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Transportation Solutions for the 21st Century

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December 18, 2025

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VIA E-FILING

Chief of Case Administration
Office of the Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

ENTERED
Office of Chief Counsel
December 18, 2025
Part of
Public Record

Re: Norfolk Southern Railway Company – Abandonment Exemption – In Cuyahoga,
Geauga, and Portage Counties, Ohio, AB-290 (Sub-No. 418X)
Trails Use Agreement Reached

Dear Chief of Case Administration:

Pursuant to 49 C.F.R. 1152.29(h), Norfolk Southern Railway Company (“NSR”), the West Creek Conservancy, Inc. (“West Creek”), and the City of Solon (“the City”), hereby jointly notify the Surface Transportation Board (the “Board” or “STB”) that NSR, West Creek, and the City have reached a Trails Use Agreement for interim trail use and rail banking for a rail line that was authorized for abandonment in proceeding AB-290 (Sub-No. 418X). The Trails Use Agreement covers the entirety of the approximately 7 miles of rail line owned by NSR, extending from milepost RH 15.0 +/- and Milepost RH 22.0 +/- in Cuyahoga, Geauga, and Portage Counties, Ohio.

On July 1, 2025, Open Space Institute Land Trust, Inc. (“OSILT”) filed a request for a Notice of Interim Trail Use or Abandonment (NITU). The Board subsequently established a NITU for the Line in a decision served on July 24, 2025. Following the issuance of the NITU, on November 18, 2025, OSILT requested that the Board reopen the abandonment exemption, vacate the existing NITU, and issue a replacement NITU substituting West Creek and the City as trail sponsors on two different segments of the Line.¹ Both West Creek and the City have since

¹ Specifically, (1) West Creek intends to become the trail sponsor for the segment between milepost RH 21.5 +/- at the Geauga-Portage County Line and milepost RH 22.0 +/- in Portage County (Segment 1), and (2) the City intends to become the trail sponsor for the segment between milepost RH 15.0 +/- in Cuyahoga County and milepost RH 21.5 +/- at the Geauga-Portage County Line (Segment 2).

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submitted statements to the Board indicating their willingness to assume full responsibility for their respective portions of the Line. On November 19, 2025, NSR submitted a letter to the Board indicating its consent to the substitution of West Creek and the City in place of OSILT. On December 10, 2025, the Board reissued a replacement NITU officially substituting OSILT with West Creek and the City as trail sponsors for their respective segments of the line.

As required by 49 CFR 1152.29(h), I hereby certify on behalf of NSR, West Creek, and the City that per 49 C.F.R. §1152.29(a)(2), in the Trails Use Agreement West Creek and the City have 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.

The Trails Use Agreement covers the entirety of the Line proposed for abandonment in AB-290 (Sub-No. 418X). Per the requirements of 49 C.F.R. 1152.29(h), a map of the Line is attached as Exhibit B. West Creek and the City have authorized the filing of this joint notice. If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ William A. Mullins

William A. Mullins
Attorney for Norfolk Southern
Railway Company

cc: Parties of Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-290 (Sub-No. 418X)

**NORFOLK SOUTHERN RAILWAY COMPANY – ABANDONMENT EXEMPTION –
IN CUYAHOGA, GEAUGA, AND PORTAGE COUNTIES, OHIO**

**NOTICE OF CONSUMMATION OF
TRAILS USE AGREEMENT**

Exhibit A – December 10, 2025, NITU Decision

SERVICE DATE – DECEMBER 10, 2025

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 290 (Sub-No. 418X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
CUYAHOGA, GEAUGA, AND PORTAGE COUNTIES, OHIO

Decided: December 10, 2025

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments for NSR to abandon an approximately 7.0-mile rail line extending between milepost RH 15.0 +/- in Cuyahoga County, Ohio, and milepost RH 22.0 +/- in Portage County, Ohio (the Line).¹ Notice of the exemption was served and published in the Federal Register on June 25, 2025 (90 Fed. Reg. 27,064).

