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

ENTERED
Office of Proceedings
December 7, 2017
Part of
Public Record

RE: Norfolk Southern Railway Company Abandonment in Aurora, Portage County, Ohio STB Docket Number AB-290 (Sub-No. 394X) and AB-1257 Cleveland Commercial Railroad Company, LLC Discontinuance of Lease and Operating Authority in Aurora, Portage County, Ohio as Jointly-Filed Verified Notice of Exemption

Dear Ms. Brown:

This request is filed on behalf of the Portage Park District, in Portage County, Ohio which is a governmental agency interested in natural resources and recreation, which is hereinafter referred to as "Proponent".

While not taking a position on the merits of this abandonment, Proponent requests issuance of a Public Use Condition as well as a Certificate of Notice of Interim Trail Use rather than an outright abandonment authorization between Milepost RH 22 to Milepost RH 27.5 containing approximately 5.5 miles of rail line (the "Line").

A. Public Use Condition

Proponent requests the Surface Transportation Board ("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 Norfolk Southern Railway Company ("Carrier") from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. Justification for this condition is that the rail corridor will connect Proponent's property from the east end to its west terminus in the City of Aurora which is coordinating efforts with Proponent to create a hiking and bike trail along the Line. The corridor will make an excellent recreational trail and conversion of the property trail use is in accordance with local land use plans of Proponent, the City of Aurora, Portage County, and the Akron Metropolitan Area Transportation Study (AMATS the regional Metropolitan Planning Organization). In addition, the corridor provides important wildlife habitat and green space and its preservation as a recreational trail is consistent with Proponent's goal to create a hike and bike trail along the Line.

FILING FEE WAIVED

The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this time to coordinate efforts with local and state agencies, since the Line is not entirely contained within the City of Aurora, and the City of Aurora and Proponent need time to negotiate with the carrier.

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 reason as indicated above.

B. Request for Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. 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 Portage Park District is willing to assume full responsibility for management of, and is willing to indemnify the railroad against any potential liability, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Norfolk Southern Railway Company and operated by Norfolk Southern Railway Company.

The property, known as the Norfolk Southern Railway Line extends from railroad Milepost RH 22.0 to Milepost RH 27.5 a distance of 5.5 miles in Portage County, Ohio. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-No. 394X).

A map depicting the right-of-way is attached as Exhibit "1".

The Portage Park District 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.

By my signature below, I certify service upon William A. Mullins, at Baker & Miller PLLC at 2401 Pennsylvania Avenue. NW, Suite 300, Washington, DC 20037, attorney for Norfolk Southern Railway Company and Cleveland Commercial Railroad Company, LLC by U.S. mail, postage prepaid, first class this fifth day of December, 2017.

Respectfully submitted,

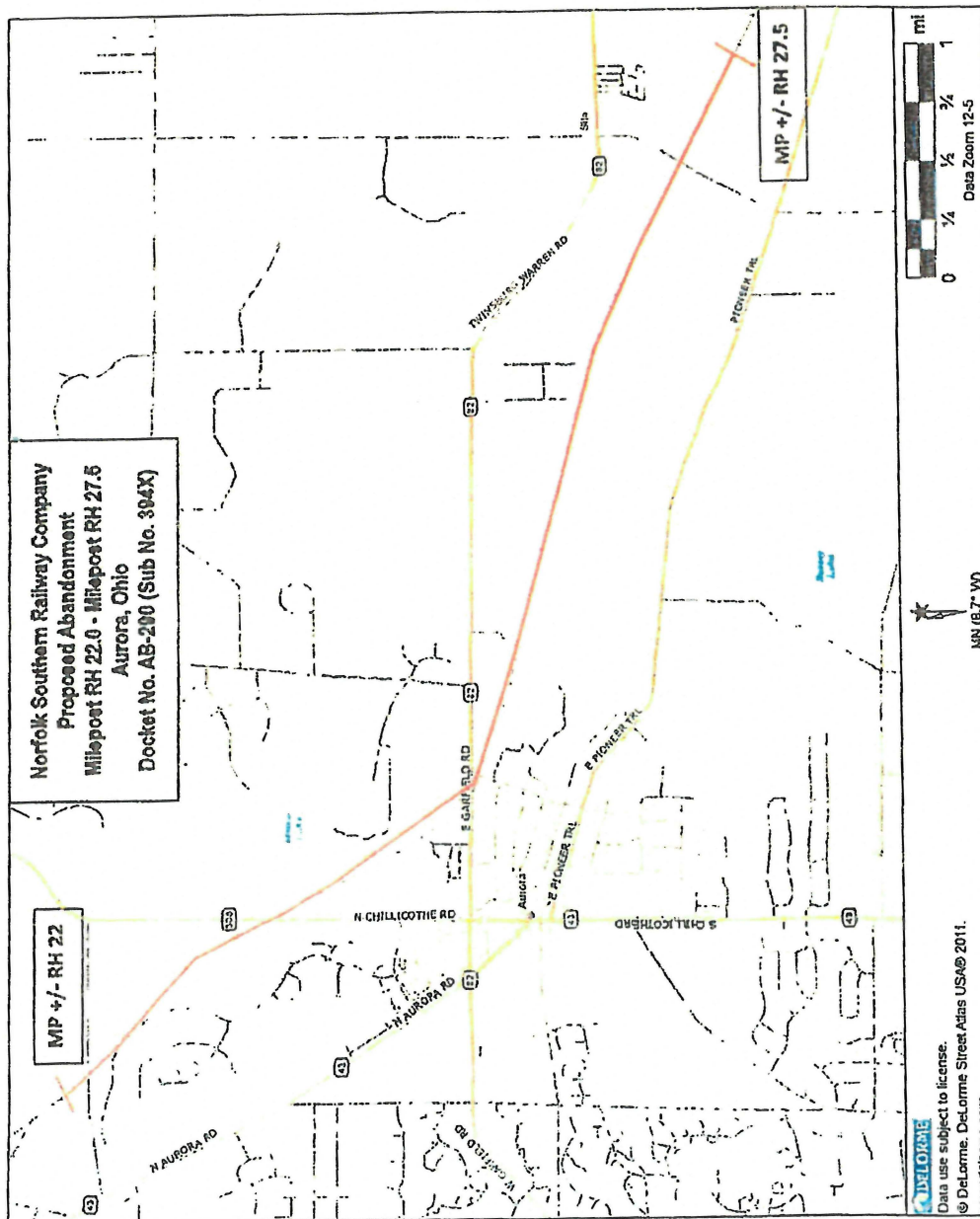


Christine Craycroft

Executive Director, Portage Park District

Cc: Mr. Dale H. Markowitz, Thrasher, Dinsmore & Dolan

EXHIBIT "1"



The mission of the Portage Park District is to conserve Portage County's natural heritage and provide opportunities for its appreciation and enjoyment