

CLARK HILL

Justin J. Marks
T 202.772.0916
F 202.772.0930
Email: jmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004
T 202.772.0909
F 202.772.0919

clarkhill.com

December 8, 2020

301346

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 8, 2020
Part of
Public Record

Re: Canonie Atlantic Co.
– Petition for Exemption –
in Norfolk, VA
Surface Transportation Board Docket No. AB 1266 (Sub. No. 1X)

Dear Ms. Brown:

Enclosed for e-filing in STB Docket No. AB 1266 (Sub. No. 1X) is a petition for exemption pursuant to the provisions of 49 U.S.C. §10502 filed on behalf of Canonie Atlantic Co. (“CAC”). Simultaneously, Cassatt Management, LLC d/b/a Bay Coast Railroad (“BCR”) is filing a notice of exempt discontinuance in STB Docket No. AB 1267 (Sub. No. 1X) over the line subject to abandonment in this petition.

The filing fee of \$8,100 was paid using Pay.gov. Please let me know if there are any questions regarding this filing.

Sincerely,



FILED
December 8, 2020
SURFACE
TRANSPORTATION BOARD

Justin J. Marks
Attorney for Canonie Atlantic Co.

Enclosures

FEE RECEIVED
December 8, 2020
SURFACE
TRANSPORTATION BOARD

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1266 (Sub. No. 1X)

CANONIE ATLANTIC CO.
- ABANDONMENT EXEMPTION –
IN NORFOLK, VA

PETITION FOR EXEMPTION

(color copies included)

Eric M. Hocky
Clark Hill PLC
Two Commerce Square
2001 Market St.
Suite 2620
Philadelphia, PA 19103
(215) 640-8523
ehocky@clarkhill.com

Justin J. Marks
Clark Hill PLC
1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
(202) 772-0916
jmarks@clarkhill.com

Counsel for Canonie Atlantic Co.

Dated: December 8, 2020

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1266 (Sub. No. 1X)

CANONIE ATLANTIC CO.
- ABANDONMENT EXEMPTION –
IN NORFOLK, VA

PETITION FOR EXEMPTION

Pursuant to 49 U.S.C. §10502 and 49 C.F.R. part 1121 and part 1152 subpart G, Canonie Atlantic Co. (“CAC”), a Class III railroad common carrier, files this petition seeking an exemption from the provisions of 49 U.S.C. §10903 to abandon the line of railroad between Milepost 100.7 at North Junction and Milepost 102.1 at St. Julian in Norfolk, VA (the “Subject Line” or “St. Julian Line”). A map of the Subject Line is attached hereto as Exhibit A.

CAC intends to sell the St. Julian Line to the Virginia Department of Rail and Public Transportation (“DRPT”) for public use, namely commuter rail transportation. As such, CAC is also seeking an exemption from 49 U.S.C. §10904 to facilitate the sale of the abandoned Subject Line, including the underlying real estate, to DRPT. No freight traffic has moved over the Subject Line in over two years; the only recent use has been to support Amtrak’s intercity passenger service. Upon acquiring the line, DRPT intends to continue to use the Subject Line as private track for the same purposes as it is currently being used. Considering that DRPT requires the Subject Line to support intercity passenger rail service and there is no current freight traffic on it or even the potential for new freight traffic, an exception from the §10904 offer of financial assistance (“OFA”) provision is appropriate.

Background of Proposed Abandonment

The Subject Line is a 1.4-mile long rail line located in the city of Norfolk, VA, that is no longer used to provide freight rail service to any customers. It traverses through United States Postal Service ZIP Code 23504. Based on information in the possession of CAC, the Subject Line does not contain federally granted rights-of-way. Any documentation related to title in CAC's possession will be made available to those requesting it.

