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BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

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CRYSTAL M. ZORBAUGH

ENTERED
Office of Proceedings
November 13, 2017
Part of
Public Record

(202) 663-7831 (Direct Dial)
E-Mail: czorbaugh@bakerandmiller.com

November 13, 2017

BY HAND DELIVERY

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 of Service Exemption – In Aurora, Portage County, Ohio, AB-290 (Sub-No. 394X); Cleveland Commercial Railroad Company, LLC – Discontinuance of Lease And Operation Authority – In Aurora, Portage County, Ohio, AB-1257

Dear Ms. Brown:

Enclosed are an original and eleven copies of a jointly-filed Verified Notice of Exemption for Norfolk Southern Railway Company ("NSR") to abandon rail service and Cleveland Commercial Railroad Company, LLC ("CCR") to discontinue lease and operation authority over approximately 5.5 miles of rail line extending from milepost RH 22.0 to milepost RH 27.5 in Aurora, Portage County, Ohio (the "Line"). The Line traverses United States Postal Zip Code territories 44202 and 44255. There are no customers served on the Line, which has been out of service for over two years.

Please acknowledge receipt of this filing by date-stamping the enclosed eleventh copy and returning it to the courier for return to me. This submission also includes an electronic copy of the entire filing and a separate electronic file of a draft Federal Register notice. Finally, pursuant to 49 C.F.R. § 1002.2(f)(21)(ii), I have enclosed filing fee checks in the amount of \$8,200.00. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7831 or by e-mail: czorbaugh@bakerandmiller.com. If I am unavailable, you may contact William A. Mullins, who can be reached at (202) 663-7823 or by e-mail at wmullins@bakerandmiller.com.

Sincerely,



Crystal M. Zorbaugh

Attorney for Norfolk Southern Railway Company and
Cleveland Commercial Railroad Company, LLC

FILED
November 13, 2017
SURFACE
TRANSPORTATION BOARD

Enclosures

cc: Greg E. Summy, Laura Hoag, LaWada Poarch

FEE RECEIVED
November 13, 2017
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 394X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN AURORA, PORTAGE COUNTY, OHIO**

AB-1257

**CLEVELAND COMMERCIAL RAILROAD COMPANY, LLC
– DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY –
IN AURORA, PORTAGE COUNTY, OHIO**

JOINTLY-FILED VERIFIED NOTICE OF EXEMPTION

**Greg E. Summy
General Solicitor
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (757) 533-4890
Fax: (757) 533-4872**

**William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849**

**Attorneys for Norfolk Southern
Railway Company and Cleveland
Commercial Railroad Company, LLC**

November 13, 2017

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 394X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN AURORA, PORTAGE COUNTY, OHIO**

AB-1257

**CLEVELAND COMMERCIAL RAILROAD COMPANY, LLC
– DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY –
IN AURORA, PORTAGE COUNTY, OHIO**

JOINTLY-FILED VERIFIED NOTICE OF EXEMPTION

Norfolk Southern Railway Company (“NSR”) and Cleveland Commercial Railroad Company, LLC (“CCR”) (referred to collectively herein as (“Applicants”)) hereby submit a jointly-filed verified notice of exemption (“Notice”) pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) for NSR to abandon rail service and CCR to discontinue lease and operation authority over approximately 5.5 miles of rail line extending from milepost RH 22.0 to milepost RH 27.5 in Aurora, Portage County, Ohio (the “Line”). The Line traverses United States Postal Zip Code territories 44202 and 44255. There are no customers served on the Line, which has been out of service for over two years.¹

¹ NSR originally leased the Line to CCR pursuant to a lease agreement entered into in May 2009. See Cleveland Commercial Railroad Company, LLC – Lease and Operation Exemption – Norfolk Southern Railway Company, FD 35251 (STB served May 29, 2009). NSR and CCR recently executed an amended lease to extend the term of the agreement through December 31, 2025 and account for other changes. See Cleveland Commercial Railroad Company, LLC –

In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), NSR provides the following information in support of the Notice.

Certification: 49 C.F.R. § 1152.50(b)

Pursuant to the exemption provisions located at 49 C.F.R. part 1152, subpart F, NSR certifies that the Line satisfies the criteria for abandonment and discontinuance. See Certification of G.R. Comstock, General Manager Northern Region for Norfolk Southern Railway Company (Exhibit A). During the past two years, neither NSR nor CCR has provided local or overhead common carrier service over the Line, nor has either carrier received any requests for common carrier service over it. Furthermore, no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is pending with the Surface Transportation Board (“Board”) or with any U.S. District Court nor has such a complaint been decided in favor of complainant during the past two years.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The proposed abandonment will be consummated on or after January 2, 2018 (50 days after filing the Notice).

Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

Exact name of applicants (49 C.F.R. § 1152.22(a)(1)):

Norfolk Southern Railway Company and Cleveland Commercial Railroad Company, LLC

Whether applicants are a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):

Applicants are common carriers by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

Amended Lease and Operation Exemption Containing Interchange Commitment – Norfolk Southern Railway Company, FD 36133 (STB served August 16, 2017).

Relief sought (49 C.F.R. § 1152.22(a)(3)):

NSR has invoked the Board's two-year-out-of-service class exemption procedures to abandon rail service and CCR has invoked the Board's two-year-out-of-service class exemption procedures to discontinue lease and operation authority over approximately 5.5 miles of rail line owned by NSR and located in Aurora, Portage County, Ohio, extending from milepost RH 22.0 to milepost RH 27.5.

Map (49 C.F.R. § 1152.22(a)(4)):

A detailed map showing the location of the Line is attached hereto as Exhibit B.

Applicants' representative (49 C.F.R. § 1152.22(a)(7)):

NSR's and CCR's representatives to whom correspondence regarding this proceeding should be sent are as follows:

William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):

The Line is located in United States Postal Zip Code territories 44202 and 44255.

Suitability of the Line for Other Public Purposes (49 C.F.R. § 1152.22(e)(4)):

NSR has a mix of fee and easement ownership to parts of the right-of-way underlying the Line proposed for abandonment; thus, NSR may have a corridor available for redeployment for alternative public use(s). The Line does not contain any federally granted right-of-way. As appropriate, NSR is willing promptly to make available any information in its possession to anyone so requesting it.

Labor Protection

Because the Line has been inactive for over two years, no railroad employees will be adversely affected by exercise of abandonment authority. Nevertheless, the interests of NSR employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

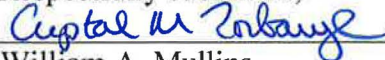
Attached hereto as Exhibit C are Certificates of Service and Publication certifying compliance with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as part of Exhibit D is a Certificate of Compliance with the advance notice requirements for Environmental and Historic Reports ("E&HR") as set forth at 49 C.F.R. § 1105.11.

Environmental and Historic Report

As is reflected in the Certificate of Compliance with the provisions of 49 C.F.R. § 1105.11 (see Exhibit D), NSR has prepared a combined E&HR in anticipation of the proposed abandonment of the Line that conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of the E&HR is attached hereto as Attachment 1 to Exhibit D (§ 1105.11 certification).

Greg E. Summy
General Solicitor
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (757) 533-4890
Fax: (757) 533-4872

Respectfully submitted,



William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

November 13, 2017

**Attorneys for Norfolk Southern Railway Company
and Cleveland Commercial Railroad Company, LLC**

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 394X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN AURORA, PORTAGE COUNTY, OHIO**

AB-1257

**CLEVELAND COMMERCIAL RAILROAD COMPANY, LLC
– DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY –
IN AURORA, PORTAGE COUNTY, OHIO**

JOINTLY-FILED VERIFIED NOTICE OF EXEMPTION

EXHIBIT A

CERTIFICATION

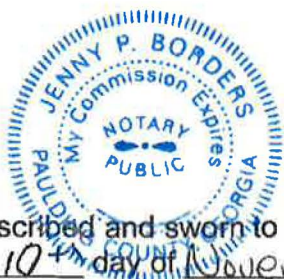
CERTIFICATION

STATE OF GEORGIA:

ss:

CITY OF ATLANTA:

G. R. Comstock makes oath and says that he is General Manager Northern Region for Norfolk Southern Railway Company (NSR); that the rail line between Mileposts RH 22.0 and RH 27.5, where NSR proposes to abandon and Cleveland Commercial Railroad Lines (CCR) proposes to discontinue its lease and operation authority, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.



Subscribed and sworn to before me
this 10th day of November, 2017.


