

302471

REVISED Exhibit E

49 C.F.R. § 1152.20 Notice of Intent & Corrected Letter

ENTERED
Office of Proceedings
June 7, 2021
Part of
Public Record

49 C.F.R. § 1152.20 Notice of Intent Recipients

[Separate Letter Sent via Certified Mail to Each Recipient, also sent via e-mail where available]

The Honorable Andrew M. Cuomo
Governor of New York State
NYS Capitol Building
Albany, NY 12224

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223-1350
Secretary@dps.ny.gov

Marie Therese Dominguez, Esq.
Commissioner
Department of Transportation
New York State
50 Wolf Road
Albany, NY 12232
commissioner@dot.ny.gov

CCE Putnam County
Terravest Corporate Park
1 Geneva Road
Brewster, NY 10509
putnam@cornell.edu

CCE Dutchess County
2715 Route 44
Millbrook, NY 12545
dutchess@cornell.edu

Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590
frapa@dot.gov

Peter Matthews
Surface Deployment and Distribution
Command
Engineering Agency
Railroads for National Defense Program
1 Soldier way, Building 1900W
Scott AFB, IL 62225
Peter.W.Matthews.civ@mail.mil

Bob Ratcliffe
Program Chief, Conservation and Outdoor
Recreation
Conservation and Outdoor Recreation
Division Office
National Park Service
1849 C Street NW
Washington, DC 20240
Bob_Ratcliffe@nps.gov

Railroad Retirement Board
Leo O'Brien Federal Bldg.
11A Clinton Ave., Suite 264
Albany, NY 12207-2382

Railroad Retirement Board
William O. Lipinski Federal Building
844 North Rush Street
Chicago, IL 60611-1275

Laurel McClean
U.S. Department of Agriculture
Chief of Forest Service
1400 Independence Ave., SW
Washington, DC 20250-0003
Laurel.McClean@usda.gov

Edward J. Rodriguez
Vice President and General Counsel
Housatonic Railroad Company
4 Huntley Road
P.O. Box 687
Old Lyme, Connecticut 06371-1448

Dick Welsh
National Association of Reversionary
Property Owners
1100 Bellevue Way NE Ste.8A PMB 719
Bellevue, Washington 98004

Ms. Cynthia Brown
Secretary, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

March 9, 2021

[Recipient Address]

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

Dear Sir or Madam:

Metro-North Commuter Railroad Company (“Metro-North” or “Applicant”) gives notice that on or about March 29, 2021, it intends to file with the Surface Transportation Board, Washington, DC 20423, an application seeking adverse discontinuance of the authority of Housatonic Railroad Company (“HRRC”) to operate over a line of railroad known as the Beacon Line (the “Line”) extending from railroad milepost 0.0 in Beacon, New York to milepost 71.2 at the Connecticut/New York state line, which traverses through United States Postal Service Zip Codes 12508, 12524, 12533, 12582, 12570, 12531, 12563, 10509, and 06811, a distance of approximately 41 miles in Putnam and Dutchess Counties, New York.

The reason for the proposed discontinuance is the lack of need for rail service on the Line and the potential for other, non-rail use of the property. There are no documents in Applicant’s possession that indicate that the Line contains federally granted rights-of-way. If the Applicant becomes aware of the existence of any such documentation, it will be made available to those requesting it.

The application for adverse discontinuance can be viewed following its filing on the Surface Transportation Board’s website at www.stb.gov, or a copy can be obtained from Applicant’s counsel whose name and address below. The application will include Applicant’s entire case for discontinuance. Any interested person, after the application is filed on or about March 29, 2021, may file with the Surface Transportation Board its protest of, or written comments concerning, the proposed discontinuance identifying it by the proceeding’s docket number. These filings are due 45 days from the date of filing of the application. All interested persons should be aware that following any discontinuance of rail service and salvage of the Line, the Line may be suitable for other public use, including interim trail use. Persons who may oppose the discontinuance, but who do not wish to participate fully in the process by appearing at any oral

hearings or by submitting verified statements of witnesses containing detailed evidence, should file comments.

