

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037
TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

Crystal M. Zorbaugh

243000

ENTERED
Office of Proceedings
May 1, 2017
Part of
Public Record

(202) 663-7831 (Direct Dial)
E-Mail: czorbaugh@bakerandmiller.com

May 1, 2017

BY E-FILING

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 Exemption – In Dayton, Montgomery County, Ohio, AB-290 (Sub-No. 390X)

Dear Ms. Brown:

On March 28, 2017, the City of Dayton, Ohio (“City”) filed a letter (“March 28th Letter”)¹ with the Board requesting imposition of a 180-day public use condition and establishment of a Notice of Interim Trail Use (“NITU”) to allow the City to engage in negotiations with Norfolk Southern Railway Company (“NSR”) toward a possible trails use arrangement for the approximately 6.5 mile line extending from milepost ZX 12.1 to milepost ZX 15.4 and from milepost ZQ 0.0 to milepost ZQ 3.2 (referred to herein as the “Line”) that is the subject of the above captioned proceeding.

Last week, counsel for NSR was late served a copy of aforementioned filing by the City. NSR hereby notifies the Board that it is willing to engage in negotiations toward a possible NITU arrangement for the Line, consistent with the City’s March 28th letter.

Sincerely,



Crystal M. Zorbaugh
Attorney for Norfolk Southern Railway Company

cc: All parties of record
Greg Summy, Laura Hoag, LaWada Poarch, Scott Plum

¹ The City’s letter was dated March 28, 2017, but the letter was not accepted by the Board until March 31, 2017.