



Surface Transportation Board
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Office of the General Counsel

Meeting under Section 5, STB Reauthorization Act

June 23, 2020

Present: Members Begeman, Fuchs, and Oberman
Staff Ken Blodgett, Allison Davis, Ellen Erichsen, Sarah Fancher, Amanda Gorski, Danielle Gosselin, Ted Hunt, Craig Keats, Elizabeth McGrath, Barbara Miller, Lisa Novins, Valerie Quinn, Vicki Rutson, and Scott Zimmerman

Topic: FD 36389, *Cattaraugus Local Development Corp. – Petition for Declaratory Order*

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

At this meeting, staff briefed Board Members on a request by the Cattaraugus Local Development Corp. (CLDC) for a declaratory order holding that a portion of the Dunkirk Branch in Cattaraugus County, N.Y. (the Line), has been de facto abandoned or, alternatively, that CLDC satisfies the requirements for an abandonment exemption under 49 U.S.C. § 10502. CLDC states that it acquired the Line under the assumption that it had been abandoned but that it now believes that abandonment authority from the agency was never obtained.

Staff and Board Members discussed the following issues:

1. CLDC's arguments and the information that it provided concerning the Line.
2. Prior proceedings before the agency relating to the Line and its status.
3. Options for addressing CLDC's petition.