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April 26, 2005

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

FILING FEE WAIVED

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

ENTERED
Office of Proceedings

MAY 3 - 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 issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization pertaining to this line in Virginia and Buchanan County, Virginia.

A. REQUEST FOR PUBLIC USE CONDITION

Proponent asks the Surface Transportation Board to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is that the rail corridor in question is tied to the preservation of the community town of Harmon, Virginia and runs from the main line along Route 460 with the Levisa River up Bull Creek approximately four (4) miles to its termination. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to begin negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reasons as indicated above.

B. REQUEST FOR INTERIM TRAIL USE

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use conditions sought above, proponent also 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 is attached. Also enclosed is the \$150.00 filing fee.

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.

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/tb

enclosure (fee and map)

cc: W. J. Caudill
Joe Keene























