

Essex County Board of Supervisors

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Office of Proceedings
December 16, 2019
Part of
Public Record

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December 6, 2019

Ann D. Begeman, Chairman
Surface Transportation Board
395 E Street SW
Washington, DC 20423

RE: Docket No. AB-1261

Dear Chairman Begeman,

Enclosed you will find Resolution No. 286 – opposing the New York State Department of Environmental Conservation – adverse abandonment and interim trail use request of Saratoga and North Creek Railway commonly known as the Sanford Lake Branch or the Tahawus line between North Creek and the former Tahawus Mine, in the Town of Newcomb, New York adopted by the Essex County Board of Supervisors on October 7, 2019.

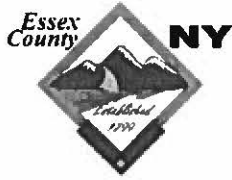
On behalf of the Board of Supervisors would you please accept the enclosed resolution into the docket No. AB-1261 as we have missed the September 30, 2019 deadline due to the timeframe of our regular scheduled board meeting. The resolution was sent to all parties of record but inadvertently not sent to the STB.

Thank you for your consideration in this matter.

Sincerely,

Shaun Gilliland, Chairman
Essex County Board of Supervisors

Cc: U.S. Rep. Elise Stefanik



Essex County Board of Supervisors

Resolution No. 286
AMENDED

October 7, 2019
Regular Board Meeting

**RESOLUTION OPPOSING THE
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION - ADVERSE ABANDONMENT AND INTERIM TRAIL USE REQUEST
OF SARATOGA AND NORTH CREEK RAILWAY COMMONLY KNOWN AS
THE SANFORD LAKE BRANCH OR THE TAHAWUS LINE BETWEEN NORTH
CREEK AND THE FORMER TAHAWUS MINE, IN TOWN OF NEWCOMB, NEW YORK**

The following resolution was offered by Supervisor DeLoria, who moved its adoption.

Upon a motion to consider from the floor, and the same appearing proper and necessary.

WHEREAS, under the National Trails System Act, 16 U.S.C. 1247(d), the STB is given an administrative role in assisting carriers who wish to rail-bank their corridors as an alternative to a complete abandonment of the line, thus preserving the rail corridor for possible future use; and

WHEREAS, on September 14, 2018 Mitchell Stone Products entered an opposition statement to the third-party adverse abandonment application of the of New York State Department of Environmental Conservation of the Sanford lake branch in consideration of the strong potential interest in using the interstate rail system to transport millions of tons for aggregate over the Sandford Lake Branch; and

WHEREAS, the Town of Newcomb of Essex County New York has opposed the adverse abandonment the New York State Department of Environmental Conservation Abandonment Application STB Docket No. AB-1261 to permit the continued operation by another operator to transfer materials from the hamlet of Tahawus, New York in the Township of Newcomb; and

WHEREAS, at a regular meeting of the Essex County Industrial Development Agency (IDA) Board of Directors, they unanimously passed Resolution #2018-77 opposing the New York State Department of Environmental Conservation Abandonment Application STB Docket No. AB 1261 with the Surface Transportation Board of the 30-mile section of railroad commonly known as the Sanford Lake Branch, and to permit the continued operation by another operator to transfer materials from the hamlet of Tahawus, New York in the Township of Newcomb; and

WHEREAS, OmniTrax indicated in its letter of June 14, 2019 that the Tahawus Line

possesses sound commercial prospects for the right operator, but it has concluded that continued pursuit of this opportunity is not right for OmniTRAX at this time; and

WHEREAS, the record before the Surface Transportation Board has demonstrated that economics associated with the removal of the aggregate from the Mitchell Stone Products site will create economic activity in the region, and for the communities the rail line passes through; and

WHEREAS, if the physical assets of the rail corridor were removed under an approved rail-banking application it would result in irreparable financial burden to any potential common carrier seeking to reinstate the rail transportation services to the Mitchell Stone Products operation, and

WHEREAS, the Town of Newcomb, Mitchell Stone Products, North Country Logistics Solutions, LLC and independent consultant were successful in bringing Omnitrac to the table, and whom continue to meet with representatives of other unnamed U.S. Rail Company's to find a suitable rail operator;

BE IT RESOLVED, the Essex County Board of Supervisors are opposed to the application for adverse abandonment and the interim trail use request, and ask the STB to allow the opposing parties of this docket adequate time to seek another responsible rail carrier, open the offer of financial assistance process, and deny the application for third-party abandonment by the NYS Department of Environmental Conservation, therefore balancing the concerns of local private and government interests and maintaining the line as part of the interstate rail network; and

BE IT FURTHER RESOLVED, that the New York State Department of Environmental Conservation has failed to demonstrate that the present or future public convenience and necessity require or permit the Line's abandonment; and

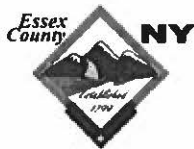
BE IT FURTHER RESOLVED, that copies of this resolution be sent to Gov. Andrew Cuomo, Senator Elizabeth O'C. Little, Assemblyman Dan Stec, Commissioner of the New York State Department of Transportation and the Commissioner of the New York State Department of Environmental Conservation, Warren County Board of Supervisors and all interested Parties of Record.

This resolution was duly seconded by Supervisor McNally, and adopted, **as amended**.

STATE OF NEW YORK, COUNTY OF ESSEX)ss:

I, JUDITH A. GARRISON, Clerk of the Essex County Board of Supervisors, do hereby certify that I have compared the foregoing copy with the original resolution filed in this office on the 7th day of October, 2019, and that it is a correct and true copy thereof.

IN TESTIMONY THEREOF, I have hereunto set my hand and affixed my official seal this 7th day of October, 2019.




Judith A. Garrison
Clerk of the Essex County Board of Supervisors