The Subject Line is a small segment of a line that formed part of a through Pennsylvania Railroad (and later Penn Central Transportation Company) route between Wilmington, DE, and Cape Charles, VA, and then by car float to Little Creek (Norfolk), VA.¹

In 1976, the Accomack-Northampton Transportation District Commission ("ANTDC"), a political subdivision of the Commonwealth of Virginia, was established to preserve service over the former Pennsylvania Railroad Line. The Virginia and Maryland Railroad, a Class III short line operated the line as ANTDC's operator until 1981. The ANTDC then provided service doing business as the Eastern Shore Railroad ("ESRR"). Ultimately, CAC, a private corporation, purchased the stock of ESRR from the ANTDC. Several years later the ANTDC repurchased the stock of CAC from that entity, keeping ESRR as a separate corporate subsidiary. ESRR provided all rail service until 2006 when Cassatt Management Co. d/b/a Bay Coast Railroad ("BCR") replaced it as the operating common carrier pursuant to a lease and operating agreement with CAC.

¹ The Board previously granted CAC authority to abandon the Hallwood, VA to Cape Charles, VA segment including the car float operation from Cape Charles to Little Creek, VA in *Canonie Atlantic Co. – Abandonment Exemption – Hallwood to Cape Charles, VA*, Docket No. AB 1266X (served Nov. 1, 2019).

In 2018, BCR unexpectedly ceased all its rail operations. Some of its operations were assumed by the Delmarva Central Railroad and the Buckingham Branch Railroad, however those railroads did not assume service over the Subject Line.² CAC remains as the non-operating owner of the Subject Line.

No freight service has been provided over the Subject Line for more than two years. There has been no overhead traffic on the Subject Line during the period of non-service that would need to be diverted. No formal complaints by a user of rail service on the Subject Line, or by any state or local government entity acting on behalf of such user are pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the past two years.

I. The Board Should Grant the CAC Abandonment Exemption under 49 U.S.C. §10502

CAC is seeking an exemption from 49 U.S.C. §10903 to permit the abandonment of the Subject Line because it is no longer needed as part of the interstate rail network. Upon consummating the abandonment, CAC intends to sell the Subject Line to DRPT for DRPT to utilize it as private track in support of intercity passenger service. Although the proposed abandonment would qualify for the Board's two year out of service class exemption under 49 C.F.R. §1152.50 *et seq.*, CAC has elected to file this individual petition in order to also seek an exemption from the OFA requirements that would otherwise be applicable because applying the

² See *Petition for Exemption, Cassatt Management LLC d/b/a Bay Coast Railroad Discontinuance of Service Exemption Hallwood to Cape Charles, VA* STB Docket No. AB-1267 *et al.*, at 6-7 n.8 (filed July 15, 2019). Simultaneously with CAC's filing for abandonment in this docket, BCR will seek STB authority to discontinue operations over the St. Julian Line as well as over an adjacent line owned by Norfolk Southern Railway Company between Milepost 100.7 and MP 100.3.

OFA provisions in this abandonment proceeding is not necessary to carry out the rail transportation policy and would frustrate the intended public use of the Subject Line by DRPT.

The Board is directed by 49 U.S.C. §10502 to grant an exemption if it finds that (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. §10101, and (2) either the transaction is limited in scope or regulation is not needed to protect shippers from the abuse of market power. In adopting the out of service class exemption, the Board has previously found that the abandonment of out of service rail lines that meet certain requirements (out of service for over two years, overhead traffic can be diverted, no formal complaints by shippers or government entities have been filed or are pending before the Board or a U.S. District Court) is of limited scope and continued regulation is unnecessary to protect shippers from abuse of market power. 49 C.F.R. §1150(c)(2). The Board should make a similar finding here since the proposed abandonment meets all of the criteria for the out of service abandonment exemption, even though CAC has elected not to use the class exemption.

A. Abandonment of Service Over the Subject Line Should Be Exempted

Analyzing the proposed abandonment under the factors set forth in 49 U.S.C. §10502 of course yields the same result.

This abandonment of 1.4 miles of rail line with no customers located in a single city (Norfolk, Virginia) does not require detailed scrutiny to carry out the rail policies of 49 U.S.C. §10101 and is in keeping with the Board's overall policy of removing unnecessary regulatory barriers from carriers. No shippers have requested service over the Subject Line in over two years, and the only use of the Subject Line in that period has been to provide support for intercity rail service.

Granting the exemption is in keeping with the following rail policies described in 49 U.S.C. §10101:

* * *

(2) to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required;

(3) to promote a safe and efficient rail transportation system by allowing rail carriers to earn adequate revenues...

