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November 13, 2026
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BEFORE THE
SURFACE TRANSPORTATION BOARD

CITY OF SOLON, OHIO
– ACQUISITION EXEMPTION –
NORFOLK SOUTHERN RAILWAY COMPANY

STB Docket No. FD 36964

VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. §1150.31

(includes color images)

Edward Kraus
Mayor
City of Solon
34200 Bainbridge Road
Solon, Ohio 44139
440-337-1377
ekraus@solonohio.org

Mayor of City of Solon, Ohio
Authorized Representative

Dated: November __, 2026

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SURFACE
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UNDER 49 C.F.R. §1150.31

The City of Solon, Ohio ("Solon"), a non-carrier, files this Notice of Exemption pursuant to 49 C.F.R. §1150.31 to exempt from regulation, under 49 U.S.C. §10901, Solon's acquisition from Norfolk Southern Railway Company ("NSR"), of the residual right to reactivate rail service over a railbanked right-of-way extending between Milepost RH 15.0± in Cuyahoga County, Ohio and Milepost RH 21.5± at the Geauga-Portage County Line, Ohio, a distance of approximately 6.5 miles ("Segment 2").

Background

In Norfolk Southern Ry. Co. – Abandonment Exemption – In Cuyahoga, Geauga, and Portage Counties, Ohio, STB Docket No. AB 290 (Sub-No. 418X) (STB served June 25, 2025) ("NSR Abandonment Proceeding"), the Board served a notice of NSR's proposed exemption and published the notice in the Federal Register. The notice covered the proposed abandonment of the 7.0-mile rail line between Milepost RH 15.0 ± in Cuyahoga County, Ohio, and Milepost RH 22.0 ± in Portage County Ohio (the "Rail Line").

By decision served July 24, 2025, the Board reopened the proceeding and issued a notice of interim trail use ("NITU") in favor of Open Space Institute Land Trust, Inc., a New York not-

for-profit corporation ("OSILT"), as trail sponsor with respect to the Rail Line. In its decision, the Board ordered that interim trail use/rail banking would be subject to possible future reconstruction and reactivation of the right-of-way for rail service." Id., slip op. at 3.

On November 18, 2025, OSILT notified the Board in the NSR Abandonment Proceeding that, in accordance with the requirements of 49 CFR §1152.29(f), it intended to terminate its trail use and requested that the Board vacate the existing NITU and issue a replacement NITU substituting West Creek Conservancy, Inc. ("West Creek") and Solon as trail sponsors on two different segments of the Rail Line. On December 10, 2025, the Board issued a replacement NITU establishing West Creek as the trail sponsor for the segment between Milepost RH 21.5 ± at the Geauga-Portage County Line and Milepost RH 22.0 ± in Portage County ("Segment 1"), and Solon as the trail sponsor for the segment between Milepost RH 15.0± in Cuyahoga County, Ohio and Milepost RH 21.5± at the Geauga-Portage County Line, Ohio ("Segment 2"). On December 18, 2025, NSR, West Creek, and Solon jointly notified the Board that they had reached a Revised Trails Use Agreement for interim trail use and railbanking covering both segments of the Rail Line.

Pursuant to the Revised Trails Use Agreement, the Cuyahoga property portion of Segment 2 was transferred by NSR to Solon on December 23, 2025, and the Geauga County property portion of Segment 2 was transferred to Solon on December 31, 2025.[1] The transfers of Segment 2 to

[1] Segment 1 in Portage County was transferred to West Creek on December 31, 2025. On January 20, 2026, West Creek notified the Board in the *NSR Abandonment Proceeding* that, in accordance with the requirements of 49 CFR §1152.29(f), it intended to terminate its trail sponsorship with respect to Segment 1, and requested that the Board issue a replacement NITU substituting the City of Aurora, OH ("Aurora") as the trail sponsor for Segment 1. On February 27, 2026, the Board issued a replacement NITU in favor of Aurora, effective on the service date of its decision. Segment 1 was transferred from West Creek to Aurora on March 9, 2026. In Docket No. FD 36965, Aurora is seeking authority to acquire NSR's residual common carrier interests in Segment 1.

