

TIMELESS COUNSEL, PLC

8404 BALLANTRAE COURT
RICHMOND, VA 23229

Thomas L. Bowden, Sr.
Direct: 804-977-3103
Cell: 804-310-6260
Fax: 804-591-1600

Tom@TimelessCounsel.com
www.timelesscounsel.com

300073

November 29, 2019

VIA E-FILING

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

ENTERED
Office of Proceedings
November 29, 2019
Part of
Public Record

Re: Eastern Shore Railroad, Abandonment from Hallwood to Cape Charles, VA, STB Docket #s
AB 1266X, AB 1267X and AB 1276X

Dear Ms. Brown:

This request is filed on behalf of the Dahlgren Railroad Heritage Trail Association, Inc., a
Virginia corporation, (hereinafter referred to as "Proponent").

Proponent acknowledges that this filing is technically late, and hereby requests permission for
late filing pursuant to 49 CFR 1152.29(b)(3). This late filing is, in effect, a correction and
replacement of a filing made August 22, 2019 which caused confusion as to the actual party
stating its willingness to assume financial responsibility. The confusion was evident after receipt
of the STB's decision dated November 1, 2019. To proponent's knowledge, Parties Canonie
Atlantic Co., Cassatt Management LLC D/B/A Bay Coast Railroad and Eastern Shore Railroad,
Inc. have indicated to Proponent that they have no objection to this late filing and are prepared to
negotiate with proponent.

While not taking a position on the merits of this abandonment, Proponent requests issuance of a
Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an
outright abandonment authorization between Hallwood and Cape Charles, VA.

A. Public Use Condition

Proponent requests the STB 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. The justification for this
condition is that the corridor would connect with existing trail networks at its Northern
and Southern termini, as well to tourist destinations, trails and amenities on or adjacent to
the corridor, thereby facilitating non-motorized transportation and recreational travel in in
and through this scenic region. The corridor could become an integral part of the East

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Coast Greenway and the US Bike Route System. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because to complete a trail plan and commence 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 reason as indicated above.

B. Interim Trail Use

The railroad right of way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Proponent also makes the following statement:

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 C.F.R. §1152.29, Proponent is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of and for the payment of any and all taxes that may be levied or assessed against the right of way owned by Cassatt Management LLC d/b/a/Bay Coast Railroad, Eastern Shore Railroad, Inc., Canonic Atlantic Co.

The property, known as the Eastern Shore Railroad, extends from Hallwood to Cape Charles, VA a distance of approximately 49.1 miles +/-, in Accomack and Northampton Counties. The right of way is part of a line of railroad proposed for abandonment in STB Docket No. AB-1266X, AB-1267X, AB-1276X.

A map depicting the right of way is attached.

Proponent 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.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas L. Bowden". The signature is fluid and cursive, with a large initial "T" and "B".

Thomas L. Bowden, Sr., Esq.
Counsel for Dahlgren Railroad Heritage Trail Association, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 29th Day of November, 2019, I did cause a copy of the foregoing filing to be served by First Class US Mail, postage prepaid, and by e-mail, consistent with CFR 1104.12(a) upon all Parties having interest in the above referenced Docket Numbers, including:

John D. Heffner, Esq.
Clark Hill, PLC
1001 Pennsylvania Avenue, NW
Suite 1300 South
Washington, DC 20004
jheffner@clarkhill.com

Sloane S. Carlough, Esq.
Clark Hill, PLC
1001 Pennsylvania Avenue, NW
Suite 1300 South
Washington, DC 20004
scarlough@clarkhill.com

Eric Hocky, Esq.
Clark Hill, PLC
2005 Market Street
Suite 1000
Philadelphia, Pennsylvania 19103
ehocky@clarkhill.com

Thomas J. Litwiler, Esq.
Fletcher & Sippel, LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
tlitwiler@fletcher-sippel.com

Roger W. Malik
New York, Philadelphia, & Norfolk RR
Resurrection, Ltd.
1 L 2 Randolph Avenue
Cape Charles, Virginia 23310
rwmaliklaw@gmail.com

