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SERVICE DATE – OCTOBER 1, 2026

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 290 (Sub-No. 422X)

NORFOLK SOUTHERN RAILWAY COMPANY—
ABANDONMENT EXEMPTION—IN SCIOTO COUNTY, OHIO

Decided: October 1, 2026

Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 24.43 miles of rail line located between milepost CT 80.57 +/- and approximately milepost CT 105.0 +/- in Scioto County, Ohio (the Line). Notice of the exemption was served and published in the Federal Register on September 2, 2026 (91 Fed. Reg. 56,537). The exemption is scheduled to become effective on October 2, 2026.

The Board's Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on September 9, 2026, concluding that the proposed abandonment would not significantly affect the quality of the human environment. OEA solicited comments and issued a Final Environmental Assessment (Final EA) on September 30, 2026. In the Final EA, OEA indicated that it received one comment from the U.S. Army Corps of Engineers (USACE) stating that the proposed abandonment would not require a permit under the Clean Water Act and that no further consultation with USACE is required. OEA therefore recommended no conditions and reaffirmed its conclusion that the proposed action will not significantly affect the quality of the human environment.

On September 11, 2026, the Scioto County Board of Commissioners (Scioto County) filed a request for issuance of a notice of interim trail use or abandonment (NITU) under the National Trails System Act, 16 U.S.C. § 1247(d), to establish interim trail use/railbanking on the Line. On September 15, 2026, NSR responded that it is willing to negotiate toward an interim trail use agreement.

Interim Trail Use. Scioto County's request for a NITU complies with the requirements of 49 C.F.R. § 1152.29, and NSR has indicated that it is willing to negotiate an agreement for interim trail use with Scioto County. Therefore, a NITU will be issued. The parties may negotiate an agreement during the one-year period prescribed below. If an interim trail use agreement is reached (and thus, interim trail use is established), the parties shall jointly notify the Board within 10 days that an agreement has been reached. 49 C.F.R. § 1152.29(d)(2) & (h). If no agreement is reached within one year, NSR may fully abandon the Line, subject to any outstanding conditions. See 49 C.F.R. § 1152.29(d)(1). Use of the right-of-way for trail purposes is subject to possible future reconstruction and reactivation of the right-of-way for rail service.

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

A finding of no significant impact under 49 C.F.R. § 1105.10(g) will be made pursuant to 49 C.F.R. § 1011.7(a)(2)(ix).

It is ordered:

1. Abandonment of the Line will have no significant effect on the quality of the human environment and conservation of energy resources or on historic resources.

2. The notice served and published in the Federal Register on September 2, 2026, exempting the abandonment of the Line described above, is modified to the extent necessary to implement interim trail use/railbanking as set forth below to permit the parties to negotiate for interim use for the rail line, for a period of one year from the service date of this decision and notice, until October 1, 2027.

3. If an interim trail use/railbanking agreement is reached, it must require the trail sponsor to assume, for the term of the agreement, full responsibility for: (i) managing the right-of-way; (ii) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability); and (iii) the payment of any and all taxes that may be levied or assessed against the right-of-way.

4. Interim trail use/railbanking is subject to possible future reconstruction and reactivation of the right-of-way for rail service and to the trail sponsor's continuing to meet its responsibilities for the right-of-way described in paragraph 3 above.

5. If an interim trail use/railbanking agreement is reached (and thus, interim trail use/railbanking is established), the parties shall jointly notify the Board within 10 days that an agreement has been reached. See 49 C.F.R. § 1152.29(d)(2), (h).

6. If interim trail use/railbanking is implemented, and subsequently the trail sponsor intends to terminate trail use on all or any portion of the right-of-way covered by the interim trail use/rail banking agreement, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

7. If an agreement for interim trail use/railbanking is reached by October 1, 2027, interim trail use/railbanking may be implemented. If no agreement is reached, NSR may fully abandon the Line, subject to any outstanding conditions.

8. This decision and notice is effective on its service date.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.