



March 28, 2018

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

Office of the City Manager	
 GRANTED Office of Proceedings	DECISION ID NO.: <u>46390</u>
	DECIDED DATE: <u>4-10-18</u>
	SERVICE DATE: <u>4-11-18</u>
	APPROVED: <u>[Signature]</u> Acting Director
	☒ <u>Extended to 10-14-18</u>

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Office of Proceedings
April 6, 2018
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 October 14, 2018.

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 27, 2018. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub. No. 13b)(ICC served Feb. 5, 1990)(extension of time 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 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 Mr. Jon White in the City's Department of Planning and Community Development at (937) 333-3683.

Respectfully submitted,

Shelley Dickstein
City Manager

cc: Parties of Record