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ENTERED
Office of Proceedings
October 9, 2018
Part of
Public Record

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October 9, 2018

Via E-Filing

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

Re: Norfolk Southern Railway Company – Abandonment Exemption – In Dayton,
Montgomery County, Ohio, AB-290 (Sub-No. 390X)

Dear Ms. Brown:

Per a letter dated October 2, 2018,¹ the City of Dayton ("City"), a municipal corporation in and of the State of Ohio, requested that the Board extend the period of time allowed for the parties to negotiate interim trail use/railbanking ("NITU") in the above-captioned proceeding.² Norfolk Southern Railway Company hereby notifies the Board that it consents to the City's request for a 180-day extension of the negotiation period towards a possible NITU arrangement for the approximately 6.5 mile line extending from milepost ZX 12.1 to milepost ZX 15.4 and from milepost ZQ 0.0 to milepost ZQ 3.2 that is the subject of the above-captioned proceeding.

Sincerely,



Crystal M. Zorbaugh
Counsel for Norfolk Southern Railway Company

cc: All parties of record
Greg Summy
Laura Hoag
Scott Plum

¹ A copy of the October 2, 2018 letter is attached.

² Per a Director's Decision served April 11, 2018, the NITU period currently expires on October 14, 2018.



October 2, 2018

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

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

Dear Ms. Brown:

The City of Dayton ("City"), a municipal corporation in and of the State of Ohio, hereby petitions the Surface Transportation Board ("STB") for an order extending the time period for negotiations for interim trail use and railbanking, between the City and Norfolk Southern Railway Company ("Norfolk") concerning property between Milepost ZX 12.1 and Milepost ZX 15.4 and Milepost ZQ 0.0 and Milepost ZQ 3.2 ("Line") located in Dayton, Ohio, for one hundred and eighty (180) days until April 12, 2019.

The City has been negotiating with Norfolk for mutually acceptable interim trail use and railbanking agreement since STB's issued its original Notice of Interim Trail Use ("NITU"). As such, the City initiated and completed the process of having the Line appraised and is continuing to locate relevant documents for negotiations. However, the parties need additional time to complete the negotiations.

In an effort to preserve the Line for interim trail use and railbanking under Section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d), it is necessary for the negotiation period to be extended up to and including April 27, 2018. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub. No. 13b)(ICC served Feb. 5, 1990)(extension of time promote the establishment of trails and railbanking consistent with the National Trails System Act).

Since the original issuance of the NITU by the STB, Norfolk at all times has maintained an intention to transfer the Line intact for interim trail use and railbanking. Norfolk has not sold, or offered for sale, any parcels of land that would interfere with interim trail use and railbanking portion of the Line. The Line remains intact and Norfolk has been negotiating with the City for the transfer or sale of the entire and intact Line. Accordingly, the STB retains jurisdiction to

extend its original order and allow for the City and Norfolk to continue bona fide and active negotiations for interim trail use of the Line.

The City, as a governmental entity, also respectfully requests a waiver of the Board's filing fees in accordance with 49 C.F.R. § 1002.2(e)(1).

Should you have any questions, please do not hesitate to contact Mr. Jon White in the City's Department of Planning and Community Development at (937) 333-3683.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Shelley Dickstein". The signature is fluid and cursive, with the first name "Shelley" and last name "Dickstein" clearly distinguishable.

Shelley Dickstein
City Manager

c: Parties of Record