

242881

March 28, 2017

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. St. SW
Washington, DC 20472

ENTERED
Office of Proceedings
March 31, 2017
Part of
Public Record

RE: Norfolk Southern Railway Company Abandonment in Montgomery County,
Ohio, Docket AB-290 (Sub-No. 390X)

Dear Ms. Brown,

This request is filed on behalf of the City of Dayton, a municipal corporation in and of the State of Ohio, which is hereinafter referred to as "proponent."

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between Milepost ZX 12.1 and ZX 15.4 and Milepost ZQ 0.0 and Milepost ZQ 3.2 in Dayton, Ohio.

A. Request For Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

- 1) An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that the rail corridor in question will provide a direct recreational trail connection to downtown Dayton and tens of thousands of residents into the 300+ miles of existing paved trails in the region. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to commence negotiations with the carrier and title review.
- 2) An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reasons as indicated above.

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B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail-banking. In addition to the public use conditions sought above, proponent also makes the following request:

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 C.F.R. §1152.29, the City of Dayton, Ohio is willing to assume full responsibility for management of any legal liability arising out of the transfer or use of the right-of-way, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by Norfolk Southern Railway Company.

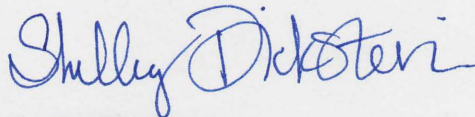
The property extends from Milepost ZX 12.1 and ZX 15.4 and Milepost ZQ 0.0 and Milepost ZQ 3.2 a distance of approximately 6.5 miles in Montgomery County, Ohio. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB 290 (Sub No. 390X). A map depicting the right-of-way is attached.

The City of Dayton, Ohio acknowledges that the 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.

By my signature below, I certify service upon Norfolk Southern Railway Company, by U.S. Mail, postage prepaid, first class, on the date written above.

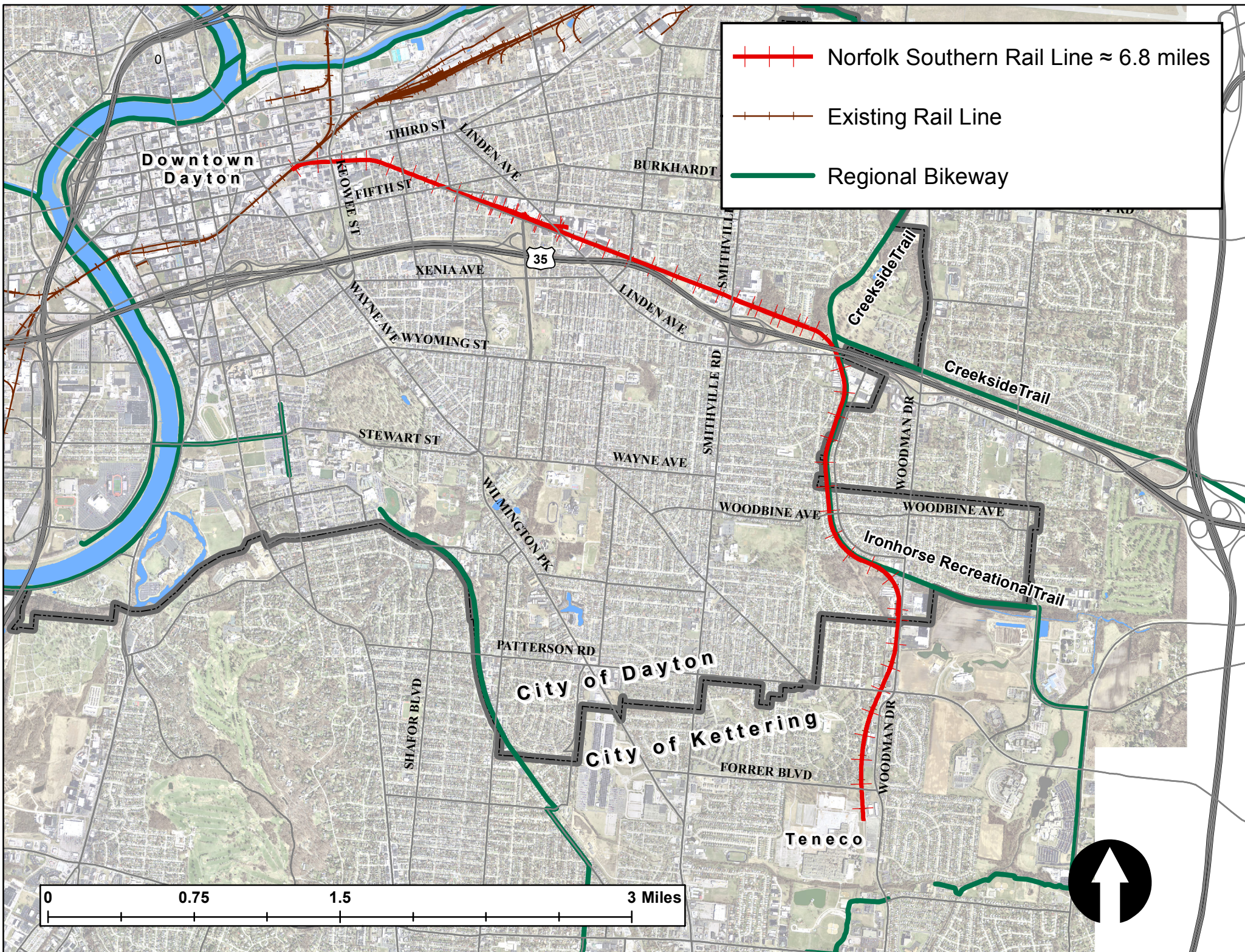
If you have any questions or require additional information, please contact Mr. Jon White in the City's Department of Planning and Community Development at 937-333-3683.