Persons opposing the proposed discontinuance that do wish to participate actively and fully in the process should file a protest. Protests must contain that party's entire case in opposition including the following: (1) the protestant's name, address and business; (2) the protestant's interest in the proceeding, including their use of the Line or the public interest represented, if the protestant's interest is limited to the retention of service over a portion of the Line, a description of the portion of the Line subject to the protestant's interest (with milepost designations if available) and evidence showing that the applicant can operate the portion of the Line profitably, including an appropriate return on its investment for those operations; (3) specific reasons why protestant opposes the application including information regarding protestant's reliance on the involved service [this information must be supported by affidavits of persons with personal knowledge of the fact(s)]; and (4) any rebuttal of material submitted by applicant. In addition, a commenting party or protestant may provide a statement of position and evidence regarding (i) environmental impact; (ii) impact on rural and community development; (iii) recommended provisions for the protection of the interests of employees; (iv) suitability of the properties for other public purposes pursuant to 49 U.S.C. § 10905; and (vi) prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. § 1247(d) and § 1152.59. If an oral hearing is desired the requester must make a request for an oral hearing and provide reasons why an oral hearing is necessary.

Oral hearing requests must be filed with the Board no later than 10 days after the application is filed.

Written comments and protests, including all request for public use and trail use conditions, should indicate the proceeding designation STB No. AB 1311 and must be filed with the Office of Proceedings, Surface Transportation Board, Washington, DC 20423-0001, no later than April 15, 2021.

Interested persons may file a written comment or protest with the Board to become a party to this discontinuance proceeding. A copy of each written comment or protest shall be served upon Applicant's counsel in this matter, Charles A. Spitulnik, Kaplan, Kirsch and Rockwell, 1634 I (Eye) Street, NW, Suite 300, Washington, DC 20006, phone (202) 955-5600; email cspitulnik@kaplankirsch.com. The original and 10 copies of all comments and protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, each document filed with the Board must be served on all parties to the discontinuance proceeding.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Office of Environmental Analysis. EAs in this discontinuance proceeding normally will be made available

April 12, 2021
Page 3

within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

Yours Truly,



Charles A Spitulnik

49 C.F.R. § 1152.20 Notice of Intent Recipients

[Separate Letter Sent via Certified Mail to Each Recipient, also sent via e-mail where available]

The Honorable Andrew M. Cuomo
Governor of New York State
NYS Capitol Building
Albany, NY 12224

Hon. Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223-1350
Secretary@dps.ny.gov

Marie Therese Dominguez, Esq.
Commissioner
Department of Transportation
New York State
50 Wolf Road
Albany, NY 12232
commissioner@dot.ny.gov

CCE Putnam County
Terravest Corporate Park
1 Geneva Road
Brewster, NY 10509
putnam@cornell.edu

CCE Dutchess County
2715 Route 44
Millbrook, NY 12545
dutchess@cornell.edu

Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590
frapa@dot.gov

Peter Matthews
Surface Deployment and Distribution
Command
Engineering Agency
Railroads for National Defense Program
1 Soldier way, Building 1900W
Scott AFB, IL 62225
Peter.W.Matthews.civ@mail.mil

Bob Ratcliffe
Program Chief, Conservation and Outdoor
Recreation
Conservation and Outdoor Recreation
Division Office
National Park Service
1849 C Street NW
Washington, DC 20240
Bob_Ratcliffe@nps.gov

Railroad Retirement Board
Leo O'Brien Federal Bldg.
11A Clinton Ave., Suite 264
Albany, NY 12207-2382

Railroad Retirement Board
William O. Lipinski Federal Building
844 North Rush Street
Chicago, IL 60611-1275

Laurel McClean
U.S. Department of Agriculture
Chief of Forest Service
1400 Independence Ave., SW
Washington, DC 20250-0003
Laurel.McClean@usda.gov

Edward J. Rodriguez
Vice President and General Counsel
Housatonic Railroad Company
4 Huntley Road
P.O. Box 687
Old Lyme, Connecticut 06371-1448