Notary Public

My commission expires:
2/17/2020


G. R. Comstock

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 394X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN AURORA, PORTAGE COUNTY, OHIO**

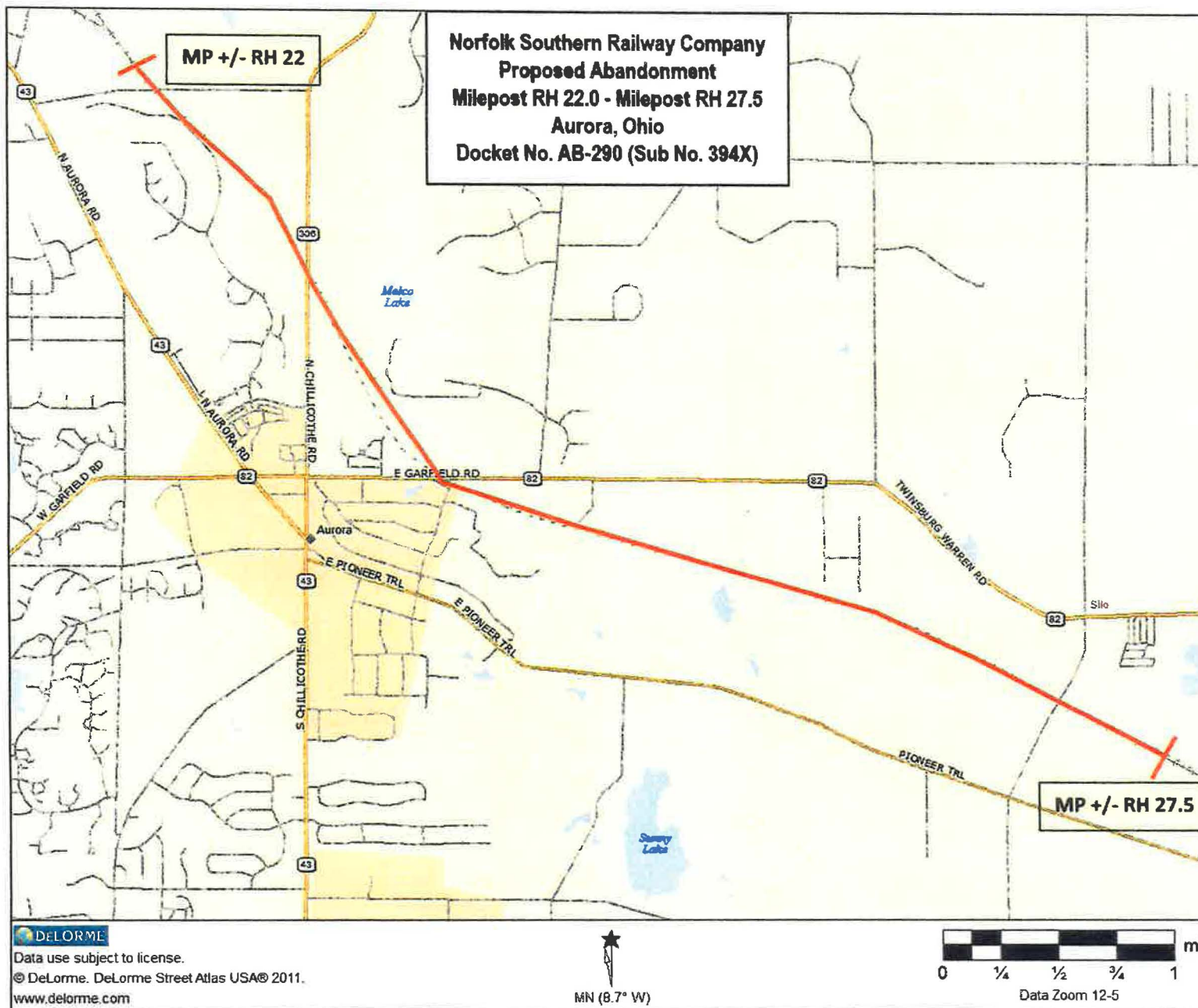
AB-1257

**CLEVELAND COMMERCIAL RAILROAD COMPANY, LLC
– DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY –
IN AURORA, PORTAGE COUNTY, OHIO**

JOINTLY-FILED VERIFIED NOTICE OF EXEMPTION

EXHIBIT B

MAP



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 394X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN AURORA, PORTAGE COUNTY, OHIO**

AB-1257

**CLEVELAND COMMERCIAL RAILROAD COMPANY, LLC
– DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY –
IN AURORA, PORTAGE COUNTY, OHIO**

JOINTLY-FILED VERIFIED NOTICE OF EXEMPTION

EXHIBIT C

CERTIFICATES OF SERVICE/PUBLICATION

Certificate of Service of Advance Notice

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on July 12, 2017, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with written notice of the intent of Norfolk Southern Railway Company to invoke the Board's notice of exemption procedures to abandon and Cleveland Commercial Railroad Company, LLC to discontinue lease and operation authority over approximately 5.5 miles of rail line owned by NSR and located in Aurora, Portage County, Ohio, extending from milepost RH 22.0 to milepost RH 27.5. I also certify that the rail line does not contain federally granted rights-of-way.

Public Service Commission, et al.

Matthew Dietrich, Executive Director
Ohio Rail Development Commission
The Ohio Department of Transportation
1980 West Broad Street, Mail Stop #3140
Columbus, Ohio 43223

Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

David Dorfman
Headquarters Military Surface Deployment and Distribution Command Transportation Engineering Agency - ATTN: SDTE-SA
Railroads for National Defense Program
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

The National Park Service, Recreation Resources Assistance Division

Stephan Nofield
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D.C. 20005

U.S. Department of Agriculture, Chief of the Forest Service

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

November 13, 2017


Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company and
Cleveland Commercial Railroad Company, LLC

Certificate of Newspaper Publication

49 C.F.R. § 1105.12 – Newspaper Notice

I certify that a “Notice of Intent to Abandon Rail Service” was published in a newspaper of general circulation in the city/county in which the rail line is located and in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on July 16, 2017, in the Record-Courier, a newspaper of general circulation in Aurora, Portage County, Ohio. Attached is a Publisher's Claim and Tear Sheet from the Record-Courier.

November 13, 2017



Crystal M. Zorbaugh

Attorney for Norfolk Southern Railway Company and
Cleveland Commercial Railroad Company, LLC

31234404

Proof of Publication

Record Publishing Company
1050 W. Main Street,
Kent, OH 44240
Phone (330) 541-9400
Fax (330) 673-6363

I, Joyce Thompson being first duly sworn depose and say that I am Advertising Clerk of
Record Publishing Company

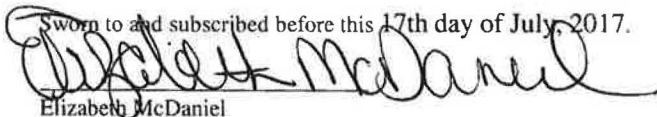
30 Record-Courier a newspaper printed and published in the city of Kent, and of General circulation in Portage County of Portage, State of Ohio, and personal knowledge of the facts herein stated and that the no. of insertions annexed was Published in said newspapers for 1 insertions on the same day of the week from and to the same day of July, 2017 and that the fees charged are legal.



Name of Account: Baker & Miller PLLC
Ad Number: 12336978
No. of Lines: 71

Day(s) Published: 07/16,
Printers Fee: \$58.55

Sworn to and subscribed before this 17th day of July, 2017.



Elizabeth McDaniel
Notary Public
Commission Expires June 19, 2021

**NOTICE OF INTENT TO
ABANDON RAIL SERVICE
AB-290 (Sub-No. 394X)
AB-1257**

Norfolk Southern Railway Company ("NSR") and Cleveland Commercial Railroad Company, LLC ("CCR") give notice that on or about July 24, 2017, they intend to file with the Surface Transportation Board ("Board"), Washington, DC 20423, a jointly-filed Notice of Exemption pursuant to 49 C.F.R. Part 1152 Subpart F - Exempt Abandonments, permitting NSR to abandon rail service and CCR to discontinue lease and operation authority over approximately 5.5 miles of rail line extending from near or about milepost RH 22.0 to near or about milepost RH 27.5 (referred to herein as the "Line") in the City of Aurora and Portage County, Ohio. The Line traverses United States Postal Zip Code territories 44202 and 44255. There are no customers served on the Line, which has been out of service for over two years. The proceeding has been docketed as AB-290 (Sub-No. 394X).

The proposed action entails the abandonment of rail service over the Line. The Board's Office of Environmental Analysis ("OEA") generally will prepare an Environmental Assessment ("EA"), which normally will be available 25 days after the filing of the abandonment notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423, or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance ("OFA") to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and OFA) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 C.F.R. 1104.12(a)]. Questions regarding OFA, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the applicant's representative: William A. Mullins, BAKER & MILLER PLLC, 2401 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20037; phone: 202-663-7820; fax 202-663-7849.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 394X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN AURORA, PORTAGE COUNTY, OHIO**

AB-1257

**CLEVELAND COMMERCIAL RAILROAD COMPANY, LLC
– DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY –
IN AURORA, PORTAGE COUNTY, OHIO**

JOINTLY-FILED VERIFIED NOTICE OF EXEMPTION

EXHIBIT D

**CERTIFICATE OF COMPLIANCE WITH
ENVIRONMENTAL AND HISTORIC REPORT
REQUIREMENTS**

Environmental and Historic Report
Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 394X) was mailed via first class mail on June 23, 2017 to the following parties:

Mayor Ann Womer Benjamin
City of Aurora
130 S. Chillicothe Road
Aurora, OH 44202

Ms. Amy McDougald
City Council At Large
130 S. Chillicothe Road
Aurora, OH 44202

Ms. Vicki A. Kline, President
Board of County Commissioners
449 S. Meridian Street, 7th Floor
Portage County Administration Building
Ravenna, OH 44266

Ohio Department of Natural Resources
2045 Morse Road
Columbus, OH 43229

Ohio Environmental Protection Agency
Northeast District Office
2110 E. Aurora Road
Twinsburg, OH 44087

Ohio Department of Natural Resources
Office of Coastal Management
105 W. Shoreline Drive
Sandusky, OH 44870

U.S. Fish and Wildlife Service
Midwest Region
5600 American Boulevard W., Suite 990
Bloomington, MN 55437

Ms. Beth Huhn, Acting State Director
United States Department of Agriculture
Federal Building, Room 507
200 N. High Street
Columbus, OH 43215

United States Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10524
Cincinnati, OH 45202

Ms. Amanda Schraner Terrell, Director
Ohio History Connection
800 E. 17th Avenue
Columbus, OH 43211

Mr. Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street NW 9th Floor
Washington, DC 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East West Highway
Silver Spring, MD 20910

USEPA
Ariel Rios Building
1200 Pennsylvania Avenue NW
Mail Code 1101-A
Washington, DC 20460


Laura Hoag
June 23, 2017

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-290 (Sub-No. 394X)

**NORFOLK SOUTHERN RAILWAY COMPANY
PROPOSED ABANDONMENT**

AND

AB-1257

**CLEVELAND COMMERCIAL RAILROAD COMPANY, LLC
DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY**

BETWEEN MILEPOST RH 22.0 AND MILEPOST RH 27.5

IN AURORA, OHIO

Combined Environmental and Historic Report

Norfolk Southern Railway Company (“NSR”) and Cleveland Commercial Railroad Lines (“CCR”) submit this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with NSR’s proposed abandonment of 5.5 miles of rail line near or about milepost RH 22.0 and near or about milepost RH 27.5 (the “Line”) in Aurora, Ohio.