Very Respectfully submitted,

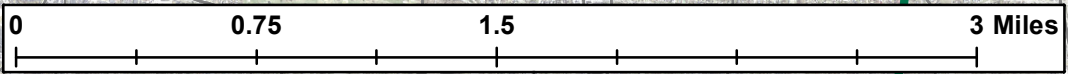


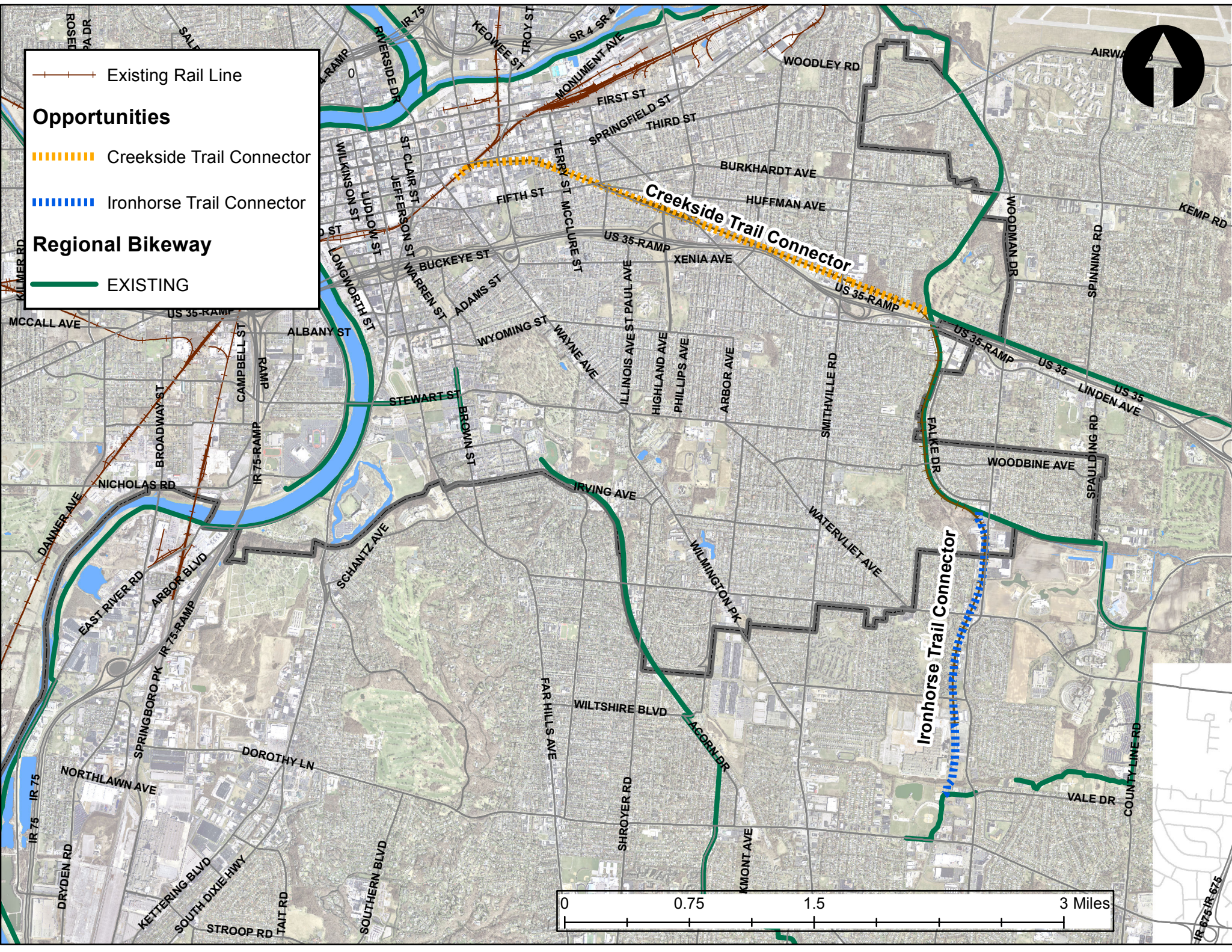
Shelley Dickstein
City Manager

SD/jw



-  Norfolk Southern Rail Line ≈ 6.8 miles
-  Existing Rail Line
-  Regional Bikeway





Existing Rail Line

Opportunities

Creekside Trail Connector

Ironhorse Trail Connector

Regional Bikeway

EXISTING

Creekside Trail Connector

Ironhorse Trail Connector