Dick Welsh
National Association of Reversionary
Property Owners
1100 Bellevue Way NE Ste.8A PMB 719
Bellevue, Washington 98004

May 14, 2021

[Recipient]

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

Dear Sir or Madam:

On March 9, 2021, Metro-North Commuter Railroad Company (“Metro-North” or “Applicant”) gave notice that on or about March 29, 2021, it intended to file with the Surface Transportation Board (“STB”), Washington, DC 20423, an application seeking adverse discontinuance of the authority of Housatonic Railroad Company (“HRRC”) to operate over a line of railroad known as the Beacon Line (the “Line”) extending from railroad milepost 0.0 in Beacon, New York to milepost 71.2 at the Connecticut/New York state line, a distance of approximately 41 miles in Putnam and Dutchess Counties, New York. Applicant filed its Application with the STB on April 30, 2021.

The March 9, 2021 Notice of Intent included a list of United States Postal Service Zip Codes through which the line traversed. The list included the 06811 Zip Code and erroneously excluded the 12564 Zip Code. **The correct list of United States Postal Service Zip Codes through which the Line traverses is 12508, 12524, 12533, 12582, 12570, 12531, 12563, 10509, and 12564.** The Application for Adverse Discontinuance filed with the STB on April 30, 2021 included the accurate Zip Codes. Metro-North has asked the STB to hold the proceeding in abeyance until June 7, 2021, to allow for the 15-day period required for the service of a Notice of Intent.

The reason for the proposed discontinuance is the lack of need for rail service on the Line and the potential for other, non-rail use of the property. There are no documents in Applicant’s possession that indicate that the Line contains federally granted rights-of-way. If the Applicant becomes aware of the existence of any such documentation, it will be made available to those requesting it.

The application for adverse discontinuance can be viewed following its filing on the Surface Transportation Board’s website at www.stb.gov, or a copy can be obtained from Applicant’s counsel whose name and address below. The application will include Applicant’s entire case for discontinuance. Any interested person may file with the Surface Transportation Board its protest of, or written comments concerning, the proposed discontinuance identifying it by the proceeding’s docket number. These filings are due 45 days from the date of filing of the application. All interested persons should be aware that following any discontinuance of rail service and salvage of the Line, the Line may be suitable for other public use, including interim

trail use. Persons who may oppose the discontinuance, but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses containing detailed evidence, should file comments.

Persons opposing the proposed discontinuance that do wish to participate actively and fully in the process should file a protest. Protests must contain that party's entire case in opposition including the following: (1) the protestant's name, address and business; (2) the protestant's interest in the proceeding, including their use of the Line or the public interest represented, if the protestant's interest is limited to the retention of service over a portion of the Line, a description of the portion of the Line subject to the protestant's interest (with milepost designations if available) and evidence showing that the applicant can operate the portion of the Line profitably, including an appropriate return on its investment for those operations; (3) specific reasons why protestant opposes the application including information regarding protestant's reliance on the involved service [this information must be supported by affidavits of persons with personal knowledge of the fact(s)]; and (4) any rebuttal of material submitted by applicant. In addition, a commenting party or protestant may provide a statement of position and evidence regarding (i) environmental impact; (ii) impact on rural and community development; (iii) recommended provisions for the protection of the interests of employees; (iv) suitability of the properties for other public purposes pursuant to 49 U.S.C. § 10905; and (vi) prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. § 1247(d) and § 1152.59. If an oral hearing is desired the requester must make a request for an oral hearing and provide reasons why an oral hearing is necessary.

Oral hearing requests must be filed with the Board no later than 10 days after the application is filed.

Written comments and protests, including all request for public use and trail use conditions, should indicate the proceeding designation STB No. AB 1311 and must be filed with the Office of Proceedings, Surface Transportation Board, Washington, DC 20423-0001, no later than July 22, 2021.

