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December 20, 2012

Mark J. Epstein
Department Head – Resource Protection and Review
Ohio Historic Preservation Office
800 East 17th Avenue
Columbus, OH 43211

Danielle Gosselin
Surface Transportation Board – Office of Environmental Analysis
395 E Street, SW
Washington, D.C. 20423-0001

RE: *Norfolk Southern Railway Company – Abandonment Exemption – In Lucas County, OH*, STB Docket No. AB-290 (Sub-No. 290X)

Supplemental understanding of the parties concerning specific provisions of the three-party Memorandum of Agreement

Dear Mr. Epstein and Ms. Gosselin:

I am writing in connection with the above-captioned railroad abandonment proceeding, and the three-party Memorandum of Agreement (“MOA”) among the Surface Transportation Board (“STB”), Norfolk Southern Railway Company (“NSR”), and the Ohio Historic Preservation Office (“OHPO”) concerning, as is relevant here, the preparation of Recordation Packages meeting certain agreed-upon standards set forth in the MOA for three NSR-owned railroad bridges that are slated for removal as part of the abandonment process.¹ The MOA was fully executed on September 13, 2011. As you know, Section II of the MOA prescribes requirements for the preparation of the subject Recordation Packages for each of the three railroad bridges, including requirements for graphic depiction of the bridges and significant bridge components, and a recordation package completion schedule. The purpose of this letter is

¹ As you may know, NSR has retained the services of Lawhon & Associates, Inc. (“Lawhon”) to prepare and to forward to OHPO the aforementioned Recordation Packages in keeping with the particulars of MOA Stipulation II. For purposes of this letter the term NSR shall refer to NSR and to Lawhon collectively.

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to memorialize a series of telephone consultations that occurred over the past several days, the result of which is that the parties agree that NSR will be permitted to depart from certain MOA provisions (as discussed herein) in preparing and completing the subject Recordation Packages.

Section II.A.1 of the MOA requires NSR, among other things, to submit, as part of its Recordation Packages, large format (4X5 or larger negative size) black and white photographs providing an overall view of each bridge in its environment and views of its significant components. In light of the challenges associated with compliance with this specific requirement, OHPO has advised NSR (and NSR has, in turn advised OEA) that NSR may depart from the specific photographic format requirements of Section II.A.1, and may instead include with its Recordation Packages archival quality digital images consistent with standards applied in other historic Recordation Packages – specifically, the National Park Service Photo Policy for Submission of National Register of Historic Places Nominations (see enclosure). The use of digital images will, among other things, make it easier for NSR to safely capture images of bridge components discussed in the Recordation Package narrative. OHPO, in the interest of a constructive accommodation, agrees that the use of digital images would be appropriate under the circumstances – and agrees that digital images would be an acceptable alternative to the photographic image requirements in Section II.A.1 of the MOA.

Similarly, Section II.C.2 of the MOA provides that NSR must complete and distribute the subject Recordation Packages within sixty (60) days of the expiration of the 30-day comment period established in Section II.C.1. At the earliest, the delivery date for the Recordation Packages under Section II.C.2 would have been December 18, 2012. However, the parties to the MOA have mutually agreed to depart from this provision of the MOA, and to permit NSR to have until February 18, 2013, to satisfy the requirements of MOA Section II.C.2.

In sum, this letter memorializes the current understanding of the parties concerning modest departures from the requirements of the subject MOA regarding photographic image requirements for the Recordation Packages that NSR has committed to produce, and granting NSR an extension of time to complete the Recordation Packages. The three parties have been consulted regarding the extent to which, under the terms of this letter, NSR will be permitted to depart from the terms of the MOA, and each of the three parties has consented to the arrangements set forth herein.

NSR is grateful for the flexibility of its co-parties in this process, and will endeavor going forward to complete the various remaining steps under the MOA as swiftly as possible. You are welcome to contact me if you have any questions concerning this letter or NSR's compliance with the aforementioned provisions of the MOA. As provided in the MOA, NSR will apprise

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OHPO and the STB concerning further developments in the historic mitigation process at appropriate junctures.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. A. Wimbish".

Robert A. Wimbish

Counsel for Norfolk Southern Railway Company

cc: Marc Kirchner (NSR)
Kearston St. Dennis (NSR)
Greg Summy, Esq. (NSR)

Enclosure