

213940

FRANK KILGORE, P.C.

Attorney at Law
16542 Russell Street/ P.O. Drawer 1210
St. Paul, Virginia 24283
Telephone: (276) 762-2201 Fax: (276) 762-5593



May 4, 2005

Vernon A. Williams, Secretary
Surface Transportation Board
Washington, D.C. 20423-0001

RE: ABANDONMENT ON BULL CREEK IN HARMON, VIRGINIA
(BUCHANAN COUNTY) #AB290-SUB.NO238X

ENTERED
Office of Proceedings

MAY 6 - 2005

Part of
Public Record

Dear Secretary Williams:

This request is filed on behalf of the Buchanan County Board of Supervisors, Buchanan County, Virginia, which is a public interest organization interested in the preservation and restoration of historical resources and/or recreation, hereinafter referred to as "Proponent."

The Proponent requests an Interim Trail Use Condition rather than an outright abandonment authorization pertaining to this line in Virginia and Buchanan County, Virginia.

REQUEST FOR INTERIM TRAIL USE

The railroad right-of-way in this proceeding is suitable for rail banking therefore proponent 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 CFR §1152.29, Buchanan County, Virginia is willing to assume full responsibility for management of and for any legal liability arising out of the transfer or use of said rail line. Therefore, Buchanan County, Virginia accepts any financial responsibility for the spur rail line.

The property, known as the Bull Creek Spur extends from railroad milepost BH-0.0 in Buchanan County, Virginia for a length of 4.0 (four) miles up Bull Creek in Buchanan County, Virginia. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB290-SUB.NO238X. A map depicting the right-of-way and the \$150.00 filing fee have been mailed by separate letter.

Buchanan County 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. Further, it is understood that any extension of the trail use permit commences from the date the last permit expired, and will itself expire 180 days from that date.

By my signature below, I certify service upon Norfolk Southern Corporation, c/o John T. Moon, Manager, Corporate Development, Norfolk Southern Corporation, Three Commercial Place, Norfolk, Virginia 23510-9207 and Jim Paschall, Esq., Norfolk Southern Corporation, Three Commercial Place, Norfolk, Virginia 23510-9207 by U.S. Mail, postage pre-paid, first class, this the 16th day of August, 2004. If you have any questions regarding this request, please do not hesitate to call me. Additional contact information is attached.

Thank you for your consideration.

Very truly yours,

Frank Kilgore
Assistant County Attorney
Buchanan County, Virginia

FK/jk

cc: W. J. Caudill
Joe Keene