Interested persons may file a written comment or protest with the Board to become a party to this discontinuance proceeding. A copy of each written comment or protest shall be served upon Applicant's counsel in this matter, Charles A. Spitulnik, Kaplan, Kirsch and Rockwell, 1634 I (Eye) Street, NW, Suite 300, Washington, DC 20006, phone (202) 955-5600; email cspitulnik@kaplankirsch.com. The original and 10 copies of all comments and protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, each document filed with the Board must be served on all parties to the discontinuance proceeding.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Office of

May 14, 2021

Page 3

Environmental Analysis. EAs in this discontinuance proceeding normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

Yours Truly,

A handwritten signature in blue ink, appearing to read "Charles A. Spitulnik", with a stylized, flowing script.

Charles A. Spitulnik

REVISED Exhibit G

Westchester Putnam Journal Notices



Agency:
KAPLAN KIRSCH ROCKWELL
 1634 EYE STREET NW SUITE 300
 WASHINGTON, DC 20006
 ATTN: Katherine Bourdon
Acct: 2029555600KAPL

Client: KAPLAN KIRSCH ROCKWELL
 1634 EYE STREET NW SUITE 300,
 WASHINGTON, DC 20006
 Acct No: 2029555600KAPL

This is not an invoice

Order #	Advertisement/Description	Items	# Col x # Lines	Cost
0004636131	STBDOCKETNOAB1311NOTICEOFINTENTTOFILEA PETITIONFORANVERSEDISCONTINUANCEOFER	Legal Notices	2 col x 72 lines	\$864.00
		Affidavit of Publication Charge	1	\$30.00
		Tearsheet Charge	0	\$0.00
		Subtotal:		\$894.00
		Agency Commission	0	\$0.00
Net Total Due:				\$894.00

Run Dates: 03/10/2021, 03/17/2021, 03/24/2021

The Journal News
 P. O. Box 822883
 Philadelphia, PA 19182-2883



AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin
County of Brown, ss.:

On the 24 day of March, in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Nicholas Reuther, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Nicholas Reuther being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone:
Westchester

Run Dates:
03/10/2021, 03/17/2021, 03/24/2021

Signature [Signature]

Sworn to before me, this 24 day of March, 2021

[Signature]
Notary Public, State of Wisconsin, County of Brown

5.15.23

My commission expires

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincoln Dale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Slootsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0004636131

NANCY HEYRMAN
Notary Public
State of Wisconsin

STB Docket No. AB 1311

Notice of Intent to File Application for Adverse Discontinuance of Rail Line

Metro-North Commuter Railroad Company ("Metro-North" or "Applicant") gives notice that on or about March 29, 2021, it intends to file with the Surface Transportation Board, Washington, DC 20423, an application seeking adverse discontinuance of the authority of Housatonic Railroad Company ("HRC") to operate over a line of railroad known as the Beacon Line (the "Line") extending from railroad milepost 0.0 in Beacon, New York to milepost 71.2 at the Connecticut/New York state line, which traverses through United States Postal Service Zip Codes 12508, 12514, 12533, 12582, 12570, 12531, 12563, 10508, and 06811, a distance of approximately 43 miles in Putnam and Dutchess Counties, New York.

The reason for the proposed discontinuance is the lack of need for rail service on the Line and the potential for other, non-rail use of the property. There are no documents in Applicant's possession that indicate that the Line contains federally granted rights-of-way. If the Applicant becomes aware of the existence of any such documentation, it will be made available to those requesting it.

The application for adverse discontinuance can be viewed following its filing on the Surface Transportation Board's website at www.stb.gov, or a copy can be obtained from Applicant's counsel whose name and address appear below. The application will include the Applicant's entire case for discontinuance. Any interested person, after the application is filed on or about March 29, 2021, may file with the Surface Transportation Board its protest of, or written comments concerning, the proposed discontinuance identifying it by the proceeding's docket number. These filings are due 45 days from the date of filing of the application. All interested persons should be aware that following any discontinuance of rail service and salvage of the Line, the Line may be suitable for other public use, including interim trail use. Persons who may oppose the discontinuance, but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses containing detailed evidence, should file comments.

