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CRYSTAL M. ZORBAUGH

ENTERED
Office of Proceedings
December 11, 2017
Part of
Public Record

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December 11, 2017

BY HAND DELIVERY

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

Re: Norfolk Southern Railway Company – Abandonment of Service Exemption –
In Aurora, Portage County, Ohio, AB-290 (Sub-No. 394X); Cleveland
Commercial Railroad Company, LLC – Discontinuance of Lease And
Operation Authority – In Aurora, Portage County, Ohio, AB-1257

Dear Ms. Brown:

Two filings, one by Portage Park District ("PPD")¹ and the other by the City of Aurora, Ohio ("City")² have been entered into the public record requesting that the Board impose (1) a 180-day public use condition ("PUC") and (2) establish a Notice of Interim Trails Use ("NITU") for the approximately 5.5 mile rail line extending from milepost RH 22.0 to milepost RH 27.5 in Aurora, Portage County, Ohio (referred herein as the "Line") that Norfolk Southern Railway Company ("NS") seeks to abandon and Cleveland Commercial Railroad Company ("CCR") seeks to discontinue operations over in the above-captioned proceeding.

In advance of its PUC/NITU filing, an attorney for the City contacted the undersigned attorney for NS to alert me of the City's plans to pursue rail banking the Line. After discussing the matter with my client, I notified the City's attorney that NS was not interested in pursuing a NITU arrangement for the Line. Nevertheless, the City filed its NITU request and additionally filed a request for a PUC.

¹ PPD's filing was entered into the public record on December 7, 2017.

² The City's filing was entered into the public record on December 8, 2017.

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NS is not willing to negotiate NITU for the Line with either PPD or the City. Accordingly, the Board may not issue the requested NITU. Similarly, NS is not amenable to PPD's or the City's PUC request and requests that it be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crystal M. Zorbaugh", with a long, sweeping horizontal line extending to the right.

Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company
and Cleveland Commercial Railroad Company

cc: Parties of Record
Greg Summy
Laura Hoag
LaWada Poarch