The Board, at the request of Open Space Institute Land Trust, Inc. (OSILT), reopened the proceeding and issued a notice of interim trail use or abandonment (NITU) permitting OSILT to negotiate for interim trail use/rail banking of the Line under the National Trails System Act, 16 U.S.C. § 1247(d). Norfolk S. Ry.—Aban. Exemption—in Cuyahoga, Geauga, & Portage Cntys., Ohio, AB 290 (Sub-No. 418X) (STB served July 24, 2025).

On November 18, 2025, OSILT requested that the Board reopen the abandonment exemption, vacate the existing NITU, and issue a replacement NITU substituting West Creek Conservancy, Inc. (West Creek), and the City of Solon, Ohio (the City), as trail sponsors on two different segments of the Line. Specifically, (1) West Creek intends to become the trail sponsor for the segment between milepost RH 21.5 +/- at the Geauga-Portage County Line and milepost RH 22.0 +/- in Portage County (Segment 1), and (2) the City intends to become the trail sponsor for the segment between milepost RH 15.0 +/- in Cuyahoga County and milepost RH 21.5 +/- at the Geauga-Portage County Line (Segment 2). On November 19, 2025, NSR filed a letter consenting to the substitutions.

Pursuant to 49 C.F.R. § 1152.29(f), West Creek and the City have each submitted a statement indicating for their respective segments their willingness to assume full responsibility for: (i) management of the rights-of-way; (ii) any legal liability arising out of the transfer or use

¹ In the same jointly filed verified notice, Cleveland & Cuyahoga Railway, LLC, sought to discontinue service over the Line. See Cleveland & Cuyahoga Ry.—Discontinuance of Serv. Exemption—in Cuyahoga, Geauga, & Portage Cntys., Ohio, AB 1257 (Sub-No. 1X) (STB served June 25, 2025).

of the rights-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability); and (iii) the payment of any and all taxes that may be levied or assessed against the rights-of-way. West Creek and the City have also each acknowledged that the use of their respective rights-of-way for trail purposes is subject to future reconstruction and reactivation of the rights-of-way for rail service.

Because West Creek's and the City's requests comply with the requirements of 49 C.F.R. § 1152.29(f) and NSR has consented to the substitution of the trail sponsors, this proceeding will be reopened, the NITU issued to OSILT will be vacated, and a replacement NITU will be issued to West Creek for Segment 1 and the City for Segment 2.

It is ordered:

1. This proceeding is reopened.
2. The NITU issued on July 24, 2025, in this proceeding is vacated.
3. A replacement NITU applicable to West Creek on Segment 1 and the City on Segment 2 as interim trail sponsors is issued, effective on the service date of this decision and notice, for a period of one year, from the service date, until December 10, 2026.
4. If an interim trail use/rail banking agreement is reached for either segment, it must require the trail sponsor to assume, for the term of the agreement, full responsibility for: (i) managing the right-of-way; (ii) 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 railroad against any potential liability); and (iii) the payment of any and all taxes that may be levied or assessed against the right-of-way.
5. Interim trail use/rail banking is subject to possible future reconstruction and reactivation of the right-of-way for rail service and to the trail sponsor's continuing to meet its responsibilities for the right-of-way described in paragraph 4 above.
6. If an interim trail use/rail banking agreement is reached (and thus, interim trail use/rail banking is established), the parties shall jointly notify the Board within 10 days that an agreement has been reached. See 49 C.F.R. § 1152.29(d)(2), (h).
7. If interim trail use/rail banking is implemented, and subsequently the trail sponsor intends to terminate trail use on all or any portion of the right-of-way covered by the interim trail use/rail banking agreement, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

8. If an agreement for interim trail use/rail banking is reached by December 10, 2026, interim trail use/rail banking may be implemented. If no agreement is reached for that segment of the Line, NSR may fully abandon that segment, subject to any outstanding conditions.

9. This decision and notice is effective on its service date.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-290 (Sub-No. 418X)

**NORFOLK SOUTHERN RAILWAY COMPANY – ABANDONMENT EXEMPTION –
IN CUYAHOGA, GEAUGA, AND PORTAGE COUNTIES, OHIO**

**NOTICE OF CONSUMMATION OF
TRAILS USE AGREEMENT**

Exhibit B – Map