Persons opposing the proposed discontinuance that do wish to participate actively and fully in the process should file a protest. Protests must contain that party's entire case in opposition including the following: (1) the protestant's name, address and business; (2) the protestant's interest in the proceeding, including their use of the Line or the public interest represented; if the protestant's interest is limited to the retention of service over a portion of the Line, a description of the portion of the Line subject to the protestant's interest (with milepost designations, if available) and evidence showing that the applicant can operate the portion of the Line profitably, including an appropriate return on its investment for those operations; (3) specific reasons why protestant opposes the application including information regarding protestant's reliance on the involved service (this information must be supported by affidavits of persons with personal knowledge of the facts); and (4) any rebuttal of material submitted by applicant. In addition, a commenting party or protestant may provide a statement of position and evidence regarding (i) environmental impact; (ii) impact on rural and community development; (iii) recommended provisions for the protection of the interests of employees; (iv) suitability of the properties for other public purposes pursuant to 49 U.S.C. § 10305; and (v) prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. § 1247(b) and § 1152.59. If an oral hearing is desired the requester must make a request for an oral hearing and provide reasons why an oral hearing is necessary.

Oral hearing requests must be filed with the Board no later than 70 days after the application is filed.

Written comments and protests, including all request for public use and trail use conditions, should indicate the proceeding designation STB No. AB 1311 and must be filed with the Office of Proceedings, Surface Transportation Board, Washington, DC 20423-0001, no later than April 15, 2021.

Interested persons may file a written comment or protest with the Board to become a party to this discontinuance proceeding. A copy of each written comment or protest shall be served upon Applicant's counsel in this matter, Charles A. Spitznirk, Kaplan, Kirsch and Shackwell, 1634 I (Eye) Street, NW, Suite 300, Washington, DC 20006, phone (202) 955-5600; email csplitznirk@kaplankirsch.com. The original and 10 copies of all comments and protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, each document filed with the Board must be served on all parties to the discontinuance proceeding.

An environmental assessment (EA) for environmental impact statement (EIS), if necessary, prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Office of Environmental Analysis. EAs in this discontinuance proceeding normally will be made available within 23 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

0636131



Agency:

CHARLES SPITULNIK
1634 I STREET NW, SUITE 300,

WASHINGTON, DC 20006

ATTN: charles

Client:

CHARLES SPITULNIK
1634 I STREET NW, SUITE 300,,
WASHINGTON, DC 20006

Acct No: 2029555600CHAR

Acct:2029555600CHAR

This is not an invoice

Order #	Advertisement/Description	Items	# Col x # Lines	Cost
0004740785	notice STBDOCKETNOAB1311CORRECTIONOFNOTICEO FINTENTTOFILE APPLICATIONFORADVERSEDISCO	Legal Notices	1 col x 30 lines	\$180.00
		Affidavit of Publication Charge	1	\$30.00
		Tearsheet Charge	0	\$0.00
		Subtotal:		\$210.00
		Agency Commission	0	\$0.00
Net Total Due:				\$210.00

Run Dates: 05/20/2021, 05/27/2021, 06/03/2021

The Journal News
P. O. Box 822883
Philadelphia, PA 19182-2883



**AFFIDAVIT OF PUBLICATION
FROM**

**State of Wisconsin
County of Brown, ss.:**

On the 4 day of June in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

_____ being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone: Westchester Run Dates: 05/20/2021, 05/27/2021, 06/03/2021

Signature

Sworn to before me, this 4 day of June, 2021

Notary Public, State of Wisconsin, County of Brown
979.21

VICKY FELTY
Notary Public
State of Wisconsin

My commission expires
Legend:

WESTCHESTER:
Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnville, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohican Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:
Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0004740785

STB Docket No. AB 1311
Correction of Notice of Intent to File Application for Adverse Discontinuance of Rail Line

