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SERVICE DATE – OCTOBER 15, 2021

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1261

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
—ADVERSE ABANDONMENT—
SARATOGA AND NORTH CREEK RAILWAY IN TOWN OF JOHNSBURG, N.Y.

Decided: October 15, 2021

On September 10, 2018, the New York State Department of Environmental Conservation (the Department) filed an application under 49 U.S.C. § 10903 requesting a third-party, or “adverse,” abandonment of the Saratoga and North Creek Railway (SNCR) over approximately 29.71 miles of rail line between milepost NC 0.0 at North Creek, N.Y., and its terminus at milepost NC 29.71 near the former Tahawus Mine (the Line). Notice of the application was served and published in the Federal Register on September 28, 2018 (83 Fed. Reg. 49,151).

A motion to dismiss the adverse abandonment proceeding was filed on September 30, 2021, by William A. Brandt, Jr. (the Trustee), chapter 11 trustee for the bankruptcy estate of the San Luis & Rio Grande Railroad, Inc., the parent of SNCR. The Trustee filed an amended motion on October 5, 2021.

On October 12, 2021, the Department filed a request to extend its time to reply to the Trustee’s amended motion until November 17, 2021. The Department states that the Trustee consents to the request.

The request for an extension of time is reasonable and will be granted. The extension will apply to any party wishing to reply to the motion to dismiss.

It is ordered:

1. Replies to the Trustee’s motion to dismiