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March 5, 2013

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)

Notice of Completion of Memorandum of Agreement Requirements

Dear Ms. Gosselin:

I am writing in connection with the Memorandum of Agreement (“MOA”) among the Surface Transportation Board (“STB”), Norfolk Southern Railway Company (“NSR”), and the Ohio Historic Preservation Office (“OHPO”) related to the above-referenced railroad abandonment proceeding. The MOA requires NSR to complete certain steps prior to obtaining STB authorization to remove three railroad bridges located, respectively, at mileposts TW 0.54, TW 0.62, and TW 0.99 along the rail line to be abandoned. The MOA was fully executed on September 13, 2011, and its terms were extended by mutual agreement of the parties pursuant to a letter dated December 20, 2012.

MOA Stipulations I–III set forth the steps that NSR must take before it may commence with bridge salvage. In accordance with the requirements of MOA Stipulation III, NSR hereby notifies you (in your capacity as a representative of the STB) that all of the mitigation requirements set forth in MOA Stipulations I¹ and II have been satisfied. Specifically, NSR,

¹ MOA Stipulation I obligated NSR to advertise the three bridges as available for acquisition through posting on the Reusable Bridges webpage of the Ohio Department of Transportation’s Division of Transportation Development – Office of Environmental Services (“DTD-OES”) for a period of not less than sixty (60) days. The three bridges were listed on the DTD-OES website

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through its consultant, Lawhon & Associates, Inc. ("Lawhon"), has finalized the recordation packages described at MOA Stipulation II-A in accordance with the feedback and guidance of OHPO, and, pursuant to MOA Stipulation II-C-2-a, has delivered the requisite number of copies of the recordation packages to OHPO and the State Library of Ohio ("SLO"). Delivery of the requisite number of copies of the recordation packages with SLO and OHPO was accomplished on February 19, 2013. Audrey Hall of SLO's Government Information Services has confirmed orally NSR's satisfaction of the recordation package filing requirements as of that date. OHPO also has confirmed via teleconference NSR's completion of the processes set forth in the MOA, and NSR understands that OHPO shortly will confirm that the requirements of the MOA as they pertain to OHPO were satisfied as of February 19, 2013.

In accordance with MOA requirements, and for the purposes of your records, we are including with this letter a copy of each of the three bridge recordation packages.

Assuming OHPO separately confirms that NSR has complied with the MOA requirements as we have been advised it will do, then NSR understands that the STB's Office of Environmental Analysis will recommend removal of the section 106 condition serving as a barrier to consummation of the subject abandonment. We also understand that, in keeping with the terms of the MOA, the STB will, in turn, remove the section 106 condition, and authorize NSR to – (1) consummate abandonment of the subject rail line, and (2) remove the subject railroad bridges.

Please contact me if you have any questions concerning this letter and NSR's full satisfaction of its requirements under the terms of the MOA.

Sincerely,



Robert A. Wimbish
Counsel for Norfolk Southern Railway Company

Attachments

cc: Marc Kirchner (NSR)
Lawada Poarch (NSR)
Greg Summy (NSR)
Mark J. Epstein (OHPO)
Justin Cook (OHPO)

as available for acquisition for well beyond the 60-day requirement, and NSR supplied proof of NSR's satisfaction of the Stipulation I requirements over a year ago.