



October 4, 2019

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

ENTERED
Office of Proceedings
October 4, 2019
Part of
Public Record

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 6, 2020.

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 6, 2020. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub. No. 13b) (ICC served Feb. 5, 1990) (extension of time to 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

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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 Mrs. Abigail Free in the City's Department of Planning and Community Development at (937) 333-3635.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Shelley Dickstein".

for Shelley Dickstein
City Manager

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was sent by email on this 4th day of October, 2019 to:

William A Mullins
2401 Pennsylvania Ave., Nw-Suite 300
Washington, DC 20037

Crystal Zorbaugh
2401 Pennsylvania Ave., Nw-Suite 300
Washington, DC 20037

/s/ Martin W. Gehres
Martin W. Gehres
Assistant City Attorney