

August 22, 2019

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

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Office of Proceedings
August 23, 2019
Part of
Public Record

Re: Eastern Shore Railroad, Abandonment from Hallwood to Cape Charles, VA , STB
Docket AB-1266

Dear Ms. Brown:

This request is filed on behalf of the Virginia Bicycling Federation, a 501c(3) corporation in Virginia, promoting bicycling and pedestrian issues in the Commonwealth, which is hereinafter referred to as '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, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that *[example: the rail corridor in question is along a scenic river and will connect a public park to a major residential area. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides greenspace, tourism potential and its preservation as a recreational trail is consistent with that end.]* The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity 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.

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Dahlgren Railroad Heritage Trail Association, Inc.
5000 Liberty Woods Lane
Woodbridge, VA 22193

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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, proponents also makes the following request:

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, the Virginia Bicycling Federation 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., Canolie Atlantic Co.

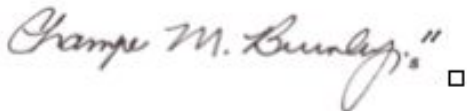
The property, known as the Eastern Shore Railroad extends from Hallwood to Cape Charles, VA b] a distance of approximately 49.1 miles +/-, in Accomack and Northhampton Counties. The right of way is part of a line of railroad proposed for abandonment in STB Docket No. AB-1266, AB-1267, AB-1276.

A map depicting the right of way is attached. For an electronic version see:
<http://bit.ly/ESRR-RT>

The Virginia Bicycling Federation 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.

By my signature below, I certify service upon Cassatt Management LLC d/b/a Bay Coast Railroad , Eastern Shore Railroad, Inc. and Canolie Atlantic Co., by U.S. Mail, postage prepaid, first class, on August 25, 2019.

Respectfully submitted,

A handwritten signature in cursive script that reads "Champe M. Burnley, II". To the right of the signature is a small square symbol, likely a placeholder for a stamp or a mark.

Champe M. Burnley, II

on behalf of the Dahlgren Railroad Heritage Trail Association, Inc.