

# Railroad Re-Regulation, Part II

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One matter that needs attention, in any comprehensive review and adjustment of current rail regulatory provisions, is the line abandonment procedural *exemption* that has sometimes resulted in damage to the integrity of the national rail *network*. The “relief” provided by the exemption surfaced as part of the 1980’s effort to assist railroads.

However, the public interest has not always been well served in the process. Granted, private railroads should not be required to continue to maintain a line which they do not need, nor want. But if such line is reasonably determined to be a part of the state and national network, it should not be removed without thoughtful public consideration. There should also be an opportunity for public acquisition of such line segments, on reasonable terms and conditions, for future rail use when conditions justify. This is where some of Virginia’s Rail Preservation funds might be spent. In fact, administration of Virginia’s “Rail Preservation Fund” could stand independent review on behalf of the taxpayers. Grants are not restricted to marginal short line operators.

Like so many well intentioned things, the 1980’s line abandonment exemption was designed to correct what had become an obstacle to good business practices on the part of the railroads. Nobody seemed to anticipate the roads’ creativity in making a case for use of the exemption provision in order to remove strategically-important links in through network routes. Virginia has some notorious examples of perfectly legal, but disingenuous, use of the exemption. Limited notice and limited public participation is virtually inevitable when this “short-cut” to rail line abandonment is permitted.

In 1986, a predecessor unit of CSXT used the short-cut route to scrap two important links in the north-south rail network, the first being a line from Petersburg to North Carolina. “We need the rail elsewhere”, was the private explanation. This route is now vital to establishment of the Southeast High Speed Rail line linking DC, Richmond, and Raleigh-Durham. The same rail management similarly scrapped a strategic rail link in Colonial Heights and Petersburg, for the sake of a small real estate transaction. Reconstruction is highly unlikely, even though this would be the best route for restoration of direct rail passenger service to Norfolk and Southside Hampton Roads.

More recently, in 2005, Norfolk Southern ripped up a 38-mile Virginia line segment of their so-called Heartland Corridor through Southside Virginia, thereby reducing capacity by about 50%, at the very time NS was taking federal and state money to improve that important interstate corridor. An adequate explanation was never given.

The three line abandonments cited will likely prove costly to the taxpayers. These cases might have been resolved to the satisfaction of the owning railroads, and the public at large, had Virginia authorities been better prepared at the time to act for an on behalf of the broader public interest. We still have work to do, including the design and adoption of a truly comprehensive, and visionary, National Rail Network Plan. #####