

50100
EB

SERVICE DATE - FEBRUARY 18, 2020

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1266X

CANONIE ATLANTIC CO.—ABANDONMENT EXEMPTION—HALLWOOD TO CAPE CHARLES, VA.

Docket No. AB 1267X

CASSATT MANAGEMENT LLC D/B/A BAY COAST RAILROAD—DISCONTINUANCE OF SERVICE EXEMPTION—HALLWOOD TO CAPE CHARLES, VA.

Docket No. AB 1276X

EASTERN SHORE RAILROAD, INC.—DISCONTINUANCE OF SERVICE EXEMPTION—HALLWOOD TO CAPE CHARLES, VA.

Digest:¹ This decision denies an appeal of a decision by the Board's Office of Proceedings denying a request to waive a filing fee.

Decided: February 14, 2020.

On July 15, 2019, Cassatt Management, LLC d/b/a Bay Coast Railroad (BCR), the Eastern Shore Railroad, Inc. (ESRR), and Canonie Atlantic Co. (CAC) filed with the Board a petition under 49 U.S.C. § 10502 for exemption from the prior approval requirements of 49 U.S.C. § 10903 for BCR and ESRR to discontinue their lease operations over, and for CAC to abandon, approximately 49.1 miles of rail line in Accomack and Northampton Counties, Va. (the Line). Notice of the petition was served and published in the Federal Register on August 2, 2019 (84 Fed. Reg. 37,943).

On October 10, 2019, New York, Philadelphia & Norfolk Railroad Resurrection, Ltd. (NYPN), filed a letter of intent to file an offer of financial assistance (OFA) with respect to the

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Policy Statement on Plain Language Digests in Decision, EP 696 (STB served Sept. 2, 2010).

Line, and the next day requested a waiver of the filing fee² required to submit an OFA.³ By letter dated October 25, 2019, the Board's Office of Proceedings denied NYPN's waiver request, finding that NYPN had failed to show that payment of the fee would impose an undue hardship upon NYPN or that a waiver would be in the best interest of the public, and concluding that NYPN did not satisfy the "extraordinary circumstances" requirements of 49 C.F.R. § 1002.2(e)(2).⁴

By decision served on November 1, 2019, the Board granted the abandonment and discontinuance exemptions, subject to environmental, historic preservation, and employee protective conditions (November 1 Decision).⁵ Regarding OFAs, the Board found that NYPN's October 10 letter of intent was untimely, as expressions of intent to file an OFA were due by August 12, 2019, and that NYPN did not demonstrate preliminary financial responsibility as required by 49 C.F.R. § 1152.27(c)(1)(i) & (ii). November 1 Decision, AB 1266X et al., slip op. at 7. The Board further stated that, because no formal expressions of intent to file an OFA were filed by the deadline, the Board would not consider OFAs in this case. Id.

On November 17, 2019, NYPN submitted a motion to reopen and to reconsider, which argued, in part, that the October 25 denial of the fee waiver request was erroneous.⁶ (NYPN Mot. 1-2.)

The Board finds that NYPN's fee waiver appeal lacks merit. NYPN has not shown that the denial of its waiver request was erroneous. While NYPN sets forth its views as to the merits of abandoning the Line, NYPN fails to explain why waiving the filing fee for its OFA would be warranted under the Board's fee waiver regulation, which, as noted above, requires a showing that the waiver or reduction of the fee is in the public interest or that the payment of the fee would impose an undue hardship upon the requestor. NYPN does not explain how the fee waiver itself, as opposed to the potential restoration of rail service, is in the best interest of the public. NYPN also does not explain how payment of the fee would impose an undue hardship on NYPN. NYPN merely states that it is a non-profit organization supported by a

² A copy of NYPN's waiver request is attached for reference as Appendix A.

³ NYPN's letter of intent was initially submitted on September 27, 2019, but could not be docketed because it was not accompanied by a sufficient certificate of service. See 49 C.F.R. § 1104.12.

⁴ A copy of the October 25, 2019 letter is attached for reference as Appendix B.

⁵ The exemptions became effective on December 1, 2019.