* * *

(5) to foster sound economic conditions in transportation...

* * *

(7) to reduce regulatory barriers to entry into and exit from the industry...

* * *

(9) to encourage honest and efficient management of railroads;

* * *

(15) to provide for the expeditious handling and resolution of all proceedings.

Moreover, the grant of the exemption will not be inconsistent with any of the 15 items which have been made a part of the rail transportation policy by 49 U.S.C. §10101.

Approval of the requested exemption meets the standards of the rail transportation policy because it would enable CAC to abandon service over the Subject Line and sell the track assets to DRPT without the extensive costs and delays that would otherwise occur if an application were required to be filed under Section 10903.

The abandonment is also of limited scope because it only consists of 1.4 miles of rail line in a single city. It is not necessary for the Board to consider whether shippers need to be protected from abuse of market power because no shippers exist on the Subject Line. Further, a grant of this

petition is warranted because CAC has not provided, and no shipper has requested service in over two years. As such, regulation is not needed to protect any shipper from abuse of market power.

B. The Board Should Also Exempt this Abandonment from 49 U.S.C. §10904 to Facilitate Sale of the Subject Line to DRPT for Continued Public Use

The Board will grant exemptions from 49 U.S.C. §10904 if the “right-of-way is needed for a valid public purpose and there is no overriding public need for continued rail service.”³ Here, CAC intends to sell the Subject Line to DRPT for DRPT to utilize as private track in support of intercity passenger rail, a valid public purpose. DRPT will utilize the track to facilitate the maintenance of Amtrak trains for state-sponsored rail service. Further, because there are no shippers on the Subject Line, no public need for freight rail service exists. As such, no OFA under Section 10904 would be justified. *See* 49 C.F.R. §1152.27(c)(4)(C).

Exempting CAC’s abandonment of the Subject Line from the requirements of §10904 meets the exemption requirements of 49 U.S.C. §10502 because applying §10904 is not necessary to carry out the rail transportation policy, the abandonment is limited in scope, and no shippers on the Subject Line require protection from the abuse of market power because no shippers exist on the line.

Granting this exemption is consistent with paragraphs (2), (7), and (15) of the rail transportation policy because it would enable CAC to abandon service over the Subject Line and

³ *Union Pacific Railroad Co. – Abandonment Exemption – in Pima County, AZ*, STB Docket No. AB-33 (Sub-No. 141x)(served Feb. 16, 2000)(granting exemption from §§10904-5 allowing transfer of right-of-way to public entity to be used as a frontage road); *see also The Cincinnati, New Orleans, and Texas Pacific Railway Co., - Abandonment Exemption in Roane County, TN*, STB Docket No. AB-290 (Sub-No. 280X)(served Feb. 23, 2007)(granting exemption from §§10904-5 allowing for right-of-way to be used as private track); *Norfolk Southern Railway Co., - Petition for Exemption – In Baltimore City and Baltimore County, MD* STB Docket No. AB-290 (Sub No. 311X)(granting exemption from §10904 allowing for right-of-way to be used for public transit).

to sell it to DRPT. Allowing an OFA would be inconsistent with the proposed valid public use of the Subject Line proposed by DRPT.

Additional Information

Although not required under the Board's regulations for abandonment petitions for exemption, CAC hereby provides the following additional information that would be required under 49 C.F.R. 1152.50(d)(2) and 1152.22 if the abandonment were sought pursuant to the Board's class exemption:

(a)(1) The exact name of the Applicant is Canonie Atlantic Co.

(a)(2) CAC is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105 because of its ownership of the Subject Line. CAC has been a common carrier since approximately 1985.⁴ The last operator of the Subject Line was BCR.

(a)(3) CAC seeks to abandon the Subject Line extending between Milepost 100.7 at North Junction and Milepost 102.1 at St. Julian in Norfolk, VA, a distance of approximately 1.4 miles. There are no stations on the Subject Line.

(a)(4) A Map of the Subject Line is attached hereto as Exhibit A.

(a)(7) The representative of CAC to whom correspondence should be sent is: Eric M. Hocky, Esq., Clark Hill, PLC, Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103; (215) 640-8523; or Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004; (202) 772-0916.