Solon were conveyed for interim trail use and rail banking pursuant to Section 8(d) of the National Trails System Act, 16 USC §1247(d). NSR also agreed to convey to Solon, as the trail sponsor of Segment 2, all of NSR's residual common carrier interests in Segment 2, including NSR's right to terminate trail use and reactivate freight rail service. Solon, as the trail sponsor for Segment 2, intends to redevelop Segment 2 to create greenways, and to provide for alternative modal access to various sites located along the line, subject to the possible reactivation of rail service as required by the Board and the National Trails System Act. NSR does not wish to retain any residual common carrier interests related to Segment 2, and Solon is willing to acquire such residual interests.

Acquisition by a non-carrier of the right to reactivate rail service over a railbanked right-of-way is eligible for an exemption from 49 U.S.C. § 10901 under 49 C.F.R. § 1150.31, *et seq.* See e.g., City of Maplewood, Minn. – Acquisition Exemption – Right to Restore Rail Service Over a Railbanked Right-of-way in Ramsey County, Minn., STB Finance Docket No. 35450 (STB served Dec. 23, 2010); Atlanta Belt Line, Inc. – Acquisition Exemption – Norfolk Southern Railway, Co., STB Finance Docket No. 36286 (STB served June 14, 2019).

Notice

In accordance with 49 C.F.R. § 1150.33, Solon hereby provides the following information:

(a) The full name and address of Applicant: City of Solon, 34200 Bainbridge Road, Solon, Ohio 44139.

(b) Applicant's Authorized Representative:

Edward Kraus
Mayor
City of Solon
34200 Bainbridge Road
Solon, Ohio 44139
440-349-6720
ekraus@solonohio.org

(c) An agreement between NSR and Solon has been reached for Solon's acquisition of NSR's right to reactivate rail service over Segment 2.

(d) Solon would obtain a contract operator to operate Segment 2 if rail service were to be reactivated. Solon acknowledges that any such operator would need to obtain operating authority from the Board.

(e) Brief Summary of the Proposed Transaction: By decision of the Board served December 10, 2025, Solon was named the replacement trail sponsor for Segment 2. On December 17, 2025, NSR and Solon (and West Creek) entered into a Revised Interim Trail Use Agreement, under which NSR agreed to convey to Solon all of NSR's remaining property interests in and to Segment 2, as well as NSR's residual rights to terminate trail use and reactivate rail service. Segment 2 was transferred by NSR to Solon in two segments – one on December 23, 2025, and one on December 31, 2025.

(1) The name and address of the company transferring the reactivation rights to Segment 2 is Norfolk Southern Railway Company, 650 W. Peachtree Street NW, Atlanta, GA 30308.

(2) The transfer of the reactivation rights will be consummated no earlier than 30 days after the filing of this Verified Notice of Exemption with the Board.

(3) The mileposts of Segment 2 are between Milepost RH 15.0±_ in Cuyahoga

County, Ohio and Milepost RH 21.5± at the Geauga-Portage County Line, Ohio.

(4) The total mileage for which reactivation rights are to be acquired is approximately 6.5 miles.

(f) Attached as Exhibit A to this Notice of Exemption is a map of the Rail Line with Segment 2 marked thereon.

(g) Solon certifies that since there are no current freight operations, its projected revenues as a result of the acquisition of reactivation rights will not exceed those that would qualify it as a Class III carrier.

(h) Solon certifies that the transaction does not include an interchange commitment.

(i) Solon certifies that, since there are no current freight operations, the annual revenues that would result from the acquisition of reactivation rights will not exceed $5,000,000.

Labor Protection

Pursuant to 49 U.S.C. § 10901(c), approval of this transaction may not be subjected to labor protection.

Environmental and Historic Reports

Pursuant to 49 C.F.R. §1105.6(c)(2), no environmental documentation is required because this proceeding involves only the acquisition of the right to reactivate service that will not result in significant changes to carrier operations. As a result, the changes will not exceed the thresholds established in 49 C.F.R. §1105.7(e)(4) or (e)(5) because there are no existing carrier operations on Segment 2, and none are projected to follow at this time. Pursuant to 49 C.F.R. §1105.8 (b)(1), no historic report should be required since, if rail service were ever reactivated, further Board approval

would be required to abandon such service.[2]

Caption Summary

Attached hereto as Exhibit B is the caption summary required by 49 C.F.R. §1150.34.

