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March 9, 2009

## VIA ELECTRONIC FILING

Ms. Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street S.W.  
Washington, DC 20024

**Re: Docket No. AB-494X  
Akron Barberton Cluster Railway Company -- Abandonment  
Exemption -- In Summit County, OH**

Dear Secretary Quinlan:

On May 1, 1998, the Akron Barberton Cluster Railway Company ("ABCR") filed a notice of exemption under 49 C.F.R. 1152 Subpart F – Exempt Abandonments to abandon its rail line extending from Valuation Station 440 + 00 at Main Street to Valuation Station 658 + 63 at Seiberling Avenue, in Summit County, Ohio. Notice of the exemption was served and published in the Federal Register on May 21, 1998 (63 FR 28026-27).

By decision served June 18, 1998, the Board reopened the proceeding and upon reconsideration, made the abandonment exemption subject to the conditions that ABCR shall: (1) consult with the National Geodetic Survey ("NGS") and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers; and (2) consult with the Ohio Environmental Protection Agency prior to conducting salvage operations, and take appropriate measures to prevent or control spills from fuels, lubricants, or any other pollutants from entering any watercourses. The exemption, as conditioned, became effective on June 20, 1998.

On July 14, 1998, the City of Akron (the "City") late-filed a request for issuance of a Notice of Interim Trail Use ("NITU") for the rail line to be abandoned by ABCR. By decision served July 27, 1998, the Board found that the City had complied with the requirements of 49 C.F.R. § 1152.29 and that ABCR had indicated its willingness to negotiate with the City for interim trail use and, accordingly, issued a NITU.

By letter dated May 21, 1999, ABCR informed the Board that it had consummated abandonment of the portion of the line between Valuation Station 426 + 20.8 at Steiner Avenue and Valuation Station 440 + 93.5 at Bellows Street. ABCR also notified the Board that an interim trail use agreement for the portions of the right-of-way between Valuation Station 440 + 00 at Main Street and Valuation Station

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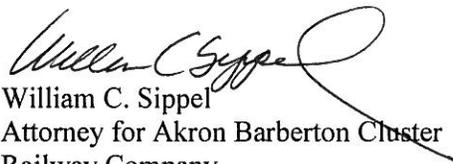
426 + 20.8 at Steiner Avenue and between Valuation Station 440 + 93.5 at Bellows Street and Valuation Station 658 + 63 at Seiberling Avenue had been reached with the City for use as a trail.

By decision served on December 17, 2007, the Board, at the request of the City, vacated the NITU issued by the Board on July 27, 1998. The Board stated that: "ABCR may fully abandon these line segments after compliance with the environmental conditions imposed in the June 18, 1998 decision."

The last remaining environmental condition imposed by the Board in its June 18, 1998 decision – the one relating to geodetic markers – was recently satisfied. Accordingly, pursuant to 49 C.F.R. §§ 1152.29(e)(2) and 1152.50(e), ABCR hereby notifies the Board that on March 6, 2009 ABCR consummated the abandonment of the portions of the line between Valuation Station 440 + 00 at Main Street and Valuation Station 426 + 20.8 at Steiner Avenue and between Valuation Station 440 + 93.5 at Bellows Street and Valuation Station 658 + 63 at Seiberling Avenue in the City of Akron, Ohio, that were previously under the NITU. Accordingly, the entire line for which ABCR sought an abandonment exemption has now been fully abandoned.

Pursuant to 49 C.F.R. § 1152.29(e)(2), I certify that a copy of this letter has been served on the Ohio Rail Development Commission.

Respectfully submitted,

  
William C. Sippel  
Attorney for Akron Barberton Cluster  
Railway Company

cc: Mr. Sean W. Vollman  
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