June 23, 2017

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1)

Proposed Action and Alternatives

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: NSR proposes to abandon and CCR proposes to discontinue its lease and operation authority over approximately 5.5 miles of rail line between the following mileposts: near or about milepost RH 22.0 and near or about milepost RH 27.5 (the “Line”) in Aurora, Ohio.¹ There are no customers served on the Line.

Following abandonment, the Line’s rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is, and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, NSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable federal and state laws and regulations.

¹ NSR leased the Line to CCR pursuant to a lease agreement entered into in June 2009. See Cleveland Commercial Railroad Company, LLC – Lease and Operation Exemption – Norfolk Southern Railway Company, STB Finance Docket No. 35251 (effective June 15, 2009).

The alternative to abandonment is to not abandon the Line and retain the track in place. This alternative is not satisfactory. NSR would continue to incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained.

A map depicting the Line is attached as **Appendix A**. An example of the railroad's letter to federal, state and local government agencies along with a list of the consulting agencies NSR has contacted is attached as **Appendix B**. Comments received as a result of NSR's written requests for feedback can be found in

Appendix C.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns would be negligible. There is no rail freight or passenger traffic originating or terminating on the Line.

49 CFR 1105.7(e)(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: An outline of future land use plans has been requested from the City of Aurora and Portage County, which were asked to comment on the consistency of the proposed abandonment with existing land use plans. A copy of the City of Aurora and Portage Park District responses are attached as part of **Appendix C**.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: Consultation was requested from The United States Department of Agriculture Natural Resources Conservation Service ("USDA NRCS"). The USDA NRCS states this project will not cause a conversion of prime farmland. No comments have been received.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: Consultation was requested from Ohio Department of Natural Resources ("OH DNR") Office of Coastal Management and it states the proposed project location is not located within Ohio's designated coastal zone and does not require review under the Coastal Zone Management Act of 1975. A copy of the OH DNR, Office of Coastal Management response is attached as part of **Appendix C**.

(iv) If the proposed action is an abandonment state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

RESPONSE: The railroad has a mix of fee and easement ownership to parts of the right-of-way underlying the Line proposed for abandonment; thus, NSR may have a corridor available for redeployment for alternative public use(s). The Line does not contain any federally granted right-of-way.

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment. There is no rail freight or passenger traffic originating or terminating on the Line.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will not result in any material impact in overall energy efficiency.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:
(A) 1,000 rail carloads a year; or
(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

RESPONSE: The diversion of traffic to motor carriers will not exceed the thresholds set forth at 49 CFR §1105.7(e)(4) as no diversions will occur. Accordingly, there is no need to produce data on diverted traffic or to quantify the net change in energy consumption.

49 CFR 1105.7(e)(5) Air.

*(i) If the proposed action will result in either:
(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE: The above thresholds will not be exceeded.

*(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:
(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
(B) An increase in rail yard activity of at least 20 percent (measured by carload activity),*

or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

RESPONSE: The above thresholds will not be exceeded.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more; or

(ii) An increase to a noise level of 65 decibels Ldn or greater.

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: Abandonment of the Line will have no adverse impact on public health and safety.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: Not applicable.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

RESPONSE: The railroad has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way or in adjacent areas.

49 CFR 1105.7(e)(8) Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: The railroad has requested input from the U.S. Fish and Wildlife Service ("USFWS") to ascertain any impacts to surrounding habitats and species. USFWS determined there are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area and lists the Indiana Bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*) as federally endangered species within the range of all projects in the State of Ohio. A copy of the USFWS response is attached as part of **Appendix C**.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

RESPONSE: The Line does not appear to pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

RESPONSE: The railroad does not intend to remove or alter the contour of the

roadbed underlying the Line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. There are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in water quality impacts. Consultation has been requested from the Ohio Environmental Protection Agency Northeast District Office (“OH EPA”) and it states no permit is required. A copy of the OH EPA response is attached as part of **Appendix C**.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consultation was requested from the U.S. Army Corps of Engineers (“USACE”). No comments have been received.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: The railroad does not plan to remove or alter the roadbed underlying the Line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. The railroad anticipates

that the abandonment will not affect water quality and that additional permitting under Section 402 will not be required. Nevertheless, NSR has requested input from Ohio Department of Natural Resources. A copy of the OH EPA Coastal and Division of Surface Water responses are attached as part of **Appendix C**.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: Abandonment of the Line is not expected to produce adverse environmental impacts for the reasons set forth above. Only minimal physical activity may occur as a result of the proposed abandonment, such as removal of rail, ties, and other railroad appurtenances. The railroad will undertake all reasonable mitigation associated with these activities as directed by the Board to assure the abandonment does not produce adverse environmental impacts.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

NSR proposes to abandon and CCR proposes to discontinue its lease and operation authority over approximately 5.5 miles of rail line between the following mileposts: near or about milepost RH 22.0 and near or about milepost RH 27.5 (the “Line”) in Aurora, Ohio.² There are no customers served on the Line.

Following abandonment, the rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is and existing drainage systems will remain intact. When the rail and track material are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, NSR believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be disposed of in accordance with applicable federal and state laws and regulations. The alternative to abandonment is to not abandon the Line and retain the track in place. This alternative is not satisfactory. The railroad would continue to incur opportunity and other holding costs that would need to be covered by

² NSR leased the Line to CCR pursuant to a lease agreement entered into in June 2009. See Cleveland Commercial Railroad Company, LLC – Lease and Operation Exemption – Norfolk Southern Railway Company, STB Finance Docket No. 35251 (effective June 15, 2009).

non-existent shippers were the Line to be retained.

A map depicting the Line proposed for abandonment is attached in **Appendix A**.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** – Map was furnished to the Ohio History Connection.
- (2) **Written Description of Right of Way** – The right-of-way width ranges from 50 feet to 100 feet along the main track centerline. Pursuant to Surface Transportation Board policy, the railroad's right-of-way will constitute the Area of Potential Effect (“APE”) for this undertaking.
- (3) **Photographs** – There are no structures on the Line.
- (4) **Date of Construction of Structures** – Not applicable.
- (5) **History of Operations and Changes Contemplated** – The Line proposed for abandonment is near or about milepost RH 22.0 and near or about milepost RH 27.5 in Aurora, Ohio.

In 1848, the Cleveland and Mahoning Valley Railroad was chartered to build a rail line from Cleveland to Youngstown. Construction began in 1853 and the line was opened in 1857. In 1863, the Cleveland and Mahoning Valley Railroad was leased to the Atlantic and Great Western Railroad (“A&GW”). In 1867, the A&GW went into receivership and was leased to the Erie Railroad in 1868. The A&GW underwent a number of reorganizations, each time retaining the A&GW name, before entering receivership in 1874. In 1880, A&GW was sold at foreclosure and reorganized as the New York, Pennsylvania and Ohio Railroad (“NYP&O”) in 1880. In 1883, the NYP&O was leased to the New York, Lake Erie and Western Railroad (“NYLE&W”), successor to the Erie Railroad. In 1893, the NYLE&W went into bankruptcy and was reorganized as the Erie Railroad again. In 1938, the Erie Railroad entered bankruptcy and

purchased the previously leased Cleveland and Mahoning Valley Railroad as part of its reorganization in 1941. In 1960, the Erie Railroad merged with the Delaware, Lackawanna and Western railroad to form the Erie Lackawanna Railroad which declared bankruptcy in 1972. In 1976, portions of the Erie Lackawanna properties, including the subject line, were included in the formation the Consolidated Rail Corporation. In 1999, Norfolk Southern Corporation, parent to Norfolk Sothern Railway Company, assumed control of approximately fifty-eight percent of the Conrail properties including the subject line. In 2009, the subject line was leased to the Cleveland Commercial Railroad, LLC.

(6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – Not applicable.

