

BEFORE THE
SURFACE TRANSPORTATION BOARD

242940

Docket No. 290 (Sub-No. 389X)

ENTERED
Office of Proceedings
April 13, 2017
Part of
Public Record

NORFOLK SOUTHERN RAILWAY COMPANY

ABANDONMENT EXEMPTION

MP 4.0 – MP 4.5 ROANOKE, VA BELT LINE

NOTICE OF INTENT TO FILE AN
OFFER OF FINANCIAL ASSISTANCE

April 13, 2017

David L. Foster
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Pursuant to 49 U.S.C. § 10904 and 49 C.F.R. § 1152.27(c)(2)(i), Thoroughbred Energy & Environmental Corporation (“TEEC”), a Virginia Corporation owned by David L. Foster, and a non-carrier, in the interests of other parties as named below, whose objectives align in preserving rail service over the 0.5 mile of the Roanoke Belt Line now proposed for abandonment (jointly or severally the “Offeror”) express Offeror’s intent to file an offer of financial assistance (“OFA”).

Abandonment of the Roanoke Belt Line as proposed by Norfolk Southern (“NS”) between MP 4.0 and MP 4.5 would have a potentially adverse impact on several parties with congruent interests in continued operation of this rail segment.

Currently ~~FFF~~ **Roanoke Southern LLC**, (“RSLLC”) a Class III common carrier, enjoys operating rights on the portion of the Roanoke Belt Line that it owns beyond MP 4.5 eastward to MP 6.92 (2.42 miles) to a connection with Norfolk Southern’s Roanoke to Winston-Salem line. RSLLC is newly created effective January 16, 2016 (FD No. 35976).

Roanoke Southern LLC is owned by the **Virginia Museum of Transportation** (“VMT”), a 501(c)(3) non-profit organization and a non-carrier. VMT sought the portion of the Roanoke Belt Line now owned by RSLLC to provide tourist excursion operations as a complement to its ongoing museum operations.

VMT does not currently have the equipment or personnel to operate the RSLLC and talks have progressed with the **Roanoke Chapter, National Railway Historical Society** (“RCNRHS”), a 501(c)(3) non-profit organization and an insular switching operation with reporting marks RNRH, to form an operating entity. Focus has been on rehabilitation of the track and bridges, identification and restoration of rolling stock, developing a rule book to ensure safe train operations, and crafting a joint financial and management structure suitable both to VMT and RCNRHS.

Offeror seeks to protect these nascent developments by acquiring and preserving the half-mile of track to the west of RSLLC’s ownership now proposed for abandonment. If RSLLC is ever to establish a viable shortline operation on

the Roanoke Belt Line, it needs access to the west beyond its present terminus at MP 4.0. The RSLLC is a single-track line, over much of its length sandwiched between bluffs and the Roanoke River. While this presents a scenic prospect for tourists, there is little room for yard tracks or sidings for storage of equipment or performing switching operations. The sole access to NS at the east end (MP 6.92) is at-grade across a busy, four-lane urban highway (Franklin Road), far from ideal for interchange. Acquisition of the Belt Line between MP 4.5 westward to MP 4.0 would preserve access to level industrial land needed to support operations, and could enable eventual interchange just west of MP 4.0 with two important NS lines, the former Virginian Railway mainline and across the Roanoke River to the former Norfolk & Western's Shaffers Crossing Yard.

Pursuant to 49 C.F.R. § 1152.27(a), Offeror hereby requests that NS provide the following on a timely basis to facilitate determination of the intended OFA:

1. Valuation map of the half mile proposed for abandonment and copies of related deeds and easements.
2. Estimated Net Liquidation Value of track, property, and other facilities.
3. Estimated costs for removal of track and facilities and for environmental remediation.
4. Financial terms agreed to for conveyance of the abandoned segment to City of Roanoke.

Additionally, in view of the accelerated timetable in abandonment exemption proceedings, and because it is unlikely that the information gleaned in fulfillment of these four items can be provided to Offeror prior to the date when the formal

OFA would normally be due, Offeror hereby requests an extension of the 30-day period for submitting offers of financial assistance adequate to enable Offeror sufficient opportunity to review and analyze the material provided.

Offeror notes accounts in local news media referring to an agreement already worked out between NS and the City of Roanoke relating to use of the abandoned right of way in connection with a greenway trail. Offeror will commit in its OFA to work with City of Roanoke and NS to accommodate recreational trail access across the half-mile proposed for abandonment. NS has stated in its March 3, 2017 filing that the right of way ranges between 50 and 100 feet in width and is owned in fee simple, which is more than adequate to permit continued rail operation and trail access. Offeror sees no need nor justification to abandon rail operations and forever create a half-mile gap in the Roanoke Belt Line to leverage a greenway trail on the riverfront.

Respectfully Submitted,



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April 13, 2017

CERTIFICATE OF SERVICE

I do hereby certify that on this 13th day of April, 2017, I have served a copy of

The foregoing Notice of Intent to File an Offer of Financial Assistance by email to:

wamullins@bakerandmiller.com, and further that I have placed a copy in the U.S.

Mail to:

William A. Mullins
Baker & Miller PLLC
2401 Pennsylvania Ave. NW, Suite 300
Washington, DC 20037



David L. Foster