On March 10, March 17, and March 24, 2021, Metro-North Commuter Railroad Company gave notice of its intent to file with the Surface Transportation Board, Washington, DC 20423, an application seeking adverse discontinuance of the authority of Housatonic Railroad Company to operate over a line of railroad known as the Beacon Line (the "Line") extending from railroad milepost 0.0 in Beacon, New York to milepost 71.2 at the Connecticut/New York state line. Metro-North filed that application on April 30, 2021. The notice indicated that the Line traverses through United States Postal Service Zip Codes 12508, 12524, 12533, 12582, 12570, 12531, 12563, 10509, and 06811. The correct Zip Codes through which the Line runs are 12508, 12524, 12533, 12582, 12570, 12531, 12563, 10509 and 12564. The application for adverse discontinuance does not include any portion of the Line in Zip Code 06811 and does not include any reference to that zip code. All other information contained in the notice published in this newspaper on March 10, March 17 and March 24, 2021 remains the same.

0004740785

REVISED Exhibit H

Poughkeepsie Journal Notices

Poughkeepsie Journal **MEDIA GROUP** *Delivering Customers. Driving Results.*

A GANNETT COMPANY

Agency:

KAPLAN KIRCH ROCKWELL
1634 EYE STREET NW
WASHINGTON, DC, 20006

Client:

KAPLAN KIRCH ROCKWELL
1634 EYE STREET NW, SUITE 300
WASHINGTON, DC 20006

Acct No: 2029555600KAPLA

This is not an invoice

Acct: 2029555600KAPLA

Ad #	Advertisement/Description	Zone	Items	# Col x # Lines	Cost
0004636182	STBDOCKETNOAB1311NOTI CEOFINTENTTOFILEAPPLICA TIONFORADVERSEDISCONT		Legal Notices	2 col x 99 lines	\$201.96
			Affidavit of Publication Charge	1	\$25.00
			Tearsheet Charge		\$0.00
			Subtotal:		\$226.96
			Agency Commission	0	\$0.00
Net Total Due:					\$0.00

Run Dates: 03/10/2021, 03/17/2021, 03/24/2021

The Poughkeepsie Journal
P. O. Box 822837
Philadelphia, PA 19182-2837

**AFFIDAVIT OF PUBLICATION
FROM**



Nicholas Renston

being duly sworn says that he/she is the principal clerk of **THE**

POUGHKEEPSIE JOURNAL, a newspaper published in the County of Dutchess and the State of New York, and the

notice of which the annexed is a printed copy, was published in the newspaper on the date (s) below:

Zone:

Run Dates:

03/10/2021, 03/17/2021, 03/24/2021



Signature

Sworn to before me, this 24 day of March, 2021



Notary Signature State of Wisconsin County of Brown

5.15.23

My commission expires

NANCY HEYRMAN
Notary Public
State of Wisconsin

Ad Number: 0004636182

STB Docket No. AB 1311

Notice of Intent to File Application for Adverse Discontinuance of Rail Line

Metro-North Commuter Railroad Company ("Metro-North" or "Applicant") gives notice that on or about March 29, 2021, it intends to file with the Surface Transportation Board, Washington, DC 20423, an application seeking adverse discontinuance of the authority of Housatonic Railroad Company ("HRRC") to operate over a line of railroad known as the Beacon Line (the "Line") extending from railroad milepost 0.0 in Beacon, New York to milepost 71.2 at the Connecticut/New York state line, which traverses through United States Postal Service Zip Codes 12508, 12524, 12533, 12582, 12570, 12531, 12563, 10509, and 06811, a distance of approximately 41 miles in Putnam and Dutchess Counties, New York.

The reason for the proposed discontinuance is the lack of need for rail service on the Line and the potential for other, non-rail use of the property. There are no documents in Applicant's possession that indicate that the Line contains federally granted rights-of-way. If the Applicant becomes aware of the existence of any such documentation, it will be made available to those requesting it.