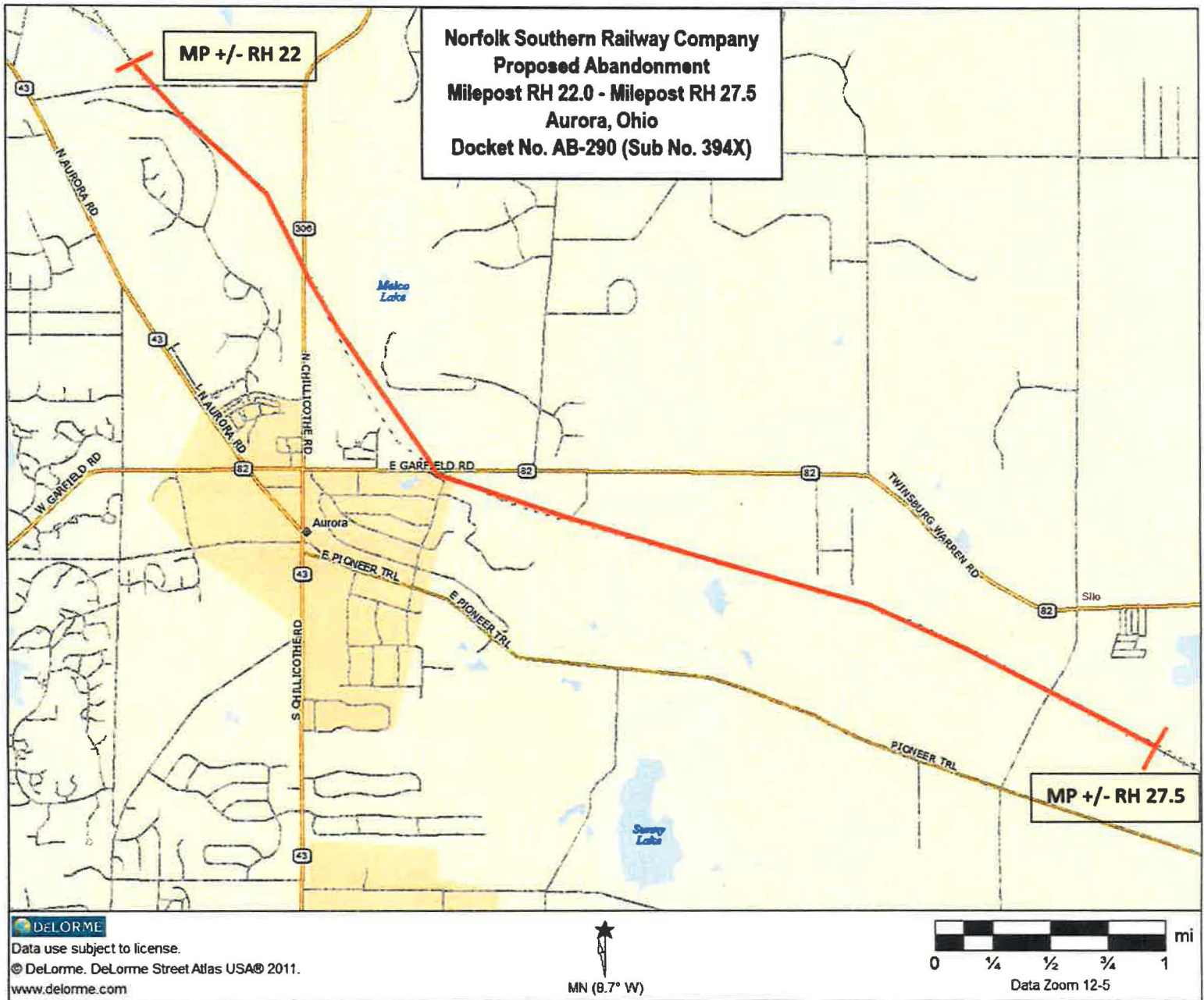
(7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** – There are no structures on the Line or within the APE for this undertaking. The railroad has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the Line for abandonment.

(8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery** The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the Line and salvage of material from its surface will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the Line by grading and filling. Abandonment and salvage of the Line will not result in activities below the surface, or below the level of initial disturbance.

(9) **Follow-Up Information** – Additional information will be provided as appropriate.

APPENDIX A

Site Map



APPENDIX B

Agency Letters



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207

June 23, 2017

RE: Docket No. AB-290 (Sub-No. 394X), Norfolk Southern Railway Company
Abandonment – in Aurora, Ohio

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line near or about milepost RH 22.0 and near or about milepost RH 27.5, a distance of approximately 5.5 miles of rail line located in Aurora, Ohio.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it. **Appendix C** of this report lists the various agency responses.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects, please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Office of Environmental Analysis (OEA) by telephone at (202) 245-0245 or by mail to:

Surface Transportation Board
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to LaWada Poarch by email at LaWada.Poarch@nscorp.com or by mail to:

LaWada Poarch
Abandonments Coordinator
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510
(757) 629-2803

Sincerely,



Laura Hoag
Director Strategic Planning
Norfolk Southern Railway Company

Attachment

APPENDIX C

Agency Responses



In replies, please use
2017-POR-39336

July 18, 2017

Office of Analysis
Surface Transportation Board
395 E Street S.W., Room 1106
Washington DC 20423-0001

**Re: Norfolk Southern Railway Company Aurora Abandonment Project, AB-290
Sub- No. 394x, Portage County, Aurora, Ohio**

This letter is in response to correspondence, received on June 30, 2017 (sent June 23, 2017), regarding the Norfolk Southern Railway Company's Aurora Abandonment Project. Our comments are in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and the associated regulations at 36 CFR Part 800.

The proposed undertaking consists of the abandonment of 5.5 miles of rail line in Aurora, Portage County, Ohio. Following the abandonment, the rail and track material will also be removed from the existing roadbed. The Aurora Train Station (or Erie Railroad Station) is listed on the National Register of Historic Places (NRHP) and is located within the Area of Potential Effects (APE) for the undertaking. The Aurora Train Station (Ref. # 86001131) is significant for its association with the early 20th century transportation network and as a representation of the architectural form common of small turn-of-the-century railway stations. Given that the rail line is a contributing feature of the station, the removal of the line will have an adverse effect to the historic property.

Additionally, there are several buildings listed in the Ohio Historic Inventory (POR0040901, POR0040801 and POR0041001) located along the rail right-of-way, and within the APE, that may be eligible for listing on the NRHP. These properties were built along the rail line and may be associated with; early transportation networks, the development of Aurora's cheese industry, and or tourism. Removing the line may have an adverse effect to the setting of these properties.

Page 2
Surface Transportation Board
July 18, 2017

Our office recommends further consultation regarding the undertaking in order to avoid, reduce, and or mitigate the adverse effect. If you have any questions, please contact Jenny Bellville-Marrion (614) 298-2000, or via email at jbelleville-marrion@ohiohistory.org.

Sincerely,



Diana Welling,
Department Head &
Deputy State Historic Preservation Officer
for Resource Protection and Review

Ser. 1069466

cc: LaWada Poarch, Abandonments Coordinator
Norfolk Southern Corporation, Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Poarch, Lawada G.

From: Molly.Sunkle@epa.ohio.gov
Sent: Tuesday, May 09, 2017 4:23 PM
To: Poarch, Lawada G.
Subject: [EXTERNAL] Norfolk Southern Railway Company Abandonment in Aurora, OH

Good afternoon,

I am in receipt of your letter dated April 10, 2017 regarding the abandonment of 5.5 miles of rail line between Mileposts RH 22-27.5 in Aurora. As no soil disturbance will occur, no NPDES permit associated with construction activity would be required.

Molly Sunkle

Environmental Engineer
Division of Surface Water
Ohio EPA Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087
(330) 963-1215

Poarch, Lawada G.

From: tamara.girard@epa.ohio.gov
Sent: Wednesday, July 05, 2017 2:52 PM
To: Poarch, Lawada G.
Subject: [EXTERNAL] Norfolk Southern Railway Company Proposed Aurora Ohio Abandonment Project

Good afternoon LaWada,

This e-mail is in response to your recent correspondence regarding Norfolk Southern Railway Company's proposed abandonment of 5.5 miles of rail line between Mileposts RH 22-27 in Aurora, Portage County. I offer the following guidance regarding management and disposal options for the spent treated railroad crossties.

If the crossties will be reused in other railroad operations, then they are not considered a waste. In this scenario, the crossties would continue to be used for their intended purpose and would not be regulated.

Treated railroad crossties that have been taken out of service and are destined for disposal are considered a waste. The first step in managing the spent crossties is to determine if they are a hazardous waste. In Ohio, a waste is considered hazardous if it is specifically listed as a hazardous waste in the rules (OAC 3745-51-30 to 3745-51-33) or if it exhibits a characteristic of a hazardous waste. Used railroad crossties are not a "listed waste". Therefore, you must determine if the railroad crossties display a hazardous characteristic. While the railroad industry may have testing data that indicates treated railroad crossties not do exhibit a hazardous characteristic, it cannot be assumed that all spent railroad crossties are non-hazardous. To determine if your spent crossties are hazardous, you can conduct analytical testing (TCLP) or you can use "generator knowledge."

If the crossties are hazardous, they can be disposed of at a permitted hazardous waste facility. Ohio EPA maintains a list commercial facilities that accept hazardous waste. Non-hazardous railroad crossties are considered construction and demolition debris (C&DD). C&DD may be reused, recycled, or disposed in Ohio municipal solid waste landfills or C&DD landfills. Ohio EPA encourages recycling whenever possible and maintains a list of wood and pallet recyclers that may be able to recycle non-hazardous crossties.

I hope my assistance was helpful. If I can ever be of any further assistance, please do not hesitate to contact me at 330-963-1282.

It was a pleasure working with you. I hope my assistance was helpful. If I can ever be of any further assistance, please do not hesitate to contact me at 330-963-1282.

