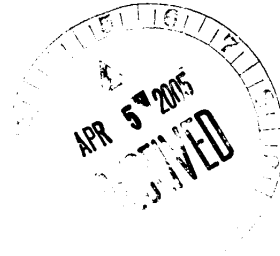




2/3689



STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE

Roy Cooper
ATTORNEY GENERAL

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

April 4, 2005

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

VIA FACSIMILE (202) 565 9004 AND U.S. MAIL

ENTERED
Office of Proceedings
APR 5 2005
Part of
Public Record

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

Dear Mr. Williams:

On March 18, 2005, The North Carolina Department Of Transportation (NCDOT) filed a Notice Of Intent To File Offer Of Financial Assistance (the "Notice Of Intent") to purchase and/or subsidize portions of the rail line sought to be abandoned in the above-referenced proceeding.

In the Notice Of Intent, NCDOT requested that Rocky Mount And Western Railroad Co., Inc. (RM & W) provide valuation information regarding the rail line (copy attached). In recent communication, RM & W has indicated that providing the requested information could take two to four weeks. Pursuant to 49 C.F.R. § 1152 (c)(2)(ii)(B), the time to file an OFA expires April 8, 2005. It appears that additional time will be needed to receive and review the requested information.

In light of the delay in furnishing the requested information, NCDOT respectfully requests, pursuant to 49 C.F.R. § (c)(ii)(C), that the 30-day period for filing OFAs under 49 C.F.R. § 1152 (c)(2)(ii)(B) be tolled for 30 days (until May 8, 2005) to ensure proper review of

MAILING ADDRESS:
ATTORNEY GENERAL'S OFFICE
1505 MAIL SERVICE CENTER
RALEIGH, NC 27699-1505

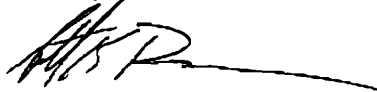
TELEPHONE: 919-733-3318
FACSIMILE: 919-733-9329
E-MAIL: J.STANLEY@DOT.STATE.NC.US

LOCATION:
DEPARTMENT OF TRANSPORTATION
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH, NC 27601

the requested information prior to submitting an OFA.

Please advise as regards the above-referenced request for tolling.

Sincerely,

A handwritten signature in black ink, appearing to read 'SKB', followed by a long horizontal line extending to the right.

Scott K. Beaver
Assistant Attorney General

cc: Rocky Mount And Western Railroad Co., Inc.
Rose-Michele Weinryb, Esq.

**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

ENTERED
Office of Proceedings

APR 5 2005

Part of
Public Record

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 Mommyer 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



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 deposited in the mail for sending by first-class mail, postage prepaid, to the following parties:

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

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

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