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September 14, 2012

Mark J. Epstein
Department Head – Resource Protection and Review
Ohio Historic Preservation Office
1982 Velma Avenue
Columbus, OH 43211-2497

RE: *Norfolk Southern Railway Company – Abandonment Exemption – In Lucas County, OH*, STB Docket No. AB-290 (Sub-No. 290X)

Notice of Compliance with Second Phase of Memorandum of Agreement –
Stipulation II (Preparation of Recordation Documents)

Dear Mr. Epstein:

I am writing in connection with the Memorandum of Agreement (“MOA”) among the Surface Transportation Board (“STB”), Norfolk Southern Railway Company (“NSR”), and the Ohio Historic Preservation Office (“OHPO”) concerning the above-referenced railroad abandonment proceeding. The MOA requires NSR to complete certain steps prior to removing three railroad bridges located, respectively, at mileposts TW 0.54, TW 0.62, and TW 0.99 along the rail line to be abandoned. The MOA was fully executed on September 13, 2011. As you know, MOA Stipulations I–III outline the steps that NSR must take before it may commence salvage of the three bridges. The purpose of this letter is to confirm with you that, in addition to satisfying the requirements of MOA Stipulation I (which I confirmed in October of last year),¹ NSR has now also satisfied certain requirements of MOA Stipulation II by or before the prescribed deadline. NSR’s completion of certain requirements of Stipulation II – specifically,

¹ MOA Stipulation I obligated NSR to advertise the three bridges as available for acquisition through posting on the Reusable Bridges webpage of the Ohio Department of Transportation’s Division of Transportation Development – Office of Environmental Services (DTD-OES) for a period of not less than sixty (60) days. The three bridges were listed on the DTD-OES website as available for acquisition for well beyond the 60-day requirement, and NSR supplied proof of NSR’s satisfaction of the Stipulation I requirements last year.

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the completion and delivery of an initial draft "Recordation Package" for each of the three bridges – sets into motion additional steps prescribed at MOA Stipulation II-C.

NSR has retained the services of Lawhon & Associates, Inc. ("Lawhon") to prepare and to forward to OHPO the aforementioned Recordation Packages in keeping with the particulars of MOA Stipulation II. I understand that Lawhon supplied OHPO with drafts of the Recordation Packages on or before September 12, 2012, thereby meeting the MOA-prescribed deadline. The MOA (Stipulation II-C-1) provides that OHPO has thirty (30) days from the date of receipt to review and comment upon the draft Recordation Packages, and that the Recordation Packages may then be modified as deemed appropriate by the STB's Office of Environmental Analysis. Other steps beyond that will follow as set forth in MOA Stipulation II-C and III.

You are welcome to contact me if you have any questions concerning this letter or NSR's compliance with the aforementioned provisions of the MOA. As provided in the MOA, NSR will apprise OHPO and the STB concerning further developments in the historic mitigation process at appropriate junctures.

Sincerely,



Robert A. Wimbish

Counsel for Norfolk Southern Railway Company

Attachments

cc: Marc Kirchner (NSR)
Kearston Comegys (NSR)
Greg Summy, Esq. (NSR)
Victoria Rutson (STB-OEA)
Danielle Gosselin (STB-OEA)
Justin Cook (OHPO)