

**National Association of Reversionary Property Owners
(NARPO) IRS 501 (c)(3)**

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Director of Proceedings

STB

Washington, DC. 20423

March 8, 2021

**Re: STB Docket No. AB 1311, Metro-North Commuter Railroad
Company—Adverse Discontinuance of Trackage Rights—Housatonic
Railroad Company**

Metro-North has petitioned the STB to Discontinue trackage rights on the line of railroad in AB 1311-0X. This rail line was formally abandoned by the ICC in 1980. The only remaining issue in this rail line is the trackage rights granted by the ICC. It is well established that NITUs (16 USC 1247(d)) cannot emanate from a Discontinuance of a rail line. Metro-North seems to think that because a trail has been started on the rail line in question that the STB can issue a NITU for this rail line. NARPO is of the opinion that a NITU cannot be issued by the STB.

If Metro-North desires a trail on this right of way, then Metro-North and or the State of New York will have to condemn the parts of the right of way that are held with reversionary interests by the abutting property owners. It is also questionable whether Metro-North has been lawful in allowing a trail to be constructed on the right of way

Page 2

before a formal Discontinuance approval by the STB and also without obtaining clear title to the right of way from the many abutting property owners.

While Metro-North or another entity has not specifically asked for a NITU in AB 1311-0X, it appears from their filing in the Environmental Report that Metro-North intends to build a trail on the right of way and seek some form of STB approval for the trail.

NARPO requests the STB to not allow a NITU on the rail line in AB 1311-0X.

Sincerely, yours

Dick Welsh, executive director—NARPO

Parties of record have been given an email copy of this submission on 3/8/2021