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Office of Proceedings
July 16, 2020
Part of
Public Record

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July 16, 2020

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: Norfolk Southern Railway Company – Abandonment Exemption – In Stark
County, Ohio, AB-290 (Sub-No. 366X)

Dear Ms. Brown:

On January 9, 2015, Norfolk Southern Railway Company (“NSR”) filed a notice of exemption for NSR to abandon rail service over an approximately 1.30-mile rail line extending from milepost EU 0.70 to milepost EU 2.00 in Stark County, Ohio (the “Line”). Notice of the exemption was served and published in the Federal Register on January 29, 2015 (80 Fed. Reg. 4,962). The exemption was originally scheduled to become effective on February 28, 2015. However, in a decision served on February 27, 2015, the Board changed the effective date of the abandonment to allow for interim trail use/rail banking negotiations for the Line for a period of 180 days, until August 26, 2015, and to permit public use negotiations for a period of 180 days commencing from February 28, 2015, the effective date of the exemption, until August 27, 2015.

For several years, the Board granted Stark County Parks District (“Stark County”) and NSR several extensions of time to allow Stark County and NSR (the “Parties”) to continue trails use negotiations for the Line. Per a Director of the Office of Proceeding’s stamp decision served on January 19, 2018, the last NITU period expired on August 10, 2018. Despite years of negotiations, the Parties were never able to reach an agreement for trails use. As such, on August 22, 2019, NSR notified the Board that trails use negotiations were unsuccessful and it no longer wished to continue negotiations. Thereafter, NSR requested, and was granted, two consummation deadline extensions, the latter of which expires October 9, 2020.¹

While NSR originally intended to abandon the Line, NSR has since determined that it desires to preserve the Line for future rail service. To accomplish this objective, NSR has decided it will

¹ See Decision No. 47280 (STB served October 4, 2019).

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exercise discontinuance authority for the Line, rather than abandonment authority. NSR desires to make its decision effective today, July 16, 2020.² NSR fully understands that if it later decides to abandon the Line it will have to refile for abandonment authority. Should you have any questions concerning this notice of consummation of discontinuance authority, please contact the undersigned counsel for NSR.

Sincerely,



Crystal M. Zorbaugh

An Attorney for Norfolk Southern Railway Company

cc: Parties of Record
Hanna Chouest
Laura Hoag

² The Board has held that if a railroad wishes to discontinue service over a portion of a rail line that has been authorized for abandonment but before it has consummated the abandonment, it may do so and exercise the lesser included authorization of discontinuance authority rather than abandonment authority. See T&P Ry.--Aban.--Shawnee, Jefferson, & Atchison Count., KS, 2 S.T.B. 36, 40 (1997). See also The Alabama Great Southern Railroad Company – Discontinuance Exemption – In Saint Bernard Parish, LA, AB-290 (Sub-No. 323X) (STB served December 17, 2013) (explaining that carriers which seek abandonment authority can choose instead to exercise the lesser included discontinuance authority). See also Almono LP–Abandonment Exemption–In Allegheny County, PA, AB-842X (STB served Jan. 28, 2004) (explaining that when a carrier is authorized to abandon a line, that authority is permissive, not mandatory. The carrier can choose to exercise that authority or not).