My management has asked for customer service feedback. Please complete our 2-minute customer service survey and let my management know how I'm doing.

Tamara Girard
Environmental Specialist
Office of Compliance Assistance and Pollution Prevention
Ohio EPA – Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087
P | (330) 963-1282



This electronic communication and any attachments are intended solely for the use of the person or entity to which it is addressed. This communication may be considered to be confidential and exempt from public record disclosure under Ohio Revised Code 3745.017(C). If you are not the intended recipient, you are not authorized to retain, disclose, copy or distribute the message and/or any of its attachments. If you received this e-mail in error, please notify me and delete this message. Thank-you.

Poarch, Lawada G.

From: Steve.Holland@dnr.state.oh.us
Sent: Friday, April 21, 2017 2:04 PM
To: Poarch, Lawada G.
Subject: [EXTERNAL] RE: Docket AB-290 (Sub-No. 394X)

Hello LaWada,

This email is in response to the letter received by the Ohio Department of Natural Resources Office of Coastal Management on April 14, 2017 regarding the above-referenced rail line abandonment project in Aurora, Ohio. The proposed project location is not located within Ohio's designated coastal zone. Therefore, unless it has been determined by Norfolk Southern Railway Company or the Surface Transportation Board that the project will have reasonably foreseeable effects on any use or resource of Ohio's coastal zone, a Federal Consistency review under the Coastal Zone Management Act of 1972 is not required.

No further coordination regarding Federal Consistency for this project is required. Feel free to contact me if you have any questions.

Steve Holland, MPA
Federal Consistency Administrator | Ohio Coastal Management Program
Ohio Department of Natural Resources
Office of Coastal Management
105 West Shoreline Drive
Sandusky, Ohio 44870
419-609-4104 (direct) | 419-626-7980 (main)

Notice: Ohio has a very broad public records law. Most written communications to or from Office of Coastal Management employees are public records available to the public and media. Your e-mail communication may be subject to public disclosure.

Poarch, Lawada G.

From: Korfel, Lindsey <lindsey_korfel@fws.gov>
Sent: Monday, May 15, 2017 1:28 PM
To: Poarch, Lawada G.
Subject: [EXTERNAL] 03E15000-2017-TA-1241 Norfolk Southern RR - AB-290 (Sub # 394X) Line Abandonment, Aurora OH

TAILS # 03E15000-2017-TA-1241

Dear Ms. Poarch,

We have received your recent correspondence requesting information about the subject proposal. There are no federal wilderness areas, wildlife refuges or designated critical habitat within the vicinity of the project area. The following comments and recommendations will assist you in fulfilling the requirements for consultation under section 7 of the Endangered Species Act of 1973, as amended (ESA).

The U.S. Fish and Wildlife Service (Service) recommends that proposed developments avoid and minimize water quality impacts and impacts to high quality fish and wildlife habitat (e.g., forests, streams, wetlands). Additionally, natural buffers around streams and wetlands should be preserved to enhance beneficial functions. If streams or wetlands will be impacted, the Corps of Engineers should be contacted to determine whether a Clean Water Act section 404 permit is required. Best management practices should be used to minimize erosion, especially on slopes. All disturbed areas should be mulched and revegetated with native plant species. Prevention of non-native, invasive plant establishment is critical in maintaining high quality habitats.

FEDERALLY LISTED SPECIES COMMENTS: All projects in the State of Ohio lie within the range of the federally endangered **Indiana bat** (*Myotis sodalis*) and the federally threatened **northern long-eared bat** (*Myotis septentrionalis*). In Ohio, presence of the Indiana bat and northern long-eared bat is assumed wherever suitable habitat occurs unless a presence/absence survey has been performed to document absence. Suitable summer habitat for Indiana bats and northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥ 3 inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat. In the winter, Indiana bats and northern long-eared bats hibernate in caves and abandoned mines.

Should the proposed site contain trees ≥ 3 inches dbh, we recommend that trees be saved wherever possible. If any caves or abandoned mines may be disturbed, further coordination with this office is requested to determine if fall or spring portal surveys are warranted. If no caves or abandoned mines are present and trees ≥ 3 inches dbh cannot be avoided, we recommend that removal of any trees ≥ 3 inches dbh only occur between October 1 and March 31. Seasonal clearing is being recommended to avoid adverse effects to Indiana bats and northern long-eared bats. While incidental take of northern long-eared bats from most tree clearing is exempted by a

4(d) rule (see <http://www.fws.gov/midwest/endangered/mammals/nleb/index.html>), incidental take of Indiana bats is still prohibited without a project-specific exemption. Thus, seasonal clearing is recommended where Indiana bats are assumed present.

If implementation of this seasonal tree cutting recommendation is not possible, summer surveys may be conducted to document the presence or probable absence of Indiana bats within the project area during the summer. If a summer survey documents probable absence of Indiana bats, the 4(d) rule for the northern long-eared bat could be applied. Surveys must be conducted by an approved surveyor and be designed and conducted in coordination with the Endangered Species Coordinator for this office. Surveyors must have a valid federal permit. Please note that summer surveys may only be conducted between June 1 and August 15.

If there is a federal nexus for the project (e.g., federal funding provided, federal permits required to construct), no tree clearing should occur on any portion of the project area until consultation under section 7 of the ESA, between the Service and the federal action agency, is completed. We recommend that the federal action agency submit a determination of effects to this office, relative to the Indiana bat and northern long-eared bat, for our review and concurrence.

Due to the project type, size, and location, we do not anticipate adverse effects to any other federally endangered, threatened, proposed, or candidate species. Should the project design change, or during the term of this action, additional information on listed or proposed species or their critical habitat become available, or if new information reveals effects of the action that were not previously considered, consultation with the Service should be initiated to assess any potential impacts.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the ESA, and are consistent with the intent of the National Environmental Policy Act of 1969 and the Service's Mitigation Policy. This letter provides technical assistance only and does not serve as a completed section 7 consultation document. We recommend that the project be coordinated with the Ohio Department of Natural Resources due to the potential for the project to affect state listed species and/or state lands. Contact John Kessler, Environmental Services Administrator, at (614) 265-6621 or at john.kessler@dnr.state.oh.us.

If you have questions, or if we can be of further assistance in this matter, please contact our office at (614) 416-8993 or ohio@fws.gov.

Sincerely,

Lindsey M. Korfel

Wildlife Biologist
U.S. Fish and Wildlife Service
Ohio Field Office
4625 Morse Road, Suite 104
Columbus, OH 43230
614.416.8993 x. 29

City of Aurora

130 S. Chillicothe Road
Aurora, Ohio 44202-6802
330-562-6131

Ann Womer Benjamin
Mayor

LaWada Poarch, Abandonments Coordinator
Strategic Planning 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

July 5, 2017

Re: Norfolk Southern Railway abandonment Docket AB-290 (Sub-No. 394-X)

Dear Ms. Poarch:

We received your letter dated April 10, 2017 regarding the above abandonment. In addition, City Law Director Dean DePiero and Parks and Recreation Director Jim Kraus had a telephone conversation on Thursday, June 1 regarding the letter. You have requested comments regarding the proposed abandonment and the impacts on our long-range community plans.

The City and its residents have been very interested in pursuing a Hike and Bike Trail on this corridor for years. The City of Aurora, along with the Portage Park District, has attempted to work with Norfolk Southern for the past 15 years with our intention to convert this corridor to a Hike and Bike trail. A large portion of the rail line within the City of Aurora runs directly adjacent to two city parks (former Aurora Country Club and Spring Hill Park) and one Greater Cleveland Audubon Society state nature preserve (Aurora Audubon Sanctuary). The City is currently working on engineered plans to connect these properties with our Sunny Lake Park property to the south. In addition, the 2013 City of Aurora Master Plan, 2010 Parks and Recreation Master Plan, the Portage Park District 10-year Master Plan adopted in 2016, and various plans by the Akron Metropolitan Transportation Study (AMATS) have all included the goal to convert the rail line to a Hike and Bike trail. We also have been working with the Portage Park District and the Downtown Mantua Revitalization Committee (DMRC) Headwaters Trail Committee over the past two years on plans and options to connect the existing Headwaters Trail from the Village of Mantua through the City of Aurora. Last year, the Portage Park District and the City of Aurora completed a study looking at the connection options which concluded the rail line was the best and most feasible option.

