



**Department of
Transportation**

ANDREW M. CUOMO
Governor

MARIE THERESE DOMINGUEZ
Commissioner

JANICE A. McLACHLAN
Acting Chief Counsel

December 6, 2019

300182

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW, Room #100
Washington, DC 20423-0001

ENTERED
Office of Proceedings
December 16, 2019
Part of
Public Record

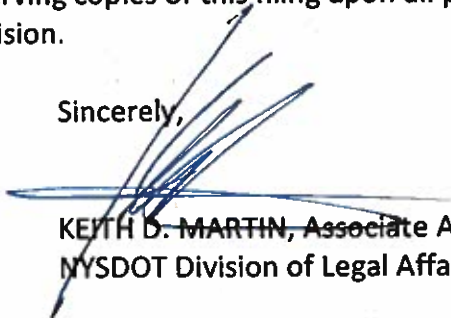


Re: Bessemer and Lake Erie Railroad Company – Acquisition and Operation –
Certain Rail Lines of CSX Transportation, Inc. in Onondaga, Oswego, Jefferson, Saint
Lawrence and Franklin Counties, New York
STB Finance Docket No. 36347

Dear Ms. Brown:

Enclosed for filing in the above matter are the original and 10 copies of the NYS Department of Transportation's (NYSDOT) "Notice of Intent to Participate," including a certificate of service showing that NYSDOT is serving copies of this filing upon all persons specified in the Board's September 5, 2012 decision.

Sincerely,


KEITH D. MARTIN, Associate Attorney
NYSDOT Division of Legal Affairs

KDM/kdm
Enclosure

cc: Service List
R. Hessinger, Director of Freight and Passenger Rail Bureau, NYSDOT

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36347

**BESSEMER AND LAKE ERIE RAILROAD COMPANY
-ACQUISITION AND OPERATION-
CERTAIN RAIL LINES OF CSX TRANSPORTATION, INC.**

IN

ONONDAGA, OSWEGO, JEFFERSON, SAINT LAWRENCE AND FRANKLIN COUNTIES, NEW YORK

NOTICE OF INTENT TO PARTICIPATE

In accordance with the Board's decision served on October 22, 2019 in the above-captioned matter, the NYS Department of Transportation's (NYSDOT) hereby provides notice of its intention to participate in this proceeding. Please add my name and address to the service list as the party of record representing NYSDOT.

Respectfully submitted,



Keith D. Martin
Associate Attorney
NYSDOT Office of Counsel, 6th Floor
50 Wolf Road, Albany, NY 12232
Direct Phone: 518.457.9765
Receptionist/Secretary Phone: 518.457.2411
Facsimile: 518.457.4021
E-mail: keith.martin@dot.ny.gov

Dated: December 6, 2019

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 36347

**BESSEMER AND LAKE ERIE RAILROAD COMPANY
-ACQUISITION AND OPERATION-
CERTAIN RAIL LINES OF CSX TRANSPORTATION, INC.**

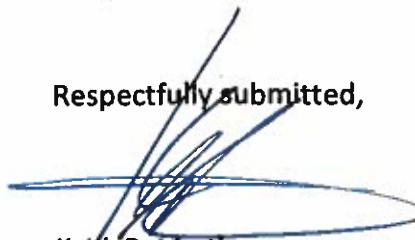
IN

ONONDAGA, OSWEGO, JEFFERSON, SAINT LAWRENCE AND FRANKLIN COUNTIES, NEW YORK

NOTICE OF INTENT TO PARTICIPATE

In accordance with the Board's decision served on October 22, 2019 in the above-captioned matter, the NYS Department of Transportation's (NYSDOT) hereby provides notice of its intention to participate in this proceeding. Please add my name and address to the service list as the party of record representing NYSDOT.

Respectfully submitted,



Keith D. Martin
Associate Attorney
NYSDOT Office of Counsel, 6th Floor
50 Wolf Road, Albany, NY 12232
Direct Phone: 518.457.9765
Receptionist/Secretary Phone: 518.457.2411
Facsimile: 518.457.4021
E-mail: keith.martin@dot.ny.gov

Dated: December 6, 2019

CERTIFICATE OF SERVICE
MADE IN ACCORDANCE WITH 49 C.F.R. § 1104.12.

I hereby certify that on December 6, I served the foregoing Notice of Intent via e-mail to the following:

Lou@lgraillaw.com

canambta@aol.com

jbartos@geclaw.com

redelman@mooneygreen.com

james.guinivan@dentons.com

rbrumfield@geclaw.com

jmarks@clarkhill.com

rick@rdregerlaw.com

Ediehl@Smart-Union.Org

info@northcountrychamber.com

redelman@mooneygreen.com

pyoung@vrs.us.com

claire.maddox@dentons.com

ehocky@clarkhill.com

I also hereby certify that on December 6, I served the foregoing Notice of Intent to Participate by first-class mail, postage prepaid, on the following:

Secretary of Transportation
1200 New Jersey Avenue, S. E.
Washington, DC 20590

Attorney General of the United States
c/o Assistant Attorney General
Antitrust Division
Room 3109
Department of Justice
Washington, DC 20530

William W. Scriber
1 East Second Street
Oswego
Oswego, NY 13126
United States

Gordon P. Macdougall
1025 Connecticut Ave., N.W.
Washington, DC 20036
United States



Keith D. Martin



**Department of
Transportation**

ANDREW M. CUOMO
Governor

MARIE THERESE DOMINGUEZ
Commissioner

JANICE A. McLACHLAN
Acting Chief Counsel

December 6, 2019

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW, Room #100
Washington, DC 20423-0001

Re: Bessemer and Lake Erie Railroad Company – Acquisition and Operation –
Certain Rail Lines of CSX Transportation, Inc. in Onondaga, Oswego, Jefferson, Saint
Lawrence and Franklin Counties, New York
STB Finance Docket No. 36347

Dear Ms. Brown:

Please consider and grant this application on behalf of my client, NYS Department of Transportation, in which it seeks permission to late file a Notice of Intent to Participate in the captioned matter. Enclosed for reference please find my client's "Notice of Intent to Participate".

Notices were due on Nov. 25, 2019. I received a request to assist, from my client, late in the day on November 27th (most of the 27th was spent traveling out of town with family for the Thanksgiving holiday). I continued out of town on Thursday and Friday November 28th and 29th. Our office was closed on Monday December 2nd due to a snow emergency and travel advisory declared by our governor (please see also, attached notice from NYS *IntraDOT* News).

I have been working on this application as quickly as possible under the circumstances. Your indulgence and understanding are respectfully requested.

Sincerely,


KEITH D. MARTIN, Associate Attorney
NYSDOT Division of Legal Affairs

KDM/kdm
Enclosure

cc: Service List
R. Hessinger, Director of Freight and Passenger Rail Bureau, NYSDOT

NYS IntraDOT News

LATS Charge Code for Monday, December 2

On December 2, Governor Cuomo directed non-essential employees in Albany, Schenectady, Columbia, Greene, Fulton, Montgomery, Washington, Rensselaer, Ulster, Schoharie and Saratoga Counties not to report to work. Impacted employees should charge miscellaneous code 1301 'Excused Time by GOER' in LATS for the day. Employees do not need time and attendance coverage to charge this code. If you have any questions, please contact the Benefits Unit (HRBenefits@dot.ny.gov) or LATS Help (LATSHelp@dot.ny.gov).

Last Updated: 12/03/2019