Conclusion

Accordingly, Solon requests that the Board issue a notice allowing the acquisition of NSR's residual right to reactivate rail service to become effective at any time after 30 days from the filing of this Notice of Exemption.

Respectfully submitted,

Edward Kraus

Edward Kraus
Mayor
City of Solon
34200 Bainbridge Road
Solon, Ohio 44139
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Mayor of City of Solon
Authorized Representative

Dated: November 12, 2026

[2] The proposed abandonment of the Rail Line by NSR was subject to environmental and historic review in the *NSR Abandonment Proceeding*, as reflected in the Environmental Assessment issued by the Office of Environmental Analysis. However, all environmental and historic conditions recommended are suspended during the pendency of the NITU.

VERIFICATION

I, Edward Kraus, Mayor of the City of Solon, verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and the representative of the City of Solon duly authorized to file the foregoing document.

Executed on November 12, 2026.

Edward Kraus

Edward Kraus, Mayor

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EXHIBIT A

MAP

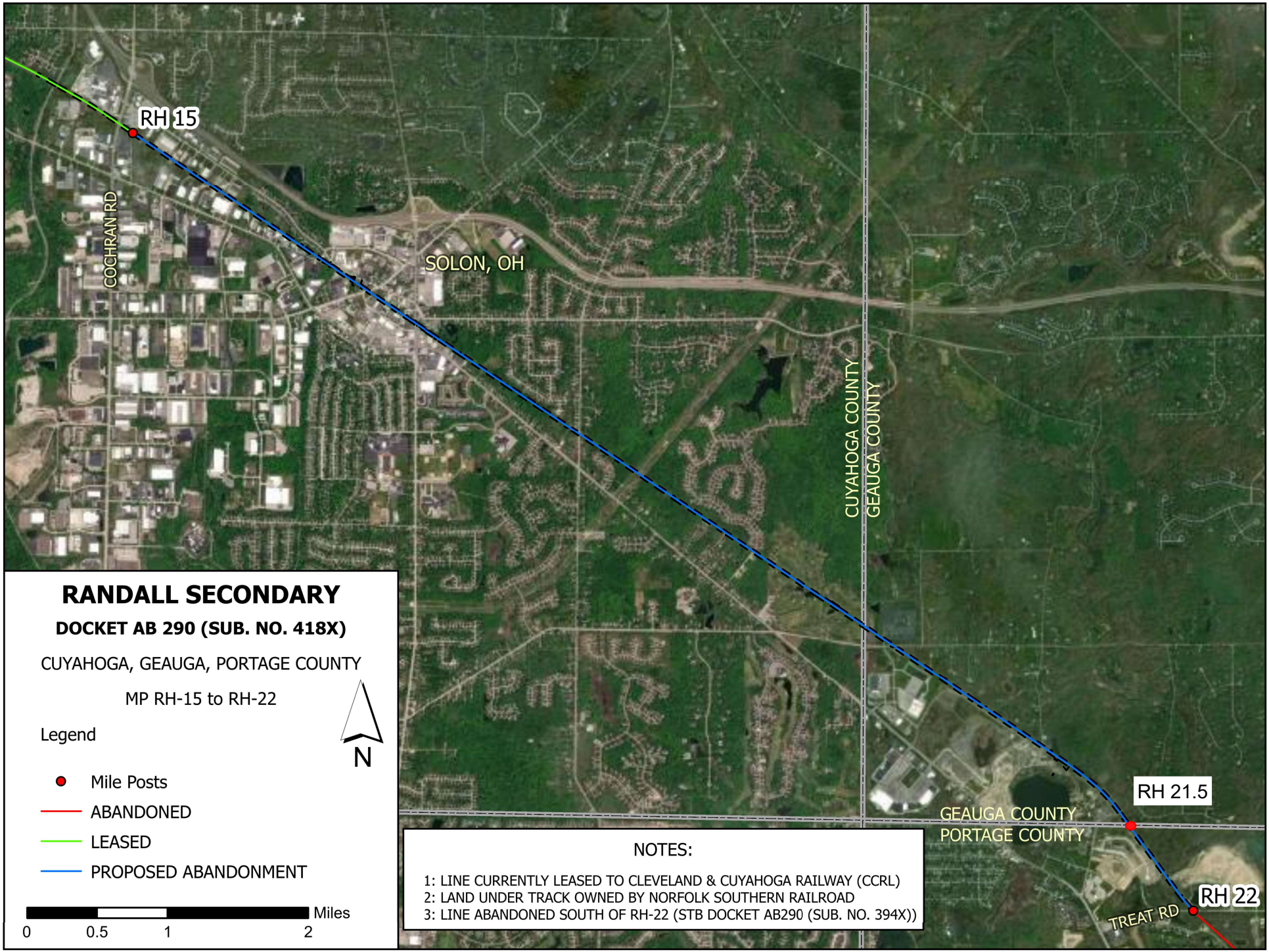
RH 15
COCHRAN RD
SOLON, OH
CUYAHOGA COUNTY
GEAUGA COUNTY
RH 21.5
GEAUGA COUNTY
PORTAGE COUNTY
RH 22
TREAT RD
RANDALL SECONDARY
DOCKET AB 290 (SUB. NO. 418X)
CUYAHOGA, GEAUGA, PORTAGE COUNTY
MP RH-15 to RH-22
Legend
N
Mile Posts
ABANDONED
LEASED
PROPOSED ABANDONMENT
Miles
0
0.5
1
2
NOTES:
1: LINE CURRENTLY LEASED TO CLEVELAND & CUYAHOGA RAILWAY (CCRL)
2: LAND UNDER TRACK OWNED BY NORFOLK SOUTHERN RAILROAD
3: LINE ABANDONED SOUTH OF RH-22 (STB DOCKET AB290 (SUB. NO. 394X))