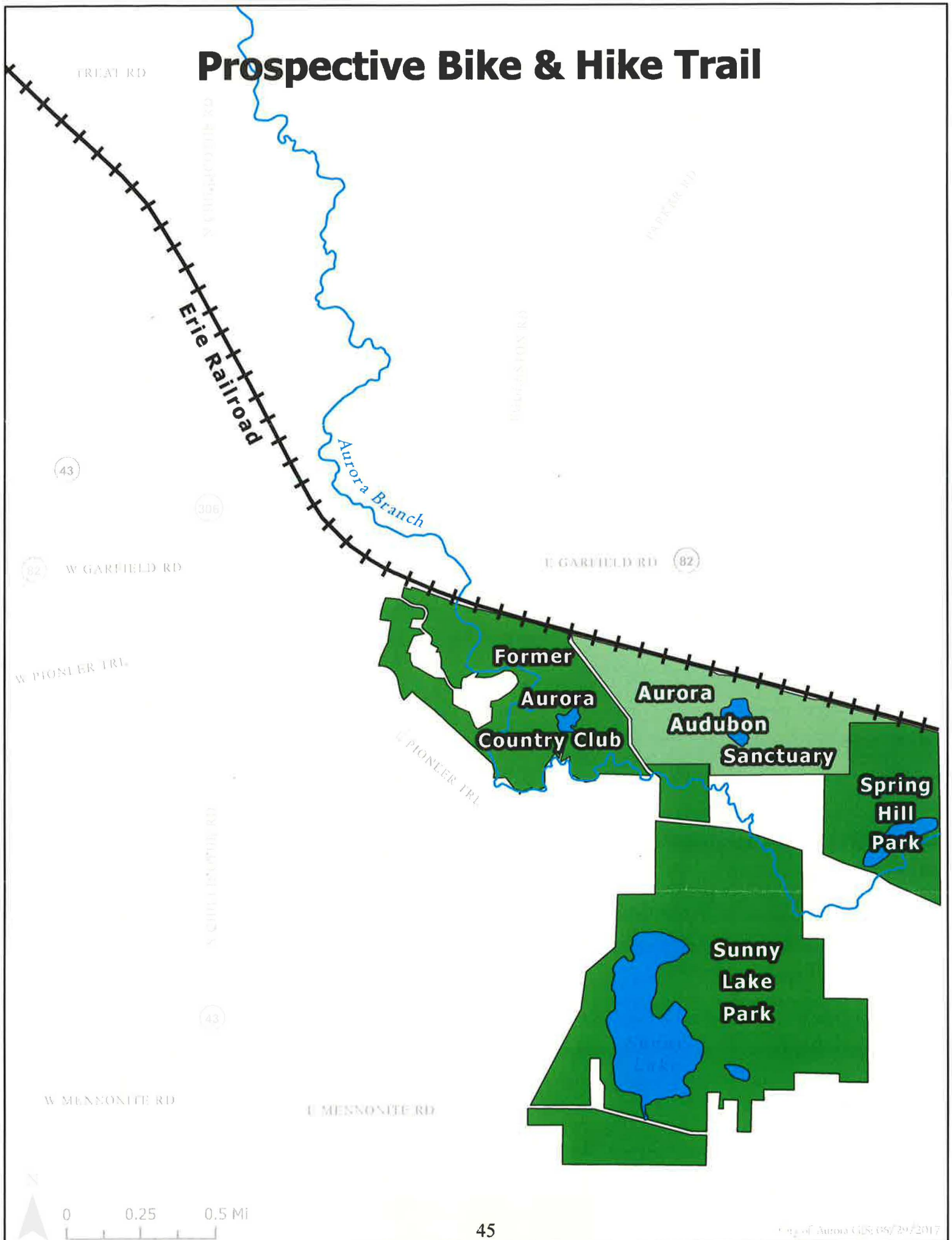
We feel strongly that abandonment of the corridor should encompass the negotiation to use the area for a Hike and Bike trail. We would be happy to meet further to discuss this important project. Thank you for your consideration.

Sincerely,



Ann Womer Benjamin
Mayor, City of Aurora

Prospective Bike & Hike Trail





705 Oakwood St. Suite G-4
Ravenna, Ohio 44266
(330) 297-7728
admin@portageparkdistrict.org
www.portageparkdistrict.org

LaWada Poarch, Abandonments Coordinator
Strategic Planning 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

April 26, 2017

Re: Norfolk Southern Railway abandonment Docket AB-290 (Sub-No. 394-X)

Dear Ms. Poarch,

I was forwarded a copy of the letter dated April 10, 2017 that was sent to the Portage County Commissioners from NS regarding the above noted abandonment. The letter requested comments on whether the proposed abandonment is consistent with long range community plans.

The Portage Park District has a strong interest in that railroad corridor, and has been partnering and planning with communities locally and regionally for over 15 years with the intention of negotiating for the use of the corridor as a hike and bike trail, specifically as an extension of our existing Headwaters Trail that is currently located on that line from Garrettsville to Mantua. The planned trail has been included in various plans by the Akron Metropolitan Transportation Study (AMATS-the local Metropolitan Planning Organization), including their long range Transportation Outlook Plans and Bike Plans. It is also included in the Portage Park District's 10-year Master Plan, adopted in 2016 and the 1996 Portage County Bike Plan. The City of Aurora has included the potential rail trail in its 2013 Comprehensive Land Use Plan and 2015 Parks and Recreation Master Plan. The Park District currently has a purchase agreement with the owner of approximately 0.8 miles of abandoned corridor at the eastern terminus of the NS line, with the intention of trail development. Please see the enclosed maps and sections from public plans proposing trail use of the corridor from Mantua to Cuyahoga County.

The Portage Park District has been in communication with NS for years requesting consideration that the railroad corridor be shared with a trail. Abandonment of the corridor would be inconsistent with these plans if trail use is not also negotiated. We believe that a trail can co-exist with many other potential uses of the corridor, and would welcome railbanking as a means to accomplish that.

Thank you for your consideration; I would be happy to meet with you to discuss this further if you like.

Sincerely,

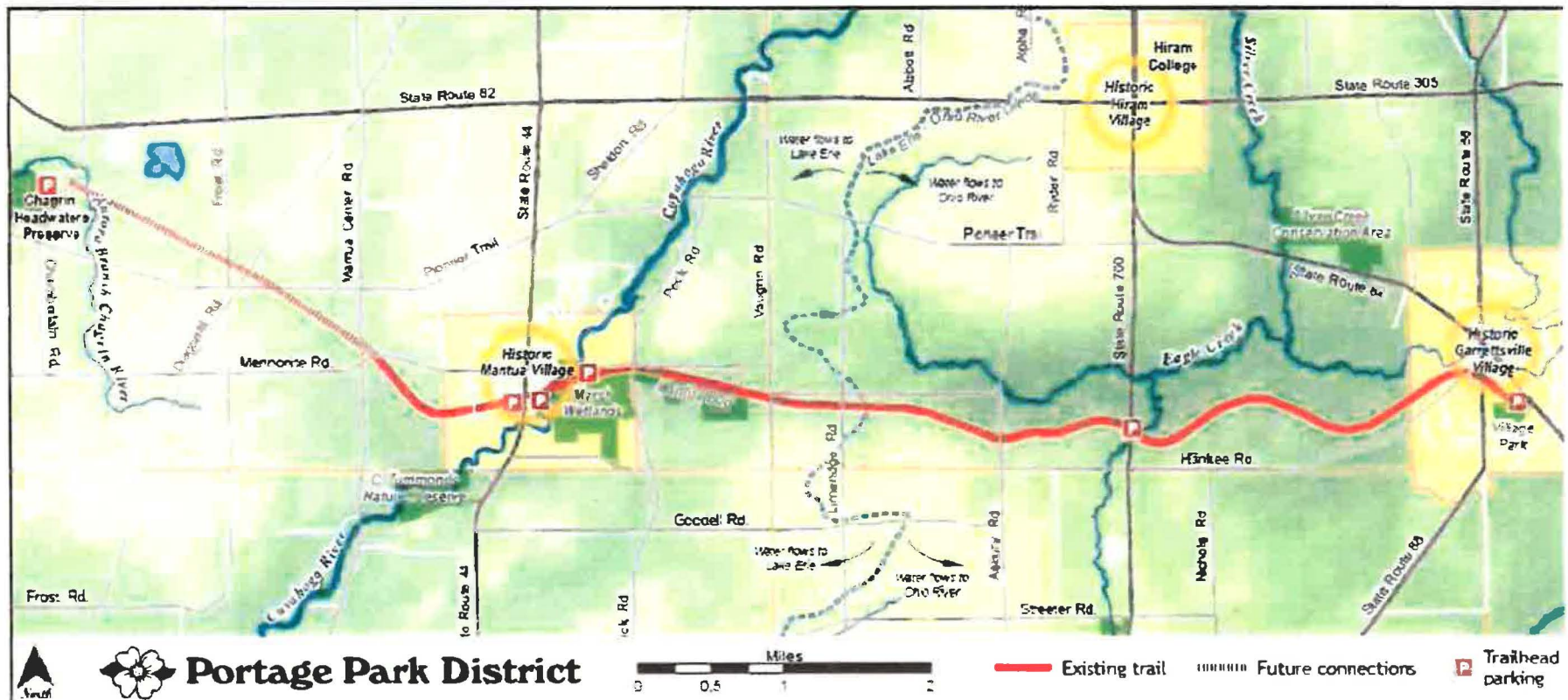
Christine Craycroft
Executive Director

Encl.

