

308059

MULLINS LAW GROUP PLLC

Transportation Solutions for the 21st Century

2401 Pennsylvania Avenue N.W.
Suite 300
Washington, D.C. 20037

SPENCER NAAKE

SNAAKE@MULLINSLAWGROUP.NET
MULLINSLAWGROUP.NET

Telephone: (202) 663-7850
Direct: (202) 663-7829

ENTERED
Office of Proceedings
March 7, 2024
Part of
Public Record

March 7, 2024

VIA-E-FILING

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

Re: Conrail Abandonment of Lines In Zanesville, OH, AB-167 (Sub-No. 445N); Ohi-Rail Corporation – Discontinuance of Service and Lease Operations– In Perry and Muskingum Counties, OH, AB-1321X

Dear Ms. Brown:

Ohio Rail Development Commission (“ORDC”) has begun conversations with the Muskingum Valley Park District (“MVPD”) concerning it replacing the Perry County Board of Commissioners (“Perry County”) as trail sponsor for the approximately 14.8 miles of rail line owned by the ORDC including the Fultonham Running Track from milepost 0.0 to milepost 3.1 (“Glass Rock-East”) and Z&W Industrial Track from milepost 45.8 to milepost 57.5 (“Glass Rock-West”) (the “Line” or the “Glass Rock Branch”), which was the subject of a discontinuance notice of exemption in Ohi-Rail Corporation – Discontinuance of Service and Lease Operations– In Perry and Muskingum Counties, OH, AB-1321X.¹

ORDC has not consummated abandonment authority over the Line and consents to and fully supports MVPD’s request that the Board reopen the abandonment, vacate the existing CITU, and issue an appropriate replacement CITU to MVPD as the new trail sponsor. ORDC also supports MVPD’s request that the Board allow the parties one year of negotiations for ORDC and MVPD to reach an interim trail use rail/banking agreement.²

¹ See Ohio Rail Development Commission – Petition for Declaratory Order, FD 36387 (STB served December 22, 2020) (explaining that while the Line was authorized for abandonment, abandonment authority was never consummated and as such the Line remains eligible for interim trail use/rail banking under the National Trails System Act, once the operator was granted discontinuance authority).

² The existing CITU is in effect through March 13, 2024.

Mullins Law Group PLLC

Ms. Cynthia T. Brown
March 7, 2024
Page 2 of 2

If there are any questions concerning this request, please contact me directly, either by telephone: at (202) 663-7829 or by e-mail: snaake@mullinslawgroup.net.

Sincerely,

/s/ Spencer M. Naake

Spencer M. Naake

cc: Parties of Record