

City of Aurora

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Ann Womer Benjamin
Mayor

December 6, 2017

244829

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

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Office of Proceedings
December 8, 2017
Part of
Public Record



Re: Norfolk Southern Railway Company Proposed Abandonment in the City of Aurora,
Portage County, OH, AB-290 (Sub- No. 394X)

Dear Chief Brown:

This Request for Public Use Condition and Request for Interim Trail Use is filed on behalf of the City of Aurora, which is a governmental entity interested in transportation, conservation, and recreation, hereinafter referred to as "City."

The City takes no position on the propriety of discontinuance of current rail service, but does oppose unconditioned abandonment. Therefore, the City requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between milepost RH 22.0 and milepost RH 27.5 in Aurora, Ohio.

A. Request For Public Use Condition

The City asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that the rail corridor in question will connect to other parks and trail systems throughout the state. A large portion of the rail line runs directly adjacent to two city parks (former Aurora Country Club and Spring Hill Park) and one Greater Cleveland Audubon Society state nature preserve (Aurora Audubon Sanctuary). The City is currently working on engineered plans to connect these properties with their Sunny Lake Park property to the south. The corridor would make an excellent recreational trail since it has scenic views, forested areas, and a curving right of way. Further, the 2017 City of Aurora Master Plan and the 2010 Parks and Recreation Master Plan have both included the goal to convert the rail line to a trail. The City has also been working with the Portage County Park District and the Downtown Mantua Revitalization Committee Headwaters Trail Committee on plans and options to connect to the existing Headwaters Trail from the Village of Mantua through the City. The time period sought is 180 days from the effective date of the abandonment authorization. The City needs this much time to have an opportunity to assemble

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and/or review title information and fully evaluate structures on the corridor. Moreover, the City has not yet had time to commence negotiations with the carrier. Although the City expects to proceed expeditiously, assembling the required information, negotiating with the carrier, and obtaining the necessary approvals will necessarily consume a minimum of 180 days.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts, and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason indicated above.

B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, the proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned by Norfolk Southern Railway Company and operated by Cleveland Commercial Railroad Company, LLC., the City of Aurora is willing to assume 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 City is immune from liability, in which case it need only indemnify the railroad against any potential liability), and
- (3) the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Norfolk Southern Railway Company and operated by Cleveland Commercial Railroad Company, LLC.

The property, known as the Line in Aurora, Ohio, extends from railroad milepost RH 22.0, to railroad milepost RH 27.5, a distance of approximately 5.5 miles in the City of Aurora, Portage County, State of Ohio. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB 290 Sub-No. 394X.

A map of the property depicting the right-of-way is attached.

The City acknowledges that use of the right-of-way is subject to the user continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

The City states that its filing fee is waived because it is a government entity.

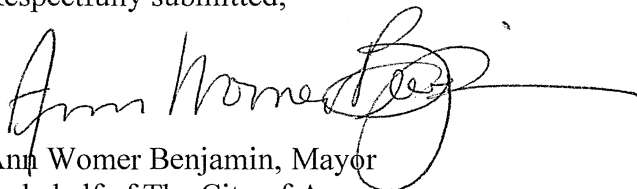
A copy of this statement is being served on the railroad(s) on the same date it is being served on the Board.

By my signature below, I certify service upon

William A. Mullins
Crystal Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037

by U.S. Mail, postage pre-paid, first class, this 6th day of December, 2017.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ann Womer Benjamin", with a long horizontal flourish extending to the right.

Ann Womer Benjamin, Mayor
on behalf of The City of Aurora

Enclosure

Prospective Bike & Hike Trail

