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NEW YORK, PHILADELPHIA AND NORFOLK RAILROAD RESURRECTION, LIMITED

112 Randolph Avenue
Cape Charles, Virginia 23310

757-779-9096

ENTERED

Office of Proceedings

October 10, 2019

Part of

Public Record

September 24, 2019

Chief

Section of Administration – Office of Proceedings

Surface Transportation Board

395 East Street, SW

Washington, DC 20423-0001



Reference: Canonie Atlantic - Petition For Abandonment
Docket Numbers: AB - 1266 X, AB – 1267 X & AB - 1276 X

LETTER OF INTENT

Dear Chief and Board Members:

INTRODUCTION

Your Intended Offeror, New York, Philadelphia & Norfolk Rail Road, Resurrection Limited is a functioning 501(c)3 organization, particulars follow, below.

EXEMPTIONS SOUGHT

The Legal Notice filed in the Eastern Shore Post on June 28, 2019 states, that Offers of Financial Assistance must be filed no later than 30 days after the Environmental Assessment (EA), becomes available. Your Offeror has been told that August 13, 2019, would be the normal filing deadline per 49CFR 1152.27 (C) (1) (i) [Expression of Intent to File Offer]. These instructions notwithstanding, Your offeror notes that 1152.27(c)(1)(i) (A) states, in plain language, that: *An offer may be filed and served at any time after the filing of the abandonment or discontinuance application or petition for exemption.*

Should this Honorable Board find this Intended Offeror's Expression of Intent, and/or Offer of Assistance is tardy, Your Offeror respectfully requests that the Board, nonetheless consider this offer as viable. The economic welfare of the least wealthy Counties in Region V, of the Commonwealth of Virginia is at stake.

All Railroad uses, freight, tourist and passenger (light rail) are viable, provided sound management practice; which, through a series of unfortunate circumstances, has not been exercised, to date. Intended Offeror's Offer of Financial/Other Assistance will explain further.

Your Petitioner for Abandonment requested exemption from the requirements of 49 CFR 10502, and from the prior approval requirements of 49 CFR 10903, having already torn out approximately seven miles of track, necessary to the success of commercial rail service in Zip Code 23310.

Your Intended Offeror, is a 501(c)3 organization, (and Sister Economic Development Corporation, below), and, is a solicitor of representation from Federal, State and City Governmental Agencies on Intended Offeror's Board of Directors. Given, the extended latitude to seek governmental, foundation, and private grants afforded Your Offeror by its 501(C)3 status; and, whereas, there is an absolute and constitutional need/requirement for Governmental Agency Representation on Intended Offeror's Board of Directors , Your Intended Offeror requests that the Surface Transportation Board (STB) extend the same presumption of Financial Responsibility to Offeror that is extended to other agencies at 49 CFR 1152.27(c)(4)(B).

OTHER PARTICULARS CONCERNING INTENDED OFFEROR

Your Intended Offeror is NYP&N Rail Road, Resurrection, Limited, (NYP&N), a non-profit Virginia Corporation, IRS [501(C)3, status granted in, or about, November 2018. Pursuant to the suggestion of the Commonwealth of Virginia's Tourism Corporation, NYP&N has created and incorporated a sister company, the New York, Philadelphia, and Norfolk R.R. Economic Development Corporation, which organization, is dedicated to the purpose of forming an economic development council for the region, whose, Board of Directors will be, those representatives chosen by the industrial customers of the railroad that Your Petitioner proposes to abandon, and representatives of such City, State, and Federal Governmental Agencies as are essential to regional economic development (IE Hampton Roads Transit, Virginia Tourism Corporation, Virginia Space, and NASA). Some merchants in the Accomack Northampton Region have stated that the sole reason that they have not utilized rail service for several years, is that they were refused service by Your Petitioner and its predecessors.

During the past 30yrs, 501(c)3 Railroad Preservation Agency, the New York, Philadelphia, and Norfolk Railroad Resurrection, Limited, (NYP&N) and its predecessor agents, have made several offers of financial assistance, and other proposals of support to Petitioner Predecessor Bay Coast Railroad, Predecessor, Eastern Shore Railroad, and Petitioner Canonie Atlantic (Accomack Northampton Transportation District Commission [ANTDC]) to offset impending losses. These losses, while not anticipated by ANTDC/Canonie Atlantic, were foreseeable due to impending changes in national infrastructure. ANTDC/Canonie Atlantic failed to employ sound practices, to avoid loss.

