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July 1, 2025

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

Re: *Norfolk Southern Railway Company – Abandonment Exemption – In Cuyahoga, Geauga, and Portage Counties, Ohio, AB 290 (Sub-No. 418X)  
Petition for Notice of Interim Trail Use (color image included)*

Dear Ms. Brown:

This petition 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 7-mile rail line between Milepost RH 15.0 +/- and Milepost RH 22.0 +/- in Cuyahoga, Geauga, and Portage Counties, Ohio (the "Rail Line") that is the subject of this exempt abandonment proceeding.<sup>1</sup> 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.<sup>2</sup> At this time, OSILT anticipates that West Creek Conservancy, an Ohio not-for-profit corporation, will ultimately substitute for OSILT as the Proponent,<sup>3</sup> subject to any necessary substitution authorization under 49 CFR § 1152.29(f).

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<sup>1</sup> The abandonment was filed as a joint notice of exemption to include the discontinuance of common carrier service by Cleveland & Cuyahoga Railway, LLC in AB 1257 (Sub-No. 1X).

<sup>2</sup> In a subsequent filing to be filed after the parties reach a trails use agreement, OSILT (or the then current Proponent) will file with the Board to acquire the residual common obligation for the Rail Line from NSR.

<sup>3</sup> If and when this occurs, OSILT and West Creek Conservancy will seek a replacement NITU for the change.

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Proponent requests that the Board issue a Notice of Interim Trail Use for the entire 7-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.

If you have any questions related to this filing, please let me know.

Sincerely,



Justin J. Marks  
*Counsel to Open Space Institute Land Trust, Inc.*

Enclosure

cc: 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 NSR's Randall Secondary, extends between Milepost RH 15.0 +/- and Milepost RH 22.0 +/- in Cuyahoga, Geauga, and Portage Counties, Ohio, a distance of approximately 7.0 miles (the "Rail Line"). The property is all of the line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-No. 418X).

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: Dene Hofheinz Lee  
Name: Dene Hofheinz Lee  
Title: Senior Vice President, Northeast Land

Dated: July 1, 2025

