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**SURFACE TRANSPORTATION BOARD GRANTS AN ABANDONMENT OF NORFOLK
AND WESTERN RAILWAY COMPANY'S RIVERFRONT RUNNING TRACK IN
CINCINNATI, OH**

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Surface Transportation Board (Board) Chairman Linda J. Morgan has announced that the Board has granted the request of Norfolk and Western Railway Company (the N&W) to abandon its "Riverfront Running Track," a mile and a half line in Cincinnati, Ohio paralleling the Ohio River. The unopposed abandonment of the line, which has not been used for more than 11 years, will enable the city and Hamilton County to carry out a major waterfront redevelopment project.

In a companion case, the Board granted the N&W's request to authorize the discontinuance of trackage rights over the Riverfront Running Track, which the N&W said were held by the Grand Trunk Western Railroad. The Grand Trunk refused to concur in the discontinuance because it claims to have assigned the rights to the Indiana and Ohio Railway. The Indiana and Ohio declined the Board's request to participate in the discontinuance case. The Board's action does not extinguish the trackage rights. But the decision removes the Board's primary jurisdiction so that the city and county may invoke state law to condemn the property rights as needed to carry out the riverfront redevelopment.

Over the opposition of the Indiana and Ohio, the Board in the abandonment case granted the N&W's request for an exemption from the provisions of the statute that allow anyone to buy an abandoned rail line at a price set by the Board. The Indiana and Ohio said it wanted to buy the line to compete with the N&W and CSX Transportation, Inc., in providing rail service to and from the Cincinnati docks. The city and the county opposed the Indiana and Ohio's request on the ground that the abandonment of the track was necessary for the redevelopment project. The Board agreed with the city and the county. The Board also noted that the purpose of the forced sale requirement is to provide "continued rail service," and that no service had been provided over the Riverfront Running Track for more than a decade.

The Board issued its decisions on May 13, 1998, in cases entitled Norfolk and Western Railway Company--Abandonment Exemption--In Cincinnati, Hamilton County, OH, STB Docket No. AB-290 (Sub-No. 184X), and Grand Trunk Western Railroad Incorporated--Adverse Discontinuance of Trackage Rights Application--A Line of Norfolk and Western Railway Company in Cincinnati, Hamilton County, OH, STB Docket No. AB-31 (Sub-No. 30). The decision is available on the Board's website at "WWW.STB.DOT.GOV."

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