The application for adverse discontinuance can be viewed following its filing on the Surface Transportation Board's website at www.stb.gov, or a copy can be obtained from Applicant's counsel whose name and address appear below. The application will include the Applicant's entire case for discontinuance. Any interested person, after the application is filed on or about March 29, 2021, may file with the Surface Transportation Board its protest of, or written comments concerning, the proposed discontinuance identifying it by the proceeding's docket number. These filings are due 45 days from the date of filing of the application. All interested persons should be aware that following any discontinuance of rail service and salvage of the Line, the Line may be suitable for other public use, including interim trail use. Persons who may oppose the discontinuance, but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses containing detailed evidence, should file comments.

Persons opposing the proposed discontinuance that do wish to participate actively and fully in the process should file a protest. Protests must contain that party's entire case in opposition including the following: (1) the protestant's name, address and business; (2) the protestant's interest in the proceeding, including their use of the Line or the public interest represented, if the protestant's interest is limited to the retention of service over a portion of the Line, a description of the portion of the Line subject to the protestant's interest (with milepost designations if available) and evidence showing that the applicant can operate the portion of the Line profitably, including an appropriate return on its investment for those operations; (3) specific reasons why protestant opposes the application including information regarding protestant's reliance on the involved service (this information must be supported by affidavits of persons with personal knowledge of the fact(s)); and (4) any rebuttal of material submitted by applicant. In addition, a commenting party or protestant may provide a statement of position and evidence regarding (i) environmental impact; (ii) impact on rural and community development; (iii) recommended provisions for the protection of the interests of employees; (iv) suitability of the properties for other public purposes pursuant to 49 U.S.C. § 10505; and (v) prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. § 1247(d) and § 1152.53. If an oral hearing is desired the requester must make a request for an oral hearing and provide reasons why an oral hearing is necessary.

Oral hearing requests must be filed with the Board no later than 10 days after the application is filed.

Written comments and protests, including all request for public use and trail use conditions, should indicate the proceeding designation STB No. AB 1311 and must be filed with the Office of Proceedings, Surface Transportation Board, Washington, DC 20423-0001, no later than April 15, 2021.

Interested persons may file a written comment or protest with the Board to become a party to this discontinuance proceeding. A copy of each written comment or protest shall be served upon Applicant's counsel in this matter, Charles A. Spitulnik, Kaplan, Kirsch and Rockwell, 1634 I (Eye) Street, NW, Suite 300, Washington, DC 20006, phone (202) 955-5600; email csputulnik@kaplankirsch.com. The original and 10 copies of all comments and protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, each document filed with the Board must be served on all parties to the discontinuance proceeding.

An environmental assessment (EA) for environmental impact statement (EIS), if necessary, prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Office of Environmental Analysis. EAs in this discontinuance proceeding normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

Poughkeepsie Journal

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Run Dates: 05/20/2021, 05/27/2021, 06/03/2021

The Poughkeepsie Journal
P. O. Box 822837
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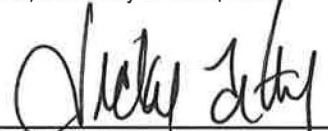
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STB Docket. No. AB 1311
Correction of Notice of Intent to
File Application for Adverse Dis-
continuance of Rail Line

On March 10, March 17, and March 24, 2021, Metro-North Commuter Railroad Company gave notice of its intent to file with the Surface Transportation Board, Washington, DC 20423, an application seeking adverse discontinuance of the authority of Housatonic Railroad Company to operate over a line of railroad known as the Beacon Line (the "Line") extending from railroad milepost 0.0 in Beacon, New York to milepost 71.2 at the Connecticut/New York state line. Metro-North filed that application on April 30, 2021. The notice indicated that the Line traverses through United States Postal Service Zip Codes 12508, 12524, 12533, 12582, 12570, 12531, 12563, 10509, and 06811. The correct Zip Codes though which the Line runs are 12508, 12524, 12533, 12582, 12570, 12531, 12563, 10509 and 12564. The application for adverse discontinuance does not include any portion of the Line in Zip Code 06811 and does not include any reference to that zip code. All other information contained in the notice published in this newspaper on March 10, March 17 and March 24, 2021 remains the same.
POU-0004740794