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SERVICE DATE – DECEMBER 17, 2007

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-494X

AKRON BARBERTON CLUSTER RAILWAY COMPANY—ABANDONMENT
EXEMPTION—IN SUMMIT COUNTY, OH

Decided: December 14, 2007

Akron Barberton Cluster Railway Company (ABCR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon 4.14 miles of its line of railroad from Valuation Station 440 + 00 at Main Street to Valuation Station 658 + 63 at Seiberling Avenue, in Summit County, OH. Notice of the exemption was served and published in the Federal Register on May 21, 1998 (63 FR 28026-27).

By decision served June 18, 1998, the proceeding was reopened at the request of the Board's Section of Environmental Analysis and the exemption was made subject to the conditions that ABCR shall: (a) consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers; and (b) consult with the State of Ohio Environmental Protection Agency, Division of Surface Water, prior to conducting salvage operations, and take appropriate measures to prevent or control spills from fuels, lubricants, or any other pollutants from entering any watercourses. The exemption became effective on June 20, 1998.

On July 27, 1998, the Board issued a notice of interim trail use or abandonment (NITU) pursuant to the National Trails System Act, 16 U.S.C. 1247(d), authorizing the City of Akron (City) to negotiate an interim trail use/rail banking agreement with ABCR for the 4.14-mile line of railroad involved in this proceeding. On May 21, 1999, the ABCR notified the Board that an interim trail/use agreement for portion of the right-of-way between Valuation Station 440 + 00 at Main Street and Valuation Station 426 + 20.8 at Steiner Avenue and between Valuation Station 440 + 93.5 at Bellows Street and Valuation Station 658 + 63 at Seiberling Avenue had been reached with the City for use as a trail.¹

On November 7, 2007, the City filed a request to terminate trail use over the portion of the right-of-way between Valuation Station 440 + 00 at Main Street and Valuation Station 426 +

¹ In its May 21 letter, ABCR also informed the Board that it had consummated abandonment of the portion of the line between Valuation Station 426 + 20.8 at Steiner Avenue and Valuation Station 440 + 93.5 at Bellows Street.

20.8 at Steiner Avenue and between Valuation Station 440 + 93.5 at Bellows Street and Valuation Station 658 + 63 at Seiberling Avenue. The City requests that the NITU over the described line segment be terminated effectively immediately.

The City has complied with the requirements of 49 CFR 1152.29(d)(2) regarding a request to vacate a NITU. Whenever a trail manager intends to terminate trail use over the right-of-way and sends the Board a request that a NITU be vacated, the Board will reopen the proceeding and vacate the NITU. Therefore, the City's request to vacate the NITU will be granted, effective on the service date of this decision.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The City's request to vacate the NITU is granted.
3. The NITU served July 27, 1998, is vacated with respect to the line segments between Valuation Station 440 + 00 at Main Street and Valuation Station 426 + 20.8 at Steiner Avenue and between Valuation Station 440 + 93.5 at Bellows Street and Valuation Station 658 + 63 at Seiberling Avenue effective on the service date of this decision. ABCR may fully abandon these line segments after compliance with the environmental conditions imposed in the June 18, 1998 decision.
4. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary