



August 30, 2024

308722

Robert Primus, Chairman
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

ENTERED
Office of Proceedings
September 16, 2024
Part of
Public Record

Re: Norfolk Southern Railway Abandonment in Pike County, Kentucky, Docket No. AB 290, Sub-No. 244X.

Dear Chairman:

This request is filed on behalf of Energy Capital, which is a private entity working with public and non-profit entities with a shared vision of turning rail infrastructure into tourism opportunities, hereinafter referred to as "proponent."

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between a starting point at 37°38'27.84" N, 82°15'24.28" W near Belfrey Elementary, Pike County, KY and with an ending point of 37°33'35.23" N, 82°15'31.07" W in Pinsonfork, KY.

A. Request For Public Use Condition

Proponent asks 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. A request for an order to prohibit the carrier from disposing of the corridor—excluding the tracks, ties, and signal equipment—except for public use on reasonable terms. This condition is justified as the nearly 9-mile corridor has great potential as a recreational trail, aligning with Pike County's tourism plans. A 180-day period from the effective date of the abandonment authorization is requested to allow the proponent sufficient time to coordinate with stakeholders and develop the most effective use of the proposed trail system to complete a trail plan and to negotiate with Norfolk Southern Railway.
2. A request for an order preventing the removal or destruction of potential trail-related structures, including bridges, trestles, culverts, and tunnels. The justification for this condition is that these structures hold significant value for recreational trail purposes. A 180-day period from the effective date of the abandonment authorization is requested, allowing sufficient time to coordinate with stakeholders for the reasons mentioned previously.

B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public

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use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C.

§1247(d), and 49 CFR §1152.29, is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by .

The property, known as part of the Norfolk and Western Railway, extends from railroad milepost WP-2.20 at Toler to railroad milepost WP-10.94 at Peg, Kentucky, a distance of 8.74 miles in Pike County, KY. The right-of-way is part of a line of railroad abandonment in STB Docket No. AB- 290 (Sub-No.244X).

A map depicting the right-of-way is attached.

Energy Capital 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 Norfolk Southern Railway, by U.S. Mail, postage pre-paid, first class, this day of August 30, 2024.

Respectfully submitted,



Brie Salmons

on behalf of: Energy Capital CEO, Stephanie Stratton

Attachment enclosed

