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MULLINS LAW GROUP PLLC

Transportation Solutions for the 21st Century

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April 4, 2025

VIA E-FILING

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

Re: Conrail Abandonment of Lines in Zanesville, OH, AB-167 (Sub-No. 445N); Ohio-Rail Corporation—Discontinuance of Service and Lease Operations In Perry and Muskingum Counties, OH, AB-1321X
Trails Use Agreement Reached

Dear Ms. Brown:

Pursuant to 49 CFR 1152.29(h), Ohio Rail Development Commission (“ORDC”) and the Muskingum Valley Park District (“MVPD”) (collectively the “Parties”), hereby notify the Surface Transportation Board (the “Board”) that ORDC and MVPD have entered a Trails Use Agreement for interim trail use and rail banking for a rail line that was authorized for abandonment in proceeding AB-167 (Sub-No. 445N). The Trails Use Agreement covers approximately 14.8 miles of rail line owned by the ORDC including the Fultonham Running Track from milepost 0.0 to milepost 3.1 (“Glass Rock-East”) and Z&W Industrial Track from milepost 45.8 to milepost 57.5 (“Glass Rock West”) (the “Line” or the “Glass Rock Branch”). The Glass Rock Branch was also the subject of a discontinuance notice of exemption in Ohio-Rail Corporation—Discontinuance of Service and Lease Operations In Perry and Muskingum Counties, OH, AB-1321X.¹ Per the requirements of 49 CFR 1152.29(h), a map of the Line is attached as Exhibit 1.

On February 29, 2024, MVPD requested that the Board vacate the certificate of interim trail use or abandonment (“CITU”) served March 13, 2023, which authorized the Perry County Board of Commissioners to negotiate an interim trail use/railbanking agreement with ORDC and issue a replacement CITU substituting MVPD as the trail sponsor. On April 8, 2024, the Board

¹ See Ohio Rail Development Commission – Petition for Declaratory Order, FD 36387 (STB served December 22, 2020) (explaining that while the Line was authorized for abandonment, abandonment authority was never consummated and as such the Line remains eligible for interim trail use/rail banking under the National Trails System Act, once the operator was granted discontinuance authority).

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vacated the March 13, 2023, CITU, and a replacement CITU was issued to MVPD as the new interim trail sponsor in AB 167 (Sub-No. 445N).²

As required by 49 CFR 1152.29(h), MVPD hereby certifies that per 49 C.F.R. §1152.29(f), MVPD in the Trails Use Agreement has assumed full responsibility for: (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the owner against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Crystal M. Zorbaugh

Crystal M. Zorbaugh
Counsel for Ohio Rail Development
Commission and Muskingum Valley Park
District

cc: Parties of Record

² On March 28, 2025, due to the uncertainty of the Parties on whether they would reach a Trails Use Agreement by the end of the original CITU negotiation period (April 8, 2025), ORDC and MVPD jointly petitioned the Board for an extension of an additional year until April 8, 2026. While this was deemed a necessary action at the time, ORDC and MVPD were able to consummate a Trails Use Agreement prior to the end date of the original CITU negotiation period.

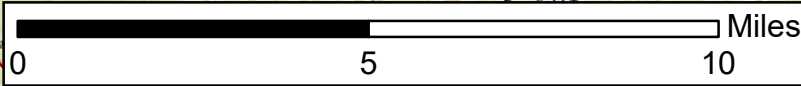


Glass Rock Line and Ohio Southern Rail Line



Ohio Rail Lines

-  Glass Rock East
(Formerly Fultonham Running Track)
-  Glass Rock West
(Formerly Z&W Industrial / Secondary Track)
-  OH Southern RR
-  Other Active Lines



Source: ORDC Rail Data
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community