cc: Portage County Commissioners

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

HEADWATERS TRAIL

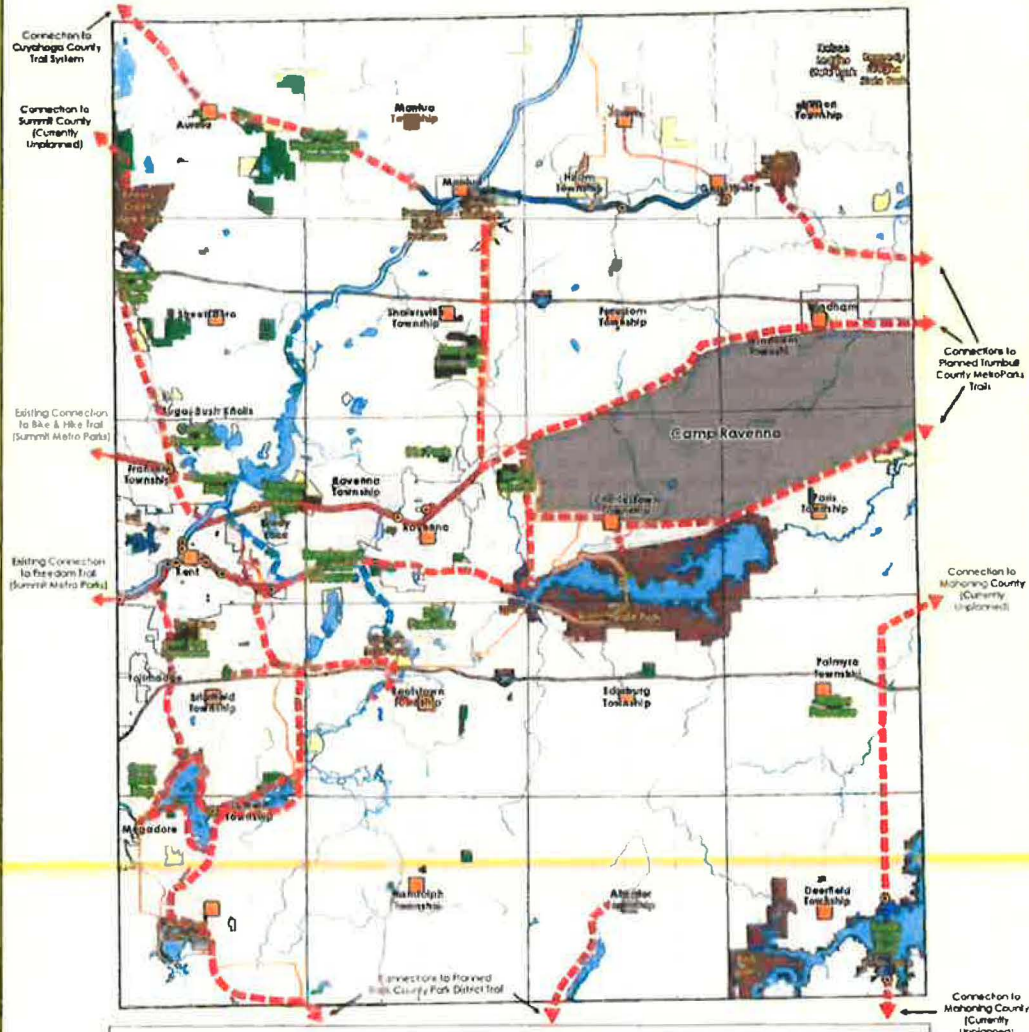


The Headwaters Trail connects Garrettsville and Mantua Villages, crossing the watershed divide between the Lake Erie/Great Lakes basin and the Ohio River/Gulf of Mexico Basin

The trail is managed by the Village of Mantua within Village limits

Potential Future Trail Routes

Portage Park District Master Plan
Portage County, Ohio



Legend

Potential Trail Routes

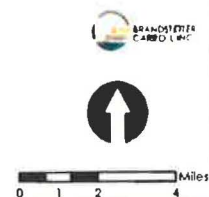
- Potential Multi-Use Trail
- Potential Water Trail
- Historic Centers

Existing Trails

- Asphalt/Concrete
- Crushed Stone
- Natural Surface
- Bike Lane
- Buckeye Trail
- Water Trail

- Existing Trailheads
- Portage Park District
- Municipal Park
- State Park/Preserve
- Other Open Space

Portage Park District



2016 BIKE PLAN



July 2016

4. Consider bicycle improvements and road diets during resurfacing projects.

The AMATS Resurfacing Program is tremendously popular with local communities. The resurfacing process is an excellent time for communities to consider improvements in their local pedestrian infrastructure network. Prior to restriping a newly surfaced roadway, communities should consider a road diet, bike lane or wide shoulders.

5. Incorporate high-quality bicycle facility design

Incorporating high-quality bicycle design standards, which meet or exceed the AASHTO Guide for the Development of Bicycle Facilities and NACTO Urban Bikeway Design Guide will encourage bicycling for transportation by provide safe, comfortable bicycle infrastructure. There are various types of on- and off-street facilities that are context sensitive to density, vehicle traffic and congestions which can improve safety for people of all ages and abilities.

6. Create a minimum grid.

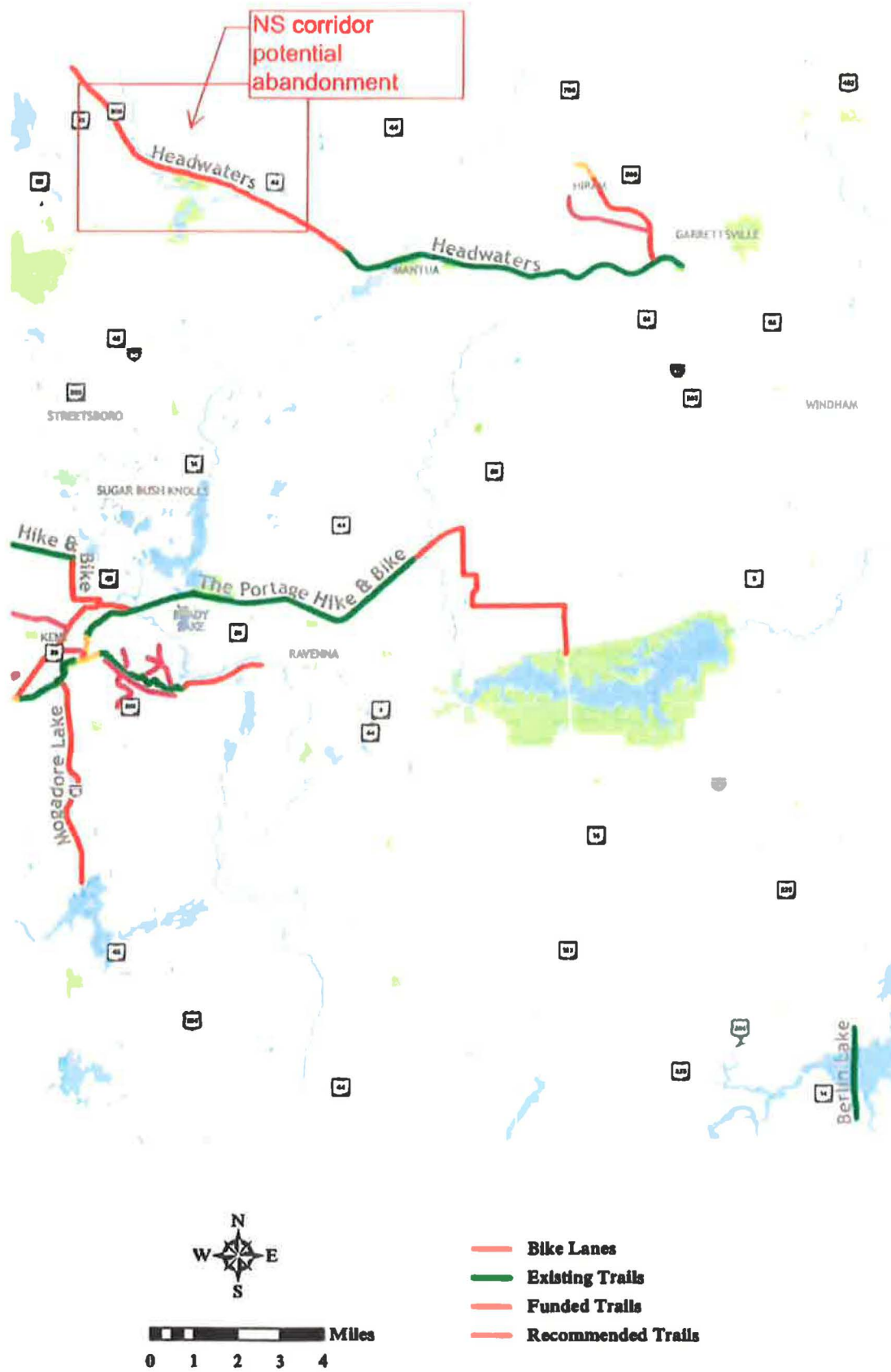
Coined by international walking and bicycling advocate, Gil Penalosa, a minimum grid is the concept of creating a fully connected grid of protected bike infrastructure on busy streets and bicycle boulevards through neighborhood streets. While the Ohio and Erie Towpath Trail is often referred to as the spine of the region's bicycle system, continuing to build and connect between other shared-use paths and creating other connected, protected bike infrastructure will help make biking a viable transportation choice.

7. Consider becoming a Bicycle Friendly Community

The League of American Bicyclists Bike Friendly Community program provides guidance to improve bicycle conditions. Communities can earn a Bronze, Silver, Gold or Platinum designation. A Bicycle Friendly Community welcomes bicyclists by providing safe accommodations for bicycling and encouraging people to bike for transportation and recreation. A bicycle-friendly place makes bicycling safe, comfortable, and convenient for people of all ages and abilities.

8. Consider creating a Bicycle Advisory Committee

A Bicycle Advisory Committee can help advise a community on local bicycling conditions and priorities, as well as advocate and educate for bicycling. It can also give input on bicycle transportation projects and policies to local boards, commissions and other agencies.





May 2017

TRANSPORTATION | 20 OUTLOOK | 40

EXECUTIVE SUMMARY

The Akron Metropolitan Area Transportation Study (AMATS) is responsible for regional transportation planning in the greater Akron area. As the Metropolitan Planning Organization (MPO) for the region, AMATS prepares and maintains the long-range regional transportation plan. *Transportation Outlook 2040 (TO2040)* represents the latest update to the long-range plan. The purpose of TO2040 is to examine the current and future needs of greater Akron's transportation system and develop policy and project recommendations. In order for transportation projects to receive federal funding they must be consistent with *TO2040*.