⁶ NYPN's submission also included a motion to reopen and reconsider the November 1 Decision. While the Board will address the fee waiver appeal, the Board will not consider the motion to reopen and reconsider the November 1 Decision, as NYPN did not submit the required filing fee. NYPN's submission, which was not posted on the Board's website due to the fee deficiency, is attached for reference as Appendix C.

\$25 membership fee and small donations (see Appendix A) but provides no evidence as to its overall financial situation or capabilities.

Furthermore, because no expressions of intent to file an OFA were timely filed, the Board stated in its November 1 Decision that it would not consider OFAs in this case.⁷ Therefore, the question of whether NYPN would need to pay a filing fee to submit an OFA is moot.

It is ordered:

1. NYPN's appeal of the October 25 fee waiver denial is denied.
2. This decision is effective on its date of service.

By the Board, Board Members Begeman, Fuchs, and Oberman.

⁷ Even if NYPN's letter of intent could have been docketed in September 2019, when it was initially submitted, it still would have been over a month past the August 12, 2019 deadline.

Appendix A

IN THE MATTER OF:

Petition 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

*

*

*

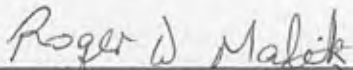
* * * * *

PRAYER FOR WAIVER OF FILING FEE

Your Offeror, New York, Philadelphia and Norfolk Railroad, Resurrection, Limited, (NYP&N) hereby, prays for a Waiver of the \$1800.00 filing fee associated with the Accompanying Offer of Financial and Other Assistance, and for reasons states:

1. The filing fee will impose a hardship upon NYP&N, a non profit organization, supported, at this time, solely by a \$25.00 membership fee, and small donations;
2. The work conducted by NYP&N is conducted for the sole purpose of ensuring that the people of Accomack and Northampton Counties, Commonwealth of Virginia (Congressional District Two), and visitors to their community, are served by, and reap the economic, educational, historic and cultural benefits, of preserved, upgraded and operational rail service.

I hereby swear and affirm, under penalty of perjury that the foregoing statement is true and correct to the best of my knowledge, information and belief



Roger Malik, Secretary
NYP&N Rail Road Resurrection, Limited
112 Randolph Avenue
Cape Charles, Virginia 23310

cc.nypn.rr@gmail.com
757-779-9096

IN THE MATTER OF:

Petition 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

*

*

*

* * * * *

NOTARY ENDORSEMENT

STATE OF MARYLAND

}

TO WIT

COUNTY OF BALTIMORE

I HEREBY ATTEST AND AFFIRM that on this the 11th Day of October, 2019, that
The Person properly identified as, and/or known to me to be, Roger W. Malik did appear before
me, and did sign and execute the accompanying OFFER OF FINANCIAL AND OTHER ASSISTANCE and
PRAYER FOR WAIVER OF FILING FEE documents 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

Date

10/11/19

Seal

JHITEA L. MULLEN
Notary Public - State of Maryland
Prince George's County
My Commission Expires Aug 5, 2021

Appendix B



***Surface Transportation Board
Washington, D.C. 20423***

Office of Proceedings

October 25, 2019

Roger Malik
c/o New York, Philadelphia & Norfolk Railroad Resurrection, Ltd.
112 Randolph Avenue
Cape Charles, VA 23310

***Re: Docket No. AB 1266X, Canonie Atlantic Co.—Abandonment Exemption—
Hallwood to Cape Charles, Va.;***

***Docket No. AB 1267X, Cassatt Management LLC d/b/a Bay Coast Railroad—
Discontinuance of Service Exemption—Hallwood to Cape Charles, Va.; and***

***Docket No. AB 1276X, Eastern Shore Railroad, Inc.—Discontinuance of Service
Exemption—Hallwood to Cape Charles, Va.***

Dear Mr. Malik:

This letter responds to the request of the New York, Philadelphia & Norfolk Railroad Resurrection, Ltd. (NYP&N) for a waiver of the \$5,700 total in filing fees required for the offers of financial assistance (OFA) in the above-referenced dockets.¹ NYP&N asserts that paying the filing fees would cause it hardship and appears to claim that waiver of the fees would be in the public interest.

