



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

303162

November 4, 2021

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
November 4, 2021
Part of
Public Record

**Re: Atlantic and Western Railway, Limited Partnership – Abandonment Exemption
—
in Lee County, NC Surface Transportation Board Docket No. AB 646 (Sub-No. 1X)**

Dear Ms. Brown:

This request is filed on behalf of North Carolina Department of Transportation
("NCDOT"), an agency of the State of North Carolina, hereinafter referred to as
"Proponent."

Proponent requests issuance of a Notice of Interim Trail Use rather than an
outright abandonment authorization for the line of railroad between milepost 2.71 and
milepost 3.76 in Sanford, NC (the "Subject Line").

The railroad right-of-way in this proceeding is suitable for railbanking. In order to
establish interim trail use and rail banking, Proponent is willing to assume financial
responsibility as set forth in the Statement of Willingness:

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
RAIL DIVISION
1556 MAIL SERVICE CENTER
RALEIGH, NC 27699-1556

Telephone: (919) 707-4100
Fax: (919) 733-0997
Customer Service: 1-877-368-4968
Website: www.ncdot.gov
www.ncbytrain.org

Location:
862 CAPITAL BLVD
RALEIGH, NC 27603

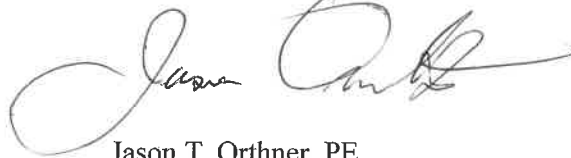
FILING FEE WAIVED

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL
RESPONSIBILITY:**

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned and operated by Atlantic and Western Railway, Limited Partnership, North Carolina Department of Transportation (“NCDOT”), an agency of the State of North Carolina (Interim Trail Sponsor) is willing to assume full responsibility for: (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right of way. The Subject Line, extends from between railroad milepost 2.71 and milepost 3.76 in Sanford, NC, a distance of 1.05 miles in Lee County, NC. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB Docket No. AB 646 (Sub-No. 1X). A map of the property depicting the right-of-way is attached. NCDOT acknowledges that use of the right-of-way is subject to the sponsor’s continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad c/o Justin Marks, Esq., Clark Hill, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004, jmarks@clarkhill.com, on the same date it is being served on the Board.

Finally, NCDOT, as a governmental entity, respectfully requests a waiver of the Board's filing fees in accordance with 49 C.F.R. § 1002.2(e)(l). Should you have any questions, please do not hesitate to contact me.

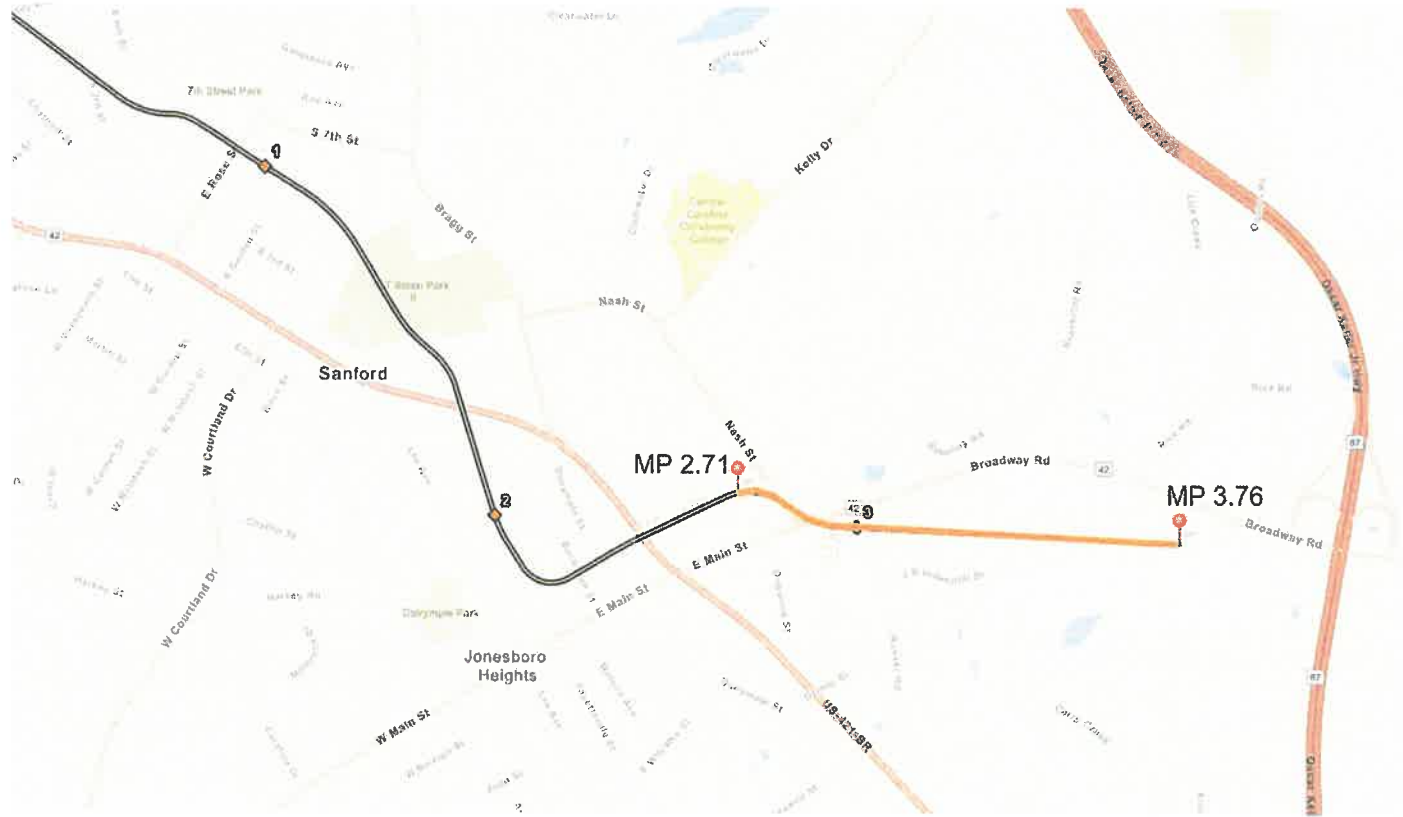
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jason Orthner", with a large, stylized initial "J" and a long, sweeping horizontal stroke at the end.

Jason T. Orthner, PE
Rail Division Director

Attachment

Cc: Julie White, Deputy Secretary for Multi-Modal Transportation, NCDOT
Justin Marks, Esq., Clark Hill



ATLANTIC AND WESTERN RAILWAY
Milepost (MP) 2.71 to Milepost (MP) 3.76
(Valuation Station 142+93 - Valuation Station 198+37)
Lee County, North Carolina