(a)(8) The Subject Line traverses through United States Postal Service ZIP Code 23504.

⁴ *Canonie Atlantic Co. and Canonie, Inc.; Exemption from 49 United States Code 10901, 11301, and 11343*, Finance Docket 30709; 50 Fed. Reg. 37293 (Sept. 12, 1985).

(e)(4) CAC does not believe that the right-of-way is suitable for trail use because it intends to sell the Subject Line to DRPT for continued use as a private track in support of inter-city passenger rail, a valid public purpose. Because of the proposed transfer to DRPT, CAC would not agree to negotiate for interim trail use.

CAC proposes to consummate the abandonment at the earliest possible date permitted by the Board.

Employee Protection

CAC never operated the Subject Line and has no operating employees. Although no employees of the CAC will be adversely affected by the proposed abandonment, CAC recognizes that its abandonment of the Subject Line will be made subject to the standard employee protective conditions as set forth in *Oregon Short Line Railroad Co.- Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

Environmental and Historic Reports

CAC filed an Environmental / Historic Report (“EHR”) with the Board on November 5, 2020, more than twenty days prior to this filing and has transmitted a copy of the report to the agencies identified in section 1105.7(b).

Notice

Pursuant to the provisions of 49 C.F.R. §1152.60(c), CAC has attached as Exhibit B, a draft Federal Register notice of its Petition to be published by the Board within 20 days of the Petition’s filing with the Board.

A copy of the notice dated November 9, 2020, that was sent to the required governmental agencies under 49 C.F.R. §1152.50(d)(1) is attached hereto as Exhibit C, and a copy of this Petition is being served on those agencies as required by 49 C.F.R. §1152.60(d).

A notice as required by 49 C.F.R. §1105.12 was published in the *Virginia Pilot* on October 30, 2020. A copy of the form of notice and a copy of the proof of publication are attached as Exhibit D.

Conclusion

For the foregoing reasons, CAC requests that the Board, under 49 U.S.C. §10502, exempt its abandonment over the Subject Line from regulation under 49 U.S.C. §10903.

Respectfully submitted,



Eric M. Hocky
Clark Hill PLC
Two Commerce Square
2001 Market St.
Suite 2620
Philadelphia, PA 19103
(215) 640-8523
ehocky@clarkhill.com

Justin J. Marks
Clark Hill PLC
1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
(202) 772-0916
jmarks@clarkhill.com

Counsel for Canonie Atlantic Co.

Dated: December 8, 2020

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of December, 2020, I served a copy of the foregoing

Petition for Exemption on the persons listed below by first class mail, postage prepaid:

United States Department of Agriculture
Natural Resources Conservation Service
Chesapeake Service Center
310 Shea Drive
Chesapeake, VA 23322
Trenton.howell@usda.gov

Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

United States Department of Agriculture
Natural Resources Conservation Service
Office of the Chief
1400 Independence Ave., SW
Room 5105-A
Washington, DC 20250

U.S. Army Corp of Engineers
Norfolk District
803 Front St.
Norfolk, VA 23510
dll-cenao-pa@usace.army.mil

National Park Service
1849 C Street, NW
Washington, DC 20240

U.S. Fish & Wildlife Service
Virginia Field Office
66669 Short Lane
Gloucester, VA 23061
Northeast@fws.gov

National Park Service
Region 1
1234 Market Street
20th Floor
Philadelphia, PA 19107

National Geodetic Survey
Communications and Outreach Branch,
NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282
ngs.infocenter@noaa.gov

Virginia Coastal Zone Management Program
Laura McKay, Manager
P.O. Box 1105
Richmond, VA 23218
Laura.McKay@deq.virginia.gov

Mr. Jeremy Latimer
Director of Rail Programs
Virginia Department of Rail and Public
Transportation
600 East Main Street, Suite 2102
Richmond, VA 23219
drptpr@drpt.virginia.gov

Virginia Department of Environmental
Quality
P.O. Box 1105
Richmond, VA 23218
Ann.regn@deq.virginia.gov

Mr. Ed Wallingford
Environmental Program Manager
Virginia DOT
Environmental Division
12221 East Broad Street
Richmond, VA 23219