NYP&N states that it is a non-profit organization that, at this time, is solely supported by a \$25 membership fee and small donations. In addition, NYP&N states that its work is conducted “for the sole purpose of ensuring that the people of Accomack and Northampton Counties, Commonwealth of Virginia (Congressional District Two), and visitors to their community, are served by, and reap the economic, educational, historic, and cultural benefits of, preserved, upgraded and operational rail service.” (NYP&N Prayer for Waiver of Filing Fee.)

The Independent Offices Appropriations Act, 31 U.S.C. § 9701(a), provides that “each service or thing of value provided by an agency . . . to a person (except a person on official business of the United States Government) is to be self-sustaining to the extent possible.” Accordingly, the Board’s regulations provide that waivers of filing fees are limited to

¹ Although the request seeks a waiver of \$1,800, the filing fee for an offer of financial assistance is currently set at \$1,900. See Regs. Gov. Fees for Servs. Performed in Connection with Licensing & Related Servs.—2019 Update, EP 542 (Sub-No. 26) (STB served Aug. 6, 2019). Additionally, a filing fee is required for each OFA filed. NYP&N has submitted an OFA in the above three dockets; therefore, the total of the filing fees that are due is \$5,700.

“extraordinary situations,” when the requestor has shown that the waiver is in the best interest of the public or that payment of the fee would impose an undue hardship upon the requestor. 49 C.F.R. § 1002.2(e)(2). The Board has construed this waiver provision “narrowly,” emphasizing that it would “closely adhere” to the fee guidelines originally established by its predecessor, the Interstate Commerce Commission (ICC).² See Pemiscot Cty. Port Auth.—Constr. of a Line of R.R. in Pemiscot Cty., Mo., FD 34117, slip op. at 2, 3 (STB served Mar. 25, 2002); see also Regs. Governing Fees for Servs. Performed in Connection with Licensing & Related Servs.—Policy Statement, EP 524 (Sub-No. 6), slip op. at 4 (STB served Dec. 6, 2000) (“[W]e must make every effort to conform our fee assessment and collection practices to the policy of full cost recovery . . .”). For the following reasons, NYP&N’s request is denied.

NYP&N has not established that its sources of income are insufficient to support its expenses. NYP&N has provided no evidence to support any findings about the ratio of its financial assets and liabilities. Additionally, NYP&N has not shown that there are such extraordinary circumstances present in this proceeding that the filing fee would cause NYP&N undue hardship, even with a limited budget. It is not uncommon that non-profits must routinely organize funds and prioritize projects, and NYP&N has not shown how it differs meaningfully from other non-profits with limited resources. See Crystal City, AB 427X et al., slip op. at 2-3 (rejecting argument that Class III carrier petitioners had “limited financial means” as petitioners did not “materially differ from any other Class III carriers filing petitions”).

In its OFA, NYP&N states that it is fully prepared to repair and to maintain the line of railroad at issue in the above proceedings. (NYP&N Offer of Financial Assistance 6.) Necessarily, significant costs accompany those additional responsibilities. The fee for an OFA is but a small portion of the total funds required to repair and maintain a line of railroad. See Regulations Governing Fees for Serv. Performed in Connection with Licensing & Related Servs.—1996 Update, 1 S.T.B. 179, 187 (1996) (noting that a filing fee should not be a deterrent to filing an OFA.) For all of these reasons, the request to waive the filing fee on the grounds of undue hardship will be denied.

With regard to NYP&N’s argument that the purpose of its organization supports waiver, the Board reviews fee waiver requests on a case-by-case basis; thus, a blanket waiver to an organization or type of organization based upon its mission is not appropriate. Additionally, because an organization’s mission is a constant that cannot be considered an “extraordinary circumstance,” a fee waiver is not appropriate under 49 C.F.R. § 1002.2(e)(2). Therefore, NYP&N has not established that this is an extraordinary situation whereby waiving the required fee is in the public interest.

² The ICC adopted the fee structure at 49 C.F.R § 1002.2 to “cover all the [agency’s] expenses, including administrative expenses.” Crystal City R.R.—Aban. Exemption—in LaSalle, Zavala, & Dimmit Ctys., Tex., AB 427X et al., slip op. at 2 (ICC served Aug. 22, 1995).

