

CLARK HILL

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December 3, 2019

300080

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

ENTERED
Office of Proceedings
December 3, 2019
Part of
Public Record

Re: Canonie Atlantic Co. - Abandonment Exemption - Hallwood to Cape Charles, Va.
STB Docket No. AB 1266X
Response to Late-Filed Interim Trail Use Request filed November 29, 2019

Dear Ms. Brown:

Pursuant to 49 C.F.R. §1152.29(b)(2), and in response to the late-filed request for interim trail use filed by Dahlgren Heritage Railroad Trail Association, Inc. ("DHRTA") and docketed by the Board on November 29, 2019,¹ Canonie Atlantic Co. ("CAC") hereby confirms that it is willing to negotiate an interim trail use agreement with DHRTA for the entire 49.1 mile rail line that is the subject of this abandonment proceeding, that it has not yet consummated the abandonment, and that it will not consummate the abandonment until after the Board determines whether to issue a notice of interim trail use.

CAC does not believe that a prospective trail, in and of itself, necessarily constitutes a public use justifying a public use condition under 49 C.F.R. §1152.28. Moreover, CAC does not believe that a public use condition is necessary in this proceeding given CAC's agreement to negotiate an interim trail use agreement.

¹ DHRTA's request was also filed in the related proceedings in Docket No. AB 1267X and Docket No. AB 1276X. Docket No. AB 1266X is the proper proceeding for considering trail use requests since it is the abandonment proceeding (as opposed to one of the discontinuance proceedings), and accordingly CAC is responding as the Petitioner only in this Docket.

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Please let us know if there are any questions regarding this filing.

Respectfully,

CLARK HILL PLC

/s/ Eric M. Hocky

Eric M. Hocky

EMH/emh

cc: Canonie Atlantic Co.
All parties shown on the attached Certificate of Service

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Certificate of Service

I hereby certify that on this date, a copy of the foregoing letter was served by U.S. first class mail, potage prepaid, and by e-mail, on the following persons:

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Dated: December 3, 2019