



STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE

Roy Cooper
ATTORNEY GENERAL

PLEASE REPLY TO:
Scott K. Beaver
ASSISTANT ATTORNEY GENERAL
Transportation Section

March 18, 2005

Via Electronic Filing

The Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 "K" Street, N.W.
Washington, D.C. 20423

Re: *Rocky Mount And Western Railroad Co., Inc. – Abandonment Exemption*
Nash County, North Carolina
Docket No. AB-883 (Sub-No. 1X)

Dear Mr. Williams:

Attached herewith you will find for filing in the above matter the PDF and Word Versions of the "Notice Of Intent To File Offer of Financial Assistance," which is filed on behalf of the North Carolina Department Of transportation, an agency of the State of North Carolina.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott K. Beaver", followed by a horizontal line.

Scott K. Beaver
Assistant Attorney General

cc: Service List

MAILING ADDRESS:
ATTORNEY GENERAL'S OFFICE
1505 MAIL SERVICE CENTER

TELEPHONE: 919-733-3316
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LOCATION:
DEPARTMENT OF TRANSPORTATION
TRANSPORTATION BUILDING

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-883 (Sub-No. 1X)

**ROCKY MOUNT AND WESTERN RAILROAD CO., INC.
ABANDONMENT EXEMPTION
NASH COUNTY, NORTH CAROLINA**

NOTICE OF INTENT TO FILE OFFER OF FINANCIAL ASSISTANCE

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

By: Scott K. Beaver
Assistant Attorney General
1 South Wilmington Street
Raleigh, North Carolina 27601
(919) 733-3316
(919) 733-9329 (fax)

Dated: March 18, 2005

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-883 (Sub-No. 1X)

**ROCKY MOUNT AND WESTERN RAILROAD CO., INC.
ABANDONMENT EXEMPTION
NASH COUNTY, NORTH CAROLINA**

NOTICE OF INTENT TO FILE OFFER OF FINANCIAL ASSISTANCE

Pursuant to the Surface Transportation Board's (the "Board's") regulations at 49 CFR § 1152.27 (c) (2), the North Carolina Department of Transportation ("NCDOT"), an agency of the State of North Carolina, on its own behalf or in conjunction with others, hereby advises the Board and parties of record that it intends to file an Offer Of Financial Assistance. The purpose of the OFA is to preserve the approximately 4.7 route miles of railroad line between milepost 134.8 at or near Momeyer and milepost 139.5 at or near Spring Hope, in Nash County, North Carolina by purchase or by providing annual subsidy assistance.

In connection with the notice of intent to file an OFA, the North Carolina Department of Transportation requests that the applicant carrier provide the information set forth in 49 C.F.R 1152 separately for each of the following segments:

Segment 1: MP 134.8 to MP 137 required to serve the International Paper site

Segment 2: MP 137 to MP 138 required to serve the Therma-Fiber site

Segment 3: MP 138 to 139.5 required to serve sites west of the Town of Spring Hope.

For segments one and two carrier is to provide to the North Carolina Department of Transportation, revenue and other data necessary to determine the amount of annual financial/subsidy assistance that would be required to retain rail transportation.

In addition for segments 1, 2 and 3 the carrier shall provide data to assist in developing an estimates of purchase price to include carrier's estimate of the net liquidation value of the line, supporting data reflecting available real estate appraisals (including certification of whether the ROW is held by the railroad "in fee" or "easement"), assessments of the quality and quantity of track materials in the line, and removal cost estimates (including the cost of transporting removed materials to point of sale or point of storage for relay use).

In accordance with 49 C.F.R. 1152.27 (c) (2), the North Carolina Department of Transportation understands that this submission of formal expression of interest will automatically stay the effective date of the notice of exemption for 40 days (normally this will be 10 days beyond the date stated in the FEDERAL REGISTER publication).

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

A handwritten signature in dark ink, appearing to read "Scott Beaver", followed by a horizontal line extending to the right.

By: Scott Beaver
Assistant Attorney General
1 South Wilmington Street
Raleigh, North Carolina 27601
(919) 733-3316 (voice)
(919) 733-9329 (fax)

Dated: March 18, 2005

CERTIFICATE OF SERVICE

I hereby certify that on March 18 2005 the foregoing **NOTICE OF INTENT TO FILE OFFER OF FINANCIAL ASSISTANCE** was served via email and was deposited in the mail for sending by first-class mail, postage prepaid, to the following parties or attorneys of record:

Rose-Michele Weinryb
Attorney for Rocky Mount and Western Railroad Co., Inc.
Weiner, Brodsky Sidman & Kider Pc
1300 19Th Street NW 5th Floor
Washington, DC 20036-1609

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By: Scott Beaver
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