Should you require additional assistance, please contact me at (202) 245-0350. For more information on abandonment and discontinuance of rail lines, including OFAs, please contact the Rail Customer and Public Assistance (RCPA) program in the Board's Office of Public Assistance, Government Affairs, and Compliance at (202) 245-0238.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Pope-Matheson". The signature is stylized with a large, looped initial 'A' and a cursive script for the rest of the name.

Andrea Pope-Matheson
Acting Chief, Section of
Administration
Office of Proceedings

Appendix C

IN THE MATTER OF:	* IN THE UNITED STATES OF AMERICA
Petition for Exemption, Discontinuance & Abandonment	* SURFACE TRANSPORTATION BOARD
Of Accomack Northampton Transport District Commiss.	*
AKA	*
Canonie Atlantic Corporation, LLC	*
APPLICANT	*
FROM: Offeror	* Docket No.'s: AB 1266 X
New York, Philadelphia, & Norfolk RR Resurrection, Ltd	* AB 1267 X
112 Randolph Avenue	
Cape Charles, Virginia 23310	* AB 1276 X

MOTION TO RE-OPEN AND TO RE-CONSIDER

On November 4, 2019, the Surface Transportation Board issued Decisions on the above captioned Docket Numbers/issues, which Decision(s) was (were) reached on October 31, 2019. Said issuance noted that Motions to Re-open must be filed by November 18, 2019. Your above captioned (intended) offeror moves that this Honorable Board Re-open the matters and Re-consider its decision(s), and for reasons states:

1. The associated Decision to refuse to waive filing fees in order to accept the (Intended) Offeror's Letter of Intent and separately filed OFA is issued in error:
 - A. The citation of the Independent Offices Appropriations Act, 31 U.S.C. § 9701(a) for the proposition that: "each service or thing of value provided by an agency . . . to a person (except a person on official business of the United States Government) is to be self-sustaining to the extent possible" is erroneous, in that:
 - 1) The Surface Transportation Board, Acting Chief, in her letter of October 25, 2019, [Denying filing fee waiver to the 501(C)3 (Intended) Offeror] cites the act, while, the Board's Decision is providing a service or thing of value to the very agents of the destruction [Abandonment Exemption, (1266X) Discontinuance of Service Exemption, (1267X) and Discontinuance of Service Exemption (1276 X)] of rail service in the majority of Congressional District 2, in the Commonwealth of Virginia, thereby, standing the intent of the Cited Act on its head.
 - 2) In the letter, above cited, the Acting Chief proceeds to cite the Statute for the further proposition that ". . . waivers of filing fees are limited to "extraordinary situations" when the Requestor has shown that the waiver is in the best interest of the public . . ."

Even utilizing the narrow construction and close adherence to the fee guidelines established by the Interstate Commerce Commission, it is difficult to imagine greater public interest, than retaining rail service to the public in a circumstance where the Petitioner has, for years, refused rail service to a public requesting the same, and openly lied to the Surface Transportation Board by stating that no business is available to any provider of rail service in the geographic majority of an entire congressional district.

- 2) The Acting Director Cites the fact that the requisite filing fee is “but a small portion of the total funds required to repair and maintain” the line. The Acting Chief does not take into account that repair and maintenance of the line is to be conducted with volunteer labor (including Community Service by local United States Coast Guard Stations), and with, in-kind donations of rail, ties, etc, promised by large railroad corporations, on a tax deductible basis, in order to maintain rail service to the populace of the geographic majority of Congressional District 2, in the Commonwealth of Virginia.

B) The precis, headnote, or digest of the Decision is misleading.

- 1) While the digest appears to deny a request for issuance of a public use condition and a notice of interim trail use or abandonment, clearly implying that rail salvage is denied, the effect of The Decision itself, clearly gives permission for salvage operations after mere “checking in “ with State Agencies about environmental concerns.

- 2) The footnote, on Page One of the decision, constitutes an admission that the precis, headnote, or digest is drafted in a misleading manner.

