

November 6, 2007

Via Federal Express

Secretary, Surface Transportation Board
395 E Street, SW
Washington, DC 20024



220652

Re Docket No AB-494X
Akron Barberton Cluster Railway Company – Abandonment Exemption – In Summit
County, Ohio

Dear Secretary

Enclosed on behalf of the City of Akron are the original and ten copies of Petition to Reopen and Modify in connection with the referenced matter. Also enclosed is an extra copy of the Petition that we would appreciate your file stamping and returning to us in the envelope provided.

The filing fee should be waived pursuant to 49 CFR 1002.2(e)(1), which states that the filing fee will be waived if filed by a local government entity.

Respectfully submitted,

Squire, Sanders & Dempsey L.L.P.

By Sam Black

SHB/fs
Enclosures

FILED
NOV 7 2007
U.S. DEPT. OF TRANSPORTATION

ENTERED
Office of Proceedings

NOV 07 2007

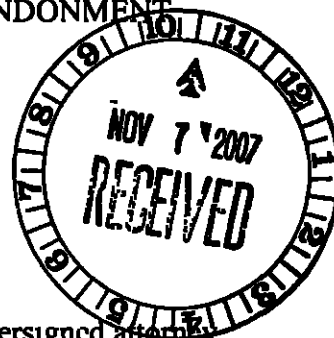
Part of
Public Record

Before The
SURFACE TRANSPORTATION BOARD
Washington, D C 20423

Docket No AB-494X

AKRON BARBERTON CLUSTER RAILWAY COMPANY—ABANDONMENT
EXEMPTION--IN SUMMIT COUNTY, OH

PETITION TO REOPEN AND MODIFY



Comes now the City of Akron, Ohio ("City"), by and through the undersigned attorney,

Sam Black of Squire, Sanders & Dempsey L L P , 1201 Pennsylvania Avenue, N W ,

Washington, D C 20004 and, pursuant to the provisions of 49 C F R § 1152 29(c)(2), files this

Petition to Reopen and Modify In particular, City respectfully requests the Surface

Transportation Board ("Board") to vacate the Notice of Interim Trail Use ("NITU") issued by the
Board on July 27, 1998

Pursuant to the Board's July 27, 1998 Decision, City is the authorized interim trail user
for the railroad right-of-way between Valuation Station 440 + 00 at Main Street and Valuation
Station 426 + 20 8 at Steiner Avenue and between Valuation Station 440 - 93 5 at Bellows
Street and Valuation Station 658 + 63 at Seiberling Avenue By filing this Petition, City
provides notice that it intends to terminate trail use over the above referenced right-of-way It is
requested that the NITU be terminated effective immediately consistent with this request

Background

By decision served and published in the Federal Register (63 FR 28026-27) on May 21,
1998, the Board granted the Akron Barberton Cluster Railway Company ("ABCR") an

exemption under 49 U S C § 10502 from the prior approval requirements of 49 U S C § 10903 to abandon a railroad line extending from Valuation Station 440 + 00 at Main Street to Valuation Station 658 + 63 at Seiberling Avenue, in Summit County, Ohio The exemption became effective on June 20, 1998

On July 14, 1998, City filed a late request for issuance of a NITU for the railroad line to be abandoned by ABCR On July 23, 1998, the Board served its Decision finding that City had complied with the requirements of 49 C F R § 1152.29 and authorizing the issuance of a NITU

Requested Relief

City respectfully requests that the Board

- (i) terminate the outstanding NITU, specifically terminate the railroad right-of-way between Valuation Station 440 + 00 at Main Street and Valuation Station 426 + 20.8 at Steiner Avenue and between Valuation Station 440 + 93.5 at Bellows Street and Valuation Station 658 + 63 at Seiberling Avenue, and immediately
- (ii) issue a decision permitting the immediate abandonment of the aforesaid portion of the railroad right-of-way between Valuation Station 440 + 00 at Main Street and Valuation Station 426 + 20.8 at Steiner Avenue and between Valuation Station 440 + 93.5 at Bellows Street and Valuation Station 658 + 63 at Seiberling Avenue

To satisfy the requirements of 49 C F R § 1152.29(c)(2), the Board should send copies of its decision permitting the immediate abandonment of the right-of-way to the following entities

- (i) The abandonment exemption applicant
Whccling & Lake Erie Railway Company
100 East First Street
Brewster, Ohio 44613

- (ii) The owner of the right-of-way
City of Akron, Ohio
Director of Law
161 S. High Street
202 Ocasck Building
Akron, Ohio 44308-1655
- (iii) The current trail user
City of Akron, Ohio
Director of Law
161 S High Street
202 Ocasck Building
Akron, Ohio 44308-1655

Should further information be required, please contact the undersigned

Respectfully submitted,

By 
Sam Black
Squire, Sanders & Dempsey L L P
1201 Pennsylvania Avenue, N W
Washington, D C 20004
(202) 626-6887

Dated November 6, 2007

CERTIFICATE OF SERVICE

I, Sam Black, do hereby certify that a true copy of the foregoing Petition to Reopen and Modify was served this 6th day of November, 2007, by first-class mail, postage prepaid, on the following

Wheeling & Lake Erie Railway Company
100 East First Street
Brewster, Ohio 44613

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