TO2040 includes a demographic analysis of the region and summaries of reports completed in the last four years used to inform project recommendations. The plan includes long-term highway, transit, bike and pedestrian project recommendations. Performance measures for the transportation system are also included for the first time.

While *TO2040* is meant to develop a long term vision for the region, it also is based in fiscal reality. Project recommendations from the plan must be fiscally constrained, meaning that the cost of the recommendations cannot exceed the estimated funding that the region anticipates receiving over the life of the plan.

TO2040 recommends over \$5 billion for highway infrastructure investment through 2040. Key projects recommended include replacing the State Route 8 Bridge over the Cuyahoga Valley, the Howe Road Interchange, and over \$4.4 billion for preservation projects.

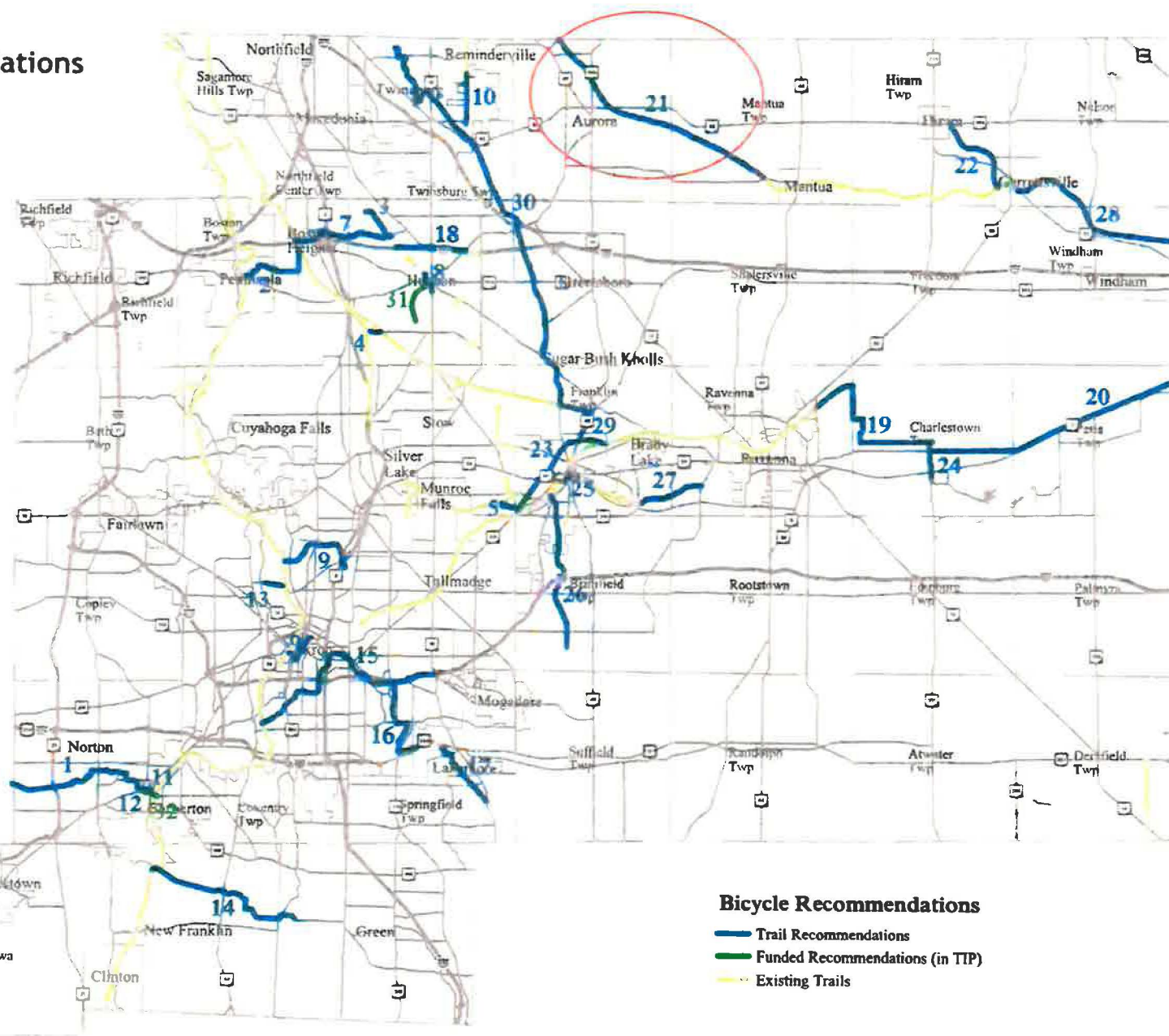
TO2040 recommends over \$2 billion for the public transit system.

TO2040 recommends \$33 million for bicycle and pedestrian improvements through 2040.

The following sections give a detailed summary of the analysis that has been completed in the last four years as well as more discussion about the Greater Akron area.

Long-Term Bicycle Recommendations

0 1 2 3 4 Miles



Bicycle Recommendations

- Trail Recommendations
- Funded Recommendations (in TIP)
- Existing Trails

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 394X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN AURORA, PORTAGE COUNTY, OHIO**

AB-1257

**CLEVELAND COMMERCIAL RAILROAD COMPANY, LLC
– DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY –
IN AURORA, PORTAGE COUNTY, OHIO**

JOINTLY-FILED VERIFIED NOTICE OF EXEMPTION

**DRAFT NOTICE OF EXEMPTION
[CAPTION SUMMARY]**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[AB-290 (Sub-No. 394X)]

[AB-1257]

Norfolk Southern Railway Company— Abandonment Exemption – In Aurora, Portage County, Ohio; Cleveland Commercial Railroad Company, LLC – Discontinuance of Lease and Operation Authority– In Aurora, Portage County, Ohio.

Norfolk Southern Railway Company (“NSR”) and Cleveland Commercial Railroad Company, LLC (“CCR”)(collectively, “Applicants”) jointly filed on November 13, 2017, a notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments and Discontinuances of Service and Trackage Rights for NSR to abandon and CCR to discontinue lease and operation authority over approximately 5.5 miles of rail line extending from milepost RH 22.0 to milepost RH 27.5 in Aurora, Portage County, Ohio (referred to herein as the “Line”). The Line traverses United States Postal Zip Code territories 44202 and 44255. There are no customers served on the Line, which has been out of service for over two years.

Applicants have certified that: (1) no local traffic has moved over the line for at least 2 years; (2) that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the applicable requirements of 49 C.F.R. § 1105.12

(newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January __, 2018, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA for continued rail service under 49 C.F.R. § 1152.27(c)(2) must be filed by _____.² Petitions to reopen must be filed by _____, 2017, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to NSR's and CCR's representative: Crystal M. Zorbaugh, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

NSR has filed a combined Environmental and Historic Report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by _____, 2017. Interested persons may obtain a copy of the

² Each OFA must be accompanied by the filing fee, which is currently set at \$1,800. See 49 C.F.R. § 1002.2(f)(25).

EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NSR's filing of a notice of consummation by _____, 2018, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."
Decided: _____, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 394X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN AURORA, PORTAGE COUNTY, OHIO**

AB-1257

**CLEVELAND COMMERCIAL RAILROAD COMPANY, LLC
– DISCONTINUANCE OF LEASE AND OPERATION AUTHORITY –
IN AURORA, PORTAGE COUNTY, OHIO**

JOINTLY-FILED VERIFIED NOTICE OF EXEMPTION

VERIFICATIONS

Verification

I, John Friedmann, Vice President for Norfolk Southern Railway Company ("NSR") sign and verify on behalf of NSR under penalty of perjury that to the best of my knowledge the facts stated in the foregoing abandonment and discontinuance of lease and operation authority notice of exemption with respect to NSR are true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of NSR in connection with this proceeding before the Surface Transportation Board.

Executed this second day of October, 2017.

A handwritten signature in black ink, consisting of a stylized 'J' followed by a series of loops and a horizontal stroke, positioned above a solid horizontal line.

John H. Friedmann
Vice President

Verification

I, William D. Brown, Chief Financial Officer of Cleveland Commercial Railroad, LLC ("CCR") sign and verify on behalf of Cleveland Commercial Railroad, LLC under penalty of perjury that to the best of CCR's knowledge the facts stated in the foregoing abandonment and discontinuance of lease and operation authority notice of exemption with respect to CCR are true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of CCR in connection with this proceeding before the Surface Transportation Board.

Executed this ninth day of November, 2017.

A handwritten signature in black ink, appearing to be 'W.D. Brown', is written over a horizontal line.

William D. Brown
Chief Financial Officer

Poarch, Lawada G.

From: -William Brown <bbrown@ccrlrr.com>
Sent: Monday, June 26, 2017 11:36 AM
To: Poarch, Lawada G.; Meador, Chip
Subject: [EXTERNAL] Discontinuance

Ms. Poarch

Be advised that Cleveland Commercial Railroad, LLC authorizes Norfolk Southern Railroad to file for discontinuance on our behalf of Milepost RH 22.0-RH 27.5 on the eastern portion of the Randle Secondary.

The Randle Secondary is leased to CCRL by NS.

Respectfully

William D Brown

Chief Financial Officer/Partner

Cleveland Commercial RR