C) Mis-statements of fact and history are broadly extant in the decision, and will be illustrated further, below.

- 1) Despite, absorbing the New York, Philadelphia, and Norfolk Railroad, after Alexander Cassatt’s death in December of 1906, neither before, nor after, the death of Alexander Cassatt, did the Pennsylvania Railroad ever refer to the New York, Philadelphia and Norfolk Railroad as the Delmarva Secondary Track.

- 2) Movant concedes that the ANTDC was formed on March 2, 1976, to: *preserve service, over the track . . . south of Pocomoke City*. Movant asserts that “South of Pocomoke City” does not stop at Hallwood, nor even Parksley, but extends to the marshalling yards in Cape Charles. The Accomack Northampton Travel District Commission holds all of the voting shares of CAC, and is therefore, and now with the assistance of the Surface Transportation Board, *ultra vires*, violating its own charter,

violating the public trust, and the trust of Government Officials who approved that charter, in abandoning the rail travel that it was created to preserve.

- 3) ESRR was not owned by ANTDC, but rather a tenant of Canonie Brothers, CAC, and eventually ANTDC.
- 4) Circa 1972, Canonie Brothers purchased the Virginia Portion of the New York, Philadelphia and Norfolk Rail Road, from Norfolk Southern, while Norfolk Southern was administered by Arnold McKinnon, President. The Canonie Brothers, thereafter formed Canonie Atlantic Corporation.
- 5) Contrary to the representations of Petitioner, Bayshore Concrete's successor, Coastal Pre-Cast made clear to NYP&N, and upon information and belief, to ANTDC and CAC (Ppetitioner), (See Exhibit to NYP&N's OFA) that Coastal Pre-Cast anticipated the use of at least 1000 rail cars per year. Moreover Petitioner and ANTDC have, for the past two Years, represented to the Community at Large that track and service would remain available to Bay Shore Concrete's successors.

D) Publication in the Federal Register, does not notify the residents of a small rural community who are baffled by a Railroad Corporation's refusal to accept business, and a Governmental Transportation Commission's refusal to allow rail service, that the community (Congressional District) is about to lose its railroad, almost completely.

E) Promulgating, and enforcing a rule, that requires an entity seeking an exemption from regulations, to publish only once, while requiring an applicant seeking lawful process to file three times is a violation of the public trust and is a violation of the spirit of the United States Constitution, and all rules requiring transparency in Government.

F) The decision fails utterly to deal with the conflict of interest inherent in having a Government Agency, such as ANTDC, holding all of the voting shares of, and acting, down to a person, as the Board of Directors of a Railroad Corporation (CAC and its subsidiaries).

G) The Surface Transportation Board, at Page 3, Paragraph One of its Decision notes that "According to Petitioners, DCR did not seek authority to operate beyond Hallwood because it concluded that the traffic south (sic) of Hallwood was insufficient to support viable operations on the Line and the car-float." And, later in the same Paragraph " . . . the prospective buyer of Concrete's property has not expressed interest in using rail and would not be able to meet any traffic commitments to keep the line open. No two statements could be further from the truth. Farmers on at least a monthly basis and ask NYP&N Staff to explain why ANTDC and CAC refused their business, and ask what might be done to return rail service to their sidings. Bay Shore Concrete's "prospective buyer" is in fact a bona fide purchaser, Coastal Pre-cast

Corporation, which has requested 1000 rail cars per year, to bring in raw materials, and transport finished goods. Within one short week of surveying businesses in the region (hardly a marketing effort) NYP&N staff had commitments for another 800 cars a year from businesses lying between Coastal Pre-cast's plant in Cape Charles and Hallwood. The Board appears to have accepted the unreliable word of a CAC and ANTDC, which organizations are one and the same, to a person, and, excused its acceptance with the continually used preface, "according to Petitioners".

H. In its Discussion and Conclusions the Board cites 49 USC § 10903 for the proposition that a rail line may not be abandoned nor service over the line discontinued, without prior approval. The Board then cites 49 USC §10502 arguing that the Board must exempt a transaction or service from (such) regulation if when it finds that: (1) continued regulation is not necessary to carry out rail transportation policy (RTP) of (set forth in) 49 USC § 10101; and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not need to protect shippers from the abuse of market power. By way of response, NYP&N is obligated to point out that the Board then defies its own mandate by: (a) ignoring the fact that the RTP set forth in 49 USC § 10101 is specifically defied by the Petitioners, who clearly require regulation to (a) use and service a market of virtually unlimited scope, (or turn the rail over to a rail Company, or ,Companies that will service the existing market) and, (b) in order not to use the market power of real estate sales (what Petitioners really want to do with the rail road right of way, and associated lands) in order to abuse farmers, and a solid variety of other shippers, by denying them service, for at least the past decade. (See NYP&N's sole Exhibit to its OFA).

I. Given the facts set forth, above, including the clear conflict(s) of interest of the Petitioners and the ANTDC For the Board to then state, in Page 3, Paragraph 3 of its Decision that "Detailed scrutiny of the proposed discontinuance and abandonment under 49 USC § 10903 is not necessary to carry out the RPT in this case, goes beyond the mere straining of credulity. Rather, it appears to completely upset the plain language of 49 USC §10903. The record in fact indicates that traffic over the line prior to April 2018 was only minimal because the Petitioners refused to service sidings installed at U.S. Government expense, and the neighboring businesses, and refused to allow passenger, or tourist service of any type.

CONCLUSION:

The essence of the Decision is accounted for in the objections and Motion to Re-open and Re-consider, above. NYP&N has been, is, and remains prepared to counter the Board's conclusions pertinent to the Environmental Assessment, and will do so, should the Board choose to Re-open this matter, after due consideration, or, should litigation become necessary.

However, it should be noted that the Board's conclusion that there is will be no increase in tractor trailer usage because there is no potential traffic, begs two questions at once:

- 1) Why is there no traffic? (Because ANTDC and Petitioners refused service); and
- 2) Isn't current tractor trailer traffic already inflated, because shippers cannot obtain desired rail service? (To the tune of 1800 rail cars worth of traffic, according to the most cursory of market surveys).

The conflicts of interest extant require detailed scrutiny of the Petition, from which the Board has excused itself, whether for arbitrary, or simple ignorance of the intent of Petitioners, remains to be seen. However, for the reasons, above stated, the United States Surface Transportation Board must re-open this matter, and must apply close scrutiny to the Petitions, Petitioner's *ultra vires* conduct during the past decade(s), and the clear conflicts of interest that CAC, its subsidiaries, and the identical ANTDC have created.

Roger W. Malik (*electronic signature*) _____

Roger W. Malik — Secretary
The New York, Philadelphia, and Norfolk Railroad Resurrection. Limited
112 Randolph Avenue Cape
Charles, Virginia 23310

cc.nypn.rr@gmail.com
757-779-9096

IN THE MATTER OF:	* IN THE UNITED STATES OF AMERICA
Petition for Exemption, Discontinuance & Abandonment	* SURFACE TRANSPORTATION BOARD
Of Accomack Northampton Transport District Commiss.	*
AKA	*
Canonie Atlantic Corporation, LLC	*
APPLICANT	*
FROM: Offeror	* Docket No.'s: AB 1266 X
New York, Philadelphia, & Norfolk RR Resurrection, Ltd *	AB 1267 X
112 Randolph Avenue	
Cape Charles, Virginia 23310	* AB 1276 X

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this the 18th Day of November, 2019. that I did cause a copy of Offeror. NYP&N's Motion to Re-open and Re-consider 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 captioned Docket Numbers, including:

Thomas Bowden, Sr. Esquire
Timeless Counsel, PLC
8404 Ballantrae Court
Richmand, Virginia 23229
tom@timelesscounsel.com

Virginia Bicycling Federation
5000 Liberty Woods Lane
Woodbridge, Virginia 22193
Champe_Burnley@hotmail.com

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

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

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

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

Roger W. Malik (electronic signature)

Roger W. Malik
New York, Philadelphia, & Norfolk RR Resurrection, Ltd. _
1 L 2 Randolph Avenue

Cape Chares, Virginia 23310