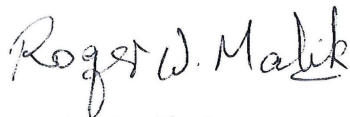
NYP&N intends to make a multi-modal offer of assistance, which includes, revitalization of direct operation of commercial, educational, historic, passenger, and Tourist Rail, service. Intended Offeror's predecessor agents, as far back as fifteen years ago, offered Petitioner, Canonie Atlantic tourist rail service, which, was then to be operated by The Central Virginia Railroad Company. That offer included right of way maintenance equipment, use of steam locomotives, passenger cars, and dining cars. At least two other offers of Assistance have been made, the most recent, by Intended Offeror in December 2019. Without discussion, or explanation, these offers were rejected. The sole response: "We don't want to be involved with a railroad". ANTDC/Canonie has, however, since directly solicited Intended Offeror, to make an offer, instead, to purchase parcels of railroad land, indicating that the use of that land would be "up to the Town" (of Cape Charles, VA).

Recently, at the behest of The Virginia Tourism Corporation NYP&N once again, offered assistance, when Bayshore concrete shut down, and freight usage was terminated. This time, NYP&N, received the curt answer from ANTDC, that the Commission "wants nothing to do with trains". With, total disregard for the existing businesses, ANTDC (Canonie Atlantic) has stated that: "the public would be better served with a bicycle trail" (as opposed to a properly operated railroad). By way of response, and, at the suggestion of The Tourism Corporation, NYP&N formed a 501(c)9 corp (NY,P&N RR Economic Development Corporation), to provide a nursery for growth of an association of (potential customer and other) businesses, for economic growth, through the railroad.

There is an existing need for commercial, passenger and tourist rail service. Total loss of these services will greatly hamper the economic development of the Counties of the Virginia Eastern Shore.

The historic fact that the Pennsylvania Railroad was the primary economic force behind the early development of the Eastern Shore of Virginia, coupled with, current needs, and, a brief review of the reasons for the later degradation of the rails, dictates that NYP&N RR Resurrection, Limited, with the support of State and Federal Agencies, make an offer that will retain and maintain rail service.

Sincerely,



Roger W. Malik, Secretary
New York, Philadelphia, & Norfolk Railroad Resurrection, Limited
cc.nypn.rr@gmail.com

CC John D Heffner, Esquire at Clark Hill PLC
Sloane S. Carlough, Esquire at Clark Hill PLC
Hon. Elaine Luria

NOTARY ENDORSEMENT

STATE OF VIRGINIA

} TO WIT

COUNTY OF NORTHAMPTON

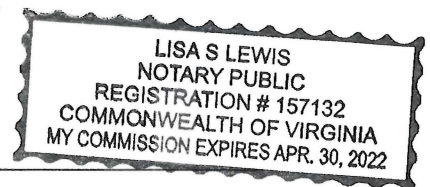
I HEREBY ATTEST AND AFFIRM that on this the 25 Day of September, 2019, that The Person properly identified, and/or known to me to be Roger W. Malik did appear before me and did sign and execute the foregoing document in my presence, and that he did swear and affirm that he is properly and fully authorized to so sign and execute.

Subscribed and sworn before me


Notary Public

9/25/19
Date

Seal



IN THE MATTER OF:

Pettion for Exemption, Discontinuance and Abandonment of

Accomack Northampton Transportation District Commission

AKA

Canonie Atlantic, LLC

APPLICANT

FROM Offeror

New York, Philadelphia, & Norfolk Railroad Resurrection, Ltd
112 Randolph Avenue
Cape Charles, Virginia 23310