The Honorable Kenneth Cooper Alexander
Mr. Larry Filer, City Manager
1006 City Hall Building
810 Union Street
Norfolk, VA 23510
mayor@norfolk.gov
city.manager@norfolk.gov

Virginia Department of Historic Resources
2801 Kensington Ave
Richmond, VA 23221
Marc.wagner@dhr.virginia.gov

United States Department of the Army
Military Surface Deployment and Distribution
Command Transportation Engineering
Agency
ATTN: SDTE-SA (Railroads for National
Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
Washington, DC 20240

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-1111



Justin J. Marks
CLARK HILL PLC
1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
202.772.0916
jmarks@clarkhill.com

PETITION FOR EXEMPTION

EXHIBIT A

MAP

St. Julian Abandonment and Discontinuance



MP 102.1
at St. Julian

CAC line to be abandoned by CAC and
discontinued by BCR

MP 100.7 at
North Junction

NS line to be
discontinued by
BCR

MP 100.3

PETITION FOR EXEMPTION

EXHIBIT B

DRAFT FEDERAL REGISTER NOTICE

SURFACE TRANSPORTATION BOARD

[STB No. AB-1266 (Sub. No. 1X)]

Notice of Petition for Exemption to Abandon

Canonie Atlantic Co. – Abandonment Exemption – in Norfolk, VA

On December 7, 2020, Canonie Atlantic Co. (“CAC”) filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a line of railroad extending from Milepost 100.7 at North Junction and Milepost 102.1 at St. Julian, a distance of 1.4 miles, in Norfolk, VA. There are no stations on the line.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by conditions outlined in *Oregon Short Line Railroad Co. - Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

CAC has requested an exemption from the offer of financial assistance (“OFA”) provisions of 49 U.S.C. §10904 and the public use provisions of 49 U.S.C. §10905 to sell the property to the Virginia Department of Rail Public Transportation for public use. If this request is denied any OFA under 49 C.F.R. §1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Office of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

PETITION FOR EXEMPTION

EXHIBIT C

NOTICE TO AGENCIES UNDER 49 C.F.R. 1152.50(D)(1)

CLARK HILL

Justin J. Marks
T 202.772.0916
F 202.772.0930
Email: jmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004
T 202.772.0909
F 202.772.0919

clarkhill.com

November 9, 2020

To: All Agencies on the
Attached Service List

Re: Canonie Atlantic Co. – Abandonment Exemption – in Norfolk, VA
Surface Transportation Board Docket No. AB 1266 (Sub. No. 1X)

Dear Sir or Madam:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50(d), to advise you that Canonie Atlantic Co. (“CAC”) intends to seek authority to abandon a segment of rail line between Milepost 100.7 at North Junction and Milepost 102.1 at St. Julian in Norfolk, VA (the “St. Julian Line”). CAC plans to petition the Surface Transportation Board (“STB”) for an exemption under 49 USC §10502 from the provisions of 49 USC §10903 to enable CAC to abandon the St. Julian Line, on or after November 26, 2020 in STB Docket No. AB 1266 (Sub. No. 1X).¹

The St. Julian Line traverses through United States Postal Service ZIP Code 23504. A map of the St. Julian Line is enclosed with this letter.

Based upon information in CAC’s possession, the St. Julian Line does not contain federally granted rights of way.

Any documentation in the railroad's possession will be made available promptly to those requesting it.

No local service has been provided on the St. Julian Line for more than two years. CAC plans to sell the St. Julian Line to the Virginia Department of Rail and Transit (“DRPT”) to be used for public purposes as private track to support passenger rail operations (in the same way the line is being used currently). As such, CAC does not believe that there are any alternatives to the proposed action.

Sincerely,



Justin J. Marks
Counsel to Canonie Atlantic Co.

Enclosure

¹ Simultaneously with CAC’s filing for abandonment, in AB 1266 (Sub. No. 2X), Cassatt Management Co. d/b/a Bay Coast Railroad will seek STB authority to discontinue operations over the St. Julian Line as well as an adjacent line owned by Norfolk Southern Railway Company between Milepost 100.7 and MP 100.3.

