board extend the CITU negotiation period for another year, until April 8, 2026. If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Crystal M. Zorbaugh

Crystal M. Zorbaugh
Counsel for Ohio-Rail Development
Commission and Muskingum Valley Park
District

cc: Parties of Record