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EXHIBIT B

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

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The City of Solon, Ohio ("Solon"), a non-carrier has filed a Notice of Exemption pursuant to 49 C.F.R. § 1150.31 to exempt from regulation under 49 U.S.C. §10901, Solon's acquisition from Norfolk Southern Railway Company ("NSR"), of the residual right to reactivate rail service over a railbanked right-of-way extending between Milepost RH 15.0±_ in Cuyahoga County, Ohio and Milepost RH 21.5± at the Geauga-Portage County Line, Ohio, a distance of approximately 6.5 miles ("Segment 2"). The Board served and published a notice of NSR's proposed abandonment exemption of the Rail Line in Norfolk Southern Ry. Co. – Abandonment Exemption – In Cuyahoga, Geauga, and Portage Counties, Ohio, STB Docket No. AB 290 (Sub-No. 418X) (STB served June 25, 2025) (the "Abandonment Proceeding"), and published notice in the Federal Register. By decision served July 24, 2025, the Board reopened the proceeding and issued a notice of interim trail use. By decision served December 10, 2025, in the Abandonment Proceeding, Solon was authorized to substitute as the trail sponsor of Segment 2 under the NITU. Solon states that Segment 2 is currently subject to interim trail use pursuant to a trail use agreement between Solon and NSR under the National Trails System Act, 16 U.S.C. §1247(d). The transfer of the reactivation rights will complete the transfer of all of NSR's ownership rights and responsibilities in Segment 2 to Solon.

Comments must be filed with the Board and served on Solon's representative: Edward Kraus, Mayor, City of Solon, 34200 Bainbridge Road, Solon, Ohio 44139; 440-349-6720;

ekraus@solonohio.org.

The Notice is filed under 49 C.F.R. §1150.31. If the Notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. §10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Board decisions and notices are available at www.stb.gov.

Decided: _____, 2026.

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

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing was served by email on the following:

Counsel to Norfolk Southern Railway:

Hanna M. Chouest
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Edward Kraus
Mayor of City of Solon, Ohio
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Dated: November 12, 2026