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

**Re: Norfolk Southern Railway Company - Abandonment Exemption
Roanoke, Virginia, AB-290 (Sub-No. 389X)**

Dear Ms. Brown:

Today is the deadline that the Surface Transportation Board ("Board") gave me to submit my Offer of Financial Assistance ("OFA"). I have not done so. But I wanted to thank the Board for its cooperation and accommodation in allowing me the opportunity to do so.

While I would have no problem purchasing the rail and related track material at the price quoted by Norfolk Southern ("NS"), unresolved issues concerning the right of way property prevent my going forward as I had hoped. Both NS and Walker Machine & Foundry claim ownership of the real property once the tracks are removed. Both cite deeds from the same decade in the late 19th Century when the Roanoke Belt Line was being built.

In its Decision of May 5, the Board observes (p. 4, end of ¶2) that "the type of ownership impacts the calculation of a line's net liquidation value." Without that key missing piece I cannot proceed. Complicating the property matter further, NS has already agreed to sell the underlying right of way to City of Roanoke for \$80,000 for Greenway use.

In my final comments to the Board in this proceeding, I would urge the Board, in approving the abandonment, to encourage NS to work out a solution that leaves the track in place. There are solid reasons not to create a half-mile gap in this 7-mile branch line between MP 4.0 and 4.5:

Cynthia T. Brown
June 1, 2017
Page 2

→ A shortline, Roanoke Southern LLC ("RSLLC"), has already been deeded a portion of the Belt Line beyond MP 4.5 to the end, near MP 7. Progress has been made in negotiations between RSLLC and Roanoke Chapter National Railway Historical Society to form an operating company to restore the railroad and commence tourist trains on this track, which would be a boost to Roanoke railroad tourism.

→ This situation mirrors what has happened countless times with other NS secondary lines, where they have been spun off, through lease or purchase, to local operators. The Roanoke Belt Line could be a candidate for this kind of action. Only one industrial customer is still active on the line, and likely could be served more economically by a shortline.

→ A local operator might be successful in generating new rail business. An Akzo-Nobel chemical plant is adjacent to the line. Walker Machine & Foundry used to ship both raw materials and finished goods by rail. Undeveloped and vacant properties exist along the line with economic development potential.

→ The Board's interest is in preservation of rail service, not facilitating Greenway growth. Furthermore, the Greenway objectives can be accommodated without removal of the track. Right of way is 40 feet wide, more than adequate for the track and an 8-foot paved Greenway path on the scenic river side of the track, with room left over for a fence and landscaping if desired. This is not an either/or situation. Future rail use does not have to be forever foreclosed to permit the intended Greenway.

I, and Offeror Thoroughbred Energy & Environmental Corp., have done all we can in our quest to prevent the track from being ripped up, and I will stand aside and hope for the best. The matter is now squarely with the Board and NS. Once again I thank the Board for its most reasonable treatment and conduct in allowing me extra time to attempt an OFA.

Sincerely,



David L. Foster

CERTIFICATE OF SERVICE

I do hereby certify that on this 1st day of June, 2017, I have served a copy of this letter containing my comments by email to all parties of record in AB-290-389-X.



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