St. Julian Abandonment and Discontinuance



MP 102.1
at St. Julian

CAC line to be abandoned by CAC and
discontinued by BCR

MP 100.7 at
North Junction

NS line to be
discontinued by
BCR

MP 100.3

U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
Washington, DC 20240

United States Department of the Army
Military Surface Deployment and Distribution
Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National
Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-1111

Virginia State Corporation Commission
P.O. Box 1197
Richmond, Virginia 23218

Mr. Jeremy Latimer
Director of Rail Programs
Virginia Department of Rail and Public
Transportation
600 East Main Street, Suite 2102
Richmond, VA 23219
drptpr@drpt.virginia.gov

PETITION FOR EXEMPTION

EXHIBIT D

NEWSPAPER NOTICE



Sold To:
CLARK HILL PLC - CU80098175
1001 Pennsylvania Ave NW
Washington, DC 20004-2505

Bill To:
CLARK HILL PLC - CU80098175
1001 Pennsylvania Ave NW
Washington, DC 20004-2505

Affidavit of Publication

State of Illinois
County of Cook

Order Number: 6803263
Purchase Order: AB 1266 (Sub. No. 1X)

This day, Charlie Welenc appeared before me and, after being duly sworn, made oath that:

- 1) He/she is affidavit clerk of The Virginian Pilot, a newspaper published by Virginian-Pilot Media Companies, LLC in the city of Norfolk, Portsmouth, Chesapeake, Suffolk and Virginia Beach and the Commonwealth of Virginia and in the state of North Carolina.
- 2) That the advertisement hereto annexed has been published in said newspaper on the dates stated below
- 3) The advertisement has been produced on the websites classifieds.pilotonline.com and <https://www.publicnoticevirginia.com>

Published on: **Oct 30, 2020.**

A handwritten signature in black ink, appearing to read "Charlie Welenc", written over a horizontal line.

Charlie Welenc

Subscribed and sworn to before me in my city and state on the day and year aforesaid this 2 day of November, 2020

My commission expires November 23, 2020

A handwritten signature in black ink, appearing to read "Brendan Kolasa", written over a horizontal line.

Notary Signature



Notary Stamp

**STB DOCKET NO. AB 1266 (SUB.
NO. 1X)
NOTICE OF INTENT TO ABANDON
RAIL SERVICE**

Canonie Atlantic Co. gives notice that on or about November 23, 2020 it intends to file with the Surface Transportation Board, Washington, DC, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the abandonment of a 1.4 mile line of railroad between milepost 100.7 at North Junction and milepost 102.1 at St. Julian in Norfolk, VA which traverses through United States Postal Service ZIP Code 23504 in Norfolk, VA. The proceeding has been docketed as No. AB1266 (Sub-No. 1X).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, Washington, DC or by calling OEA at (202) 245-0291.

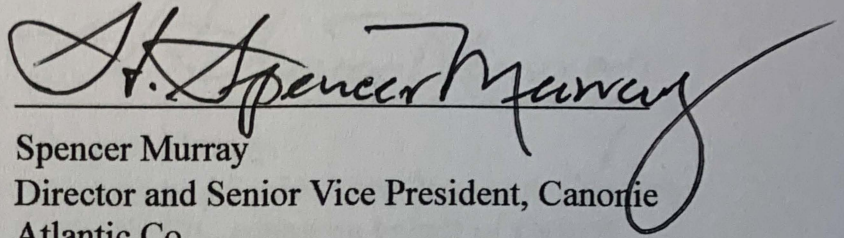
Applicant will be seeking an exemption from the offer of financial assistance provisions in order to sell the abandoned line for public use. If that request is denied, then appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. Any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings either via e-filing or addressed to 395 E. Street S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W. Suite 1300 South, Washington, DC 20004; jmarks@clarkhill.com.

10/30/2020 6803263

VERIFICATION

I hereby verify on behalf of Canonic Atlantic Co, under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on December 7, 2020.

A handwritten signature in black ink, reading "Spencer Murray", is written over a horizontal line. The signature is stylized with a large, looping initial "S".

Spencer Murray
Director and Senior Vice President, Canonic
Atlantic Co.