

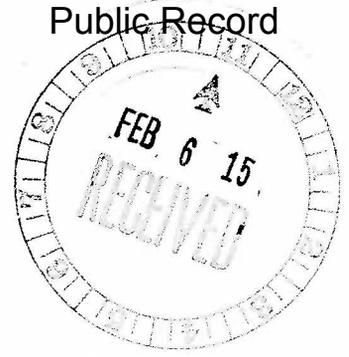


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Office of Proceedings
February 6, 2015
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Public Record

February 5, 2015

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

Re: Norfolk Southern Railway Company (NSR)
Stark County, Ohio
Surface Transportation Board Docket No. AB-290 (Sub-No. 366X)

Dear Ms. Brown:

This request is filed on behalf of the Stark County Park District, an Ohio political subdivision organized pursuant to the provisions of Chapter 1545 of the Ohio Revised Code, currently managing 84.80 miles of trails and 7,022.53 acres of land in Stark County, Ohio, hereinafter referred to as 'proponent'

While not taking a position on the merits of this abandonment, proponent 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 mileposts EU 0.70 and EU 2.00 near the City of Massillon in Stark County, Ohio.

A. Public Use Condition.

Proponent requests the Surface Transportation Board (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 of public use on reasonable terms. The justification for this condition is that the Stark County Park District owns the former railway corridor (5.74 miles in length) immediately adjacent to the subject property to the north. This corridor is currently being managed as an equestrian trail, known as The Olde Muskingum Trail. The subject railroad corridor would provide the opportunity to add an additional 1.3 miles of trail. Such trail expansion would be in conformity with the Stark County Park District's Master Greenway and Trail Plan. The time period sought is one hundred eighty (180) days from the effective date of the abandonment authorization. Proponent needs this time to assemble and review real estate title information, complete a trail plan and commence negotiations with the carrier.

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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 one hundred eighty (180) days from the effective date of the abandonment authorization for the same reasons as indicated above.

B. Interim Trail Use.

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

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY:

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, Stark County Park District is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by Norfolk Southern Railway Company.

The property, known as the corridor south of the Olde Muskingum Trail, extends between railroad milepost EU 0.70 to railroad milepost EU 2.00 a distance of 1.30 miles in Stark County, Ohio. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-No. 366X).

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

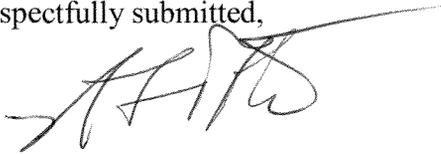
The Stark County Park District acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

C. Request for Waiver of Filing Fee.

The Stark County Park District, being a government agency, hereby requests the waiver of the filing fee in these proceedings.

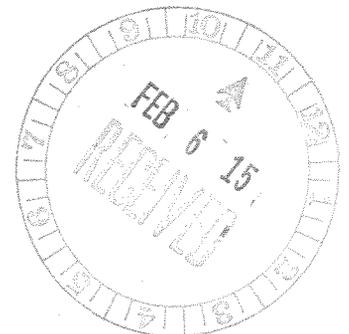
By my signature below, I certify service upon Norfolk Southern Railway Company, Three Commercial Place, Norfolk, Virginia 23510-9227 by U.S. Mail, postage prepaid, first class, on February 5, 2015.

Respectfully submitted,

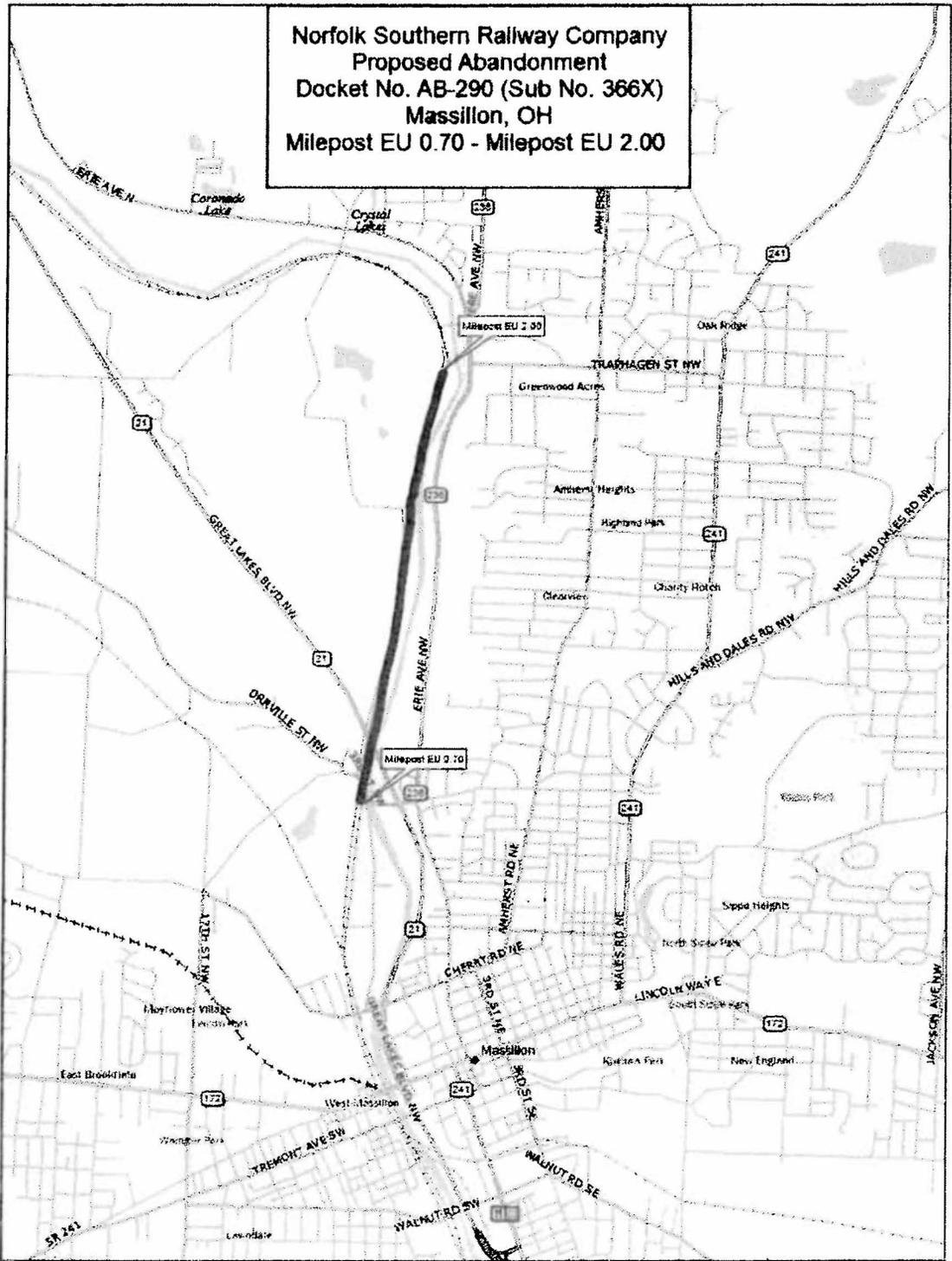


Robert A. Fonte, Park Director
Stark County Park District

cc: William A. Mullins @ Baker & Miller PLLC



Norfolk Southern Railway Company
 Proposed Abandonment
 Docket No. AB-290 (Sub No. 366X)
 Massillon, OH
 Milepost EU 0.70 - Milepost EU 2.00



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