* IN THE

* UNITED STATES

* OF AMERICA

* SURFACE TRANSPORTATION BOARD

* Docket No.'s: AB 1266

AB 1267

* AB 1276

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CERTIFICATE OF SERVICE

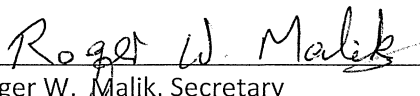
I HERBY CERTIFY that on this the Twenty-Fourth day of September, 2019, that I did cause a copy of the accompanying LETTER OF INTENT to be served, by First Class U.S. Mail, postage prepaid, upon:

John D. Heffner, Esquire
Clark Hill, PLC
1001 Pennsylvania Avenue, NW
Suite 1300
Washington, D.C. 20004

and, upon

Sloane S. Carlough, Esq.
Clark Hill, PLC
1001 Pennsylvania Avenue
Suite 1300
Washington, D.C. 20004

SO CERTIFIED,



Roger W. Malik, Secretary
New York, Philadelphia, & Norfolk Rail Road Resurrection, Limited
112 Randolph Avenue
Cape Charles, Virginia 23310

cc.nypn.rr@gmail.com
757-779-9096
443-562-7527

Philadelphia, New York, and Norfolk Railroad Resurrection, Limited
112 Randolph Avenue
Cape Charles, Virginia 23310

e-mail cc.nypn.rr@gmail.com

telephone 757-779-9096

October 10, 2019

Eden Besera
United States Surface Transportation Board (STB)
395 E Street, SW,
Washington DC 20423

eden.besera@stb.gov

Dear Ms. Besera,

Please find attached, NYP&N RR Resurrection, Limited's (NYP&N) Corrected Certificate of Service, relevant to the September 25, 2019 USPS Priority Mailed Letter of Intent. The Corrected Certificate of Service was originally sent to the STB for filing, by U.S. First Class Mail, postage prepaid, on October 4, 2019, but apparently not received.

Due to the above referenced circumstance, I am today, e-filing the same, and, herewith, I am emailing a scanned copy to You. Thank You for Your efforts to ensure that NYP&N Staff were aware of this deficit.

Please do not hesitate to contact me with any question, or concern that may arise.

Sincerely,
Roger W. Malik
Roger Malik
Secretary

INTHE MATTER OF
Petition for Exemption, Discontinuance and Abandonment of
Accomack Northampton Transportation District Commission
AKA
Canonie Atlantic, LLC
APPLICANT/PETITIONER

* IN THE
*
* UNITED STATES
*
* OF AMERICA
*
* SURFACE TRANSPORTATION BOARD
*
*
* Docket No.'s: AB 1266
* AB 1267
* AB 1276
*

Intended Offeror

New York, Philadelphia, & Norfolk Railroad Resurrection, LTD
112 Randolph Avenue
Cape Charles, Virginia 23310

* * * * *

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the Fourth Day of October, 2019, that I did cure the Service deficiency brought to my attention by the U.S. Surface Transportation Board (STB) on or about September 26th 2019, by use of the Service List Provided by STB, to NYP&N, on September 30, 2019. Upon receipt thereof, and on this Fourth Day of October, 2019, I caused a copy of Intended Offerer, NYP&N's Letter of Intent to be served by First Class US Mail, postage prepaid, consistent with 49 C.F.R. 1104.12(a), upon:

Thomas Bowden, Sr. Timeless Counsel, PLC 8404 Ballantrae Court Richmond, VA 23229 tom@timelesscounsel.com	and upon	Virginia Bicycling Federation 5000 Liberty Woods Lane Woodbridge VA 22193 champe_burnley@hotmail.com
Eric Hocky, Esquire Clark Hill PLC One Commerce Square 2005 Market Street Suite 1000 Philadelphia PA 19103 shocky@clarkhill.com	and	Thomas J Litwiler, Esquire Fletcher & Sippel, LLC 29 North Wacker Drive Suite 800 Chicago, IL 60606-3208 Tlitwiler@Fletcher-Sippel.com
	and upon	

So Certified,

Roger W. Malik

Roger W. Malik, Secretary
New York, Philadelphia, & Norfolk RR Resurrection, Ltd.
112 Randolph Avenue
Cape Charles, Virginia 23310

e-mail: cc.nypn.rr@gmail.com
Telephone: 757-779-9096 or 443-562-7527