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Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E. Street, S.W.
Washington, D.C. 20423-0001

Re: Somerset Railroad Company Abandonment in Niagara County, State of New York,
STB Docket No. AB-1303, sub-no 0x

Dear Ms. Brown:

I am the Town Attorney for the Town of Newfane, New York.

I am filing this request on behalf of Town of Newfane, New York, which is a political subdivision interested in transportation and/or natural resources, conservation, recreation, tourism and economic development, which is hereinafter referred to as "Proponent". I hereby request a waiver of the filing fee for this request due to the fact that the Town of Newfane is a governmental entity.

While not taking a position on the merits of this abandonment, Proponent requests issuance of a Public Use Condition (PUC) as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between Milepost Number 2.2 to the Somerset Power Plant at the end of the line of the Somerset Railroad Line, located in Niagara County, New York.

A. Public Use Condition

Proponent requests 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. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the rail corridor in question would make an excellent recreational trail, and conversion of the property to trail use is in accordance with local

FILING FEE WAIVED

plans. In addition, the corridor provides important wildlife habitat and green space and its preservation as a recreational trail is consistent with that end. The time period sought

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is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to assemble or to review title information, complete a trail plan or commence negotiations with the carrier.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public 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 rail banking under section 8(d) of the Natural Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, the Town of Newfane is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Somerset Railroad Corporation.

The property, known as the Somerset Railroad Line, commencing at the railroad mile post 2.2, to the Somerset Power Plant at the north end of the line, a distance of 13.39 miles in Niagara County, in the state of New York. The right-of way is part of a line of railroad proposed for abandonment in STB Docket No. AB-1303 sub-no. 0x.

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

The Town of Newfane acknowledges that use of the right-of-way is subject to the user's continuing to meet it's 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 the Somerset Railroad Company, attention Eric M.Hocky, Clark Hill PLC, Two Commerce Square, 2001 Market Street, Suite 2620, Philadelphia, PA19103, and Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington D.C. 20004, postage prepaid, first class, on October, 27, 2020.

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Respectfully submitted,

JAMES J. SANSONE, P.C.

BY: 

ATTORNEY AT LAW
TOWN ATTORNEY
TOWN OF NEWFANE, NEW YORK

cc: Somerset Railroad Company, Attn: Eric M. Hocky
Counsel for Somerset Railroad Corporation Justin J. Marks, Esq

LAKE ONTARIO

End of the
Line

Somerset
Plant Site

"Holeck" Railroad
(abandoned)

Somerset
Railroad

Conrail

MP 2.2

Lockport

