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November 25, 2020

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

ENTERED
Office of Proceedings
November 25, 2020
Part of
Public Record

Re: Somerset Railroad Corporation – Abandonment Exemption –
in Niagara County, NY
Surface Transportation Board Docket No. AB 1303X

Dear Ms. Brown:

Pursuant to 49 C.F.R. §1152.29(b)(2), Somerset Railroad Corporation (“SRC”) hereby responds to the request for interim trail use and request for a public use condition filed by the Town of Newfane (the “Town”) and the request for a public use condition filed by the New York State Office of Parks, Recreation and Historic Preservation (“NYS Office of Parks”). Both requests were entered into the record on November 16, 2020. SRC, the owner and operator of the line subject to abandonment, hereby notifies the Board that it is willing to negotiate an interim trail use agreement with the Town.

Although SRC does not believe that a public use condition is necessary given its willingness to negotiate an interim trail use agreement, SRC takes no position on either of the requests for a public use condition filed by the Town or NYS Office of Parks. However, if the Board imposes a public use condition, SRC respectfully requests Board confirmation, that the condition will not prevent SRC from salvaging the line subject to abandonment except for potential trail-related structures such as bridges, trestles, culverts and tunnels.

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Please let me know if you have any questions regarding this filing.

Sincerely,

A handwritten signature in blue ink that reads "Justin J. Marks". The signature is written in a cursive, flowing style.

Justin J. Marks

Counsel to Somerset Railroad Corporation

cc: Eric M. Hocky, Clark Hill
James J. Sansone P.C., Counsel to Town of Newfane
Tom Alworth, N.Y. State Office of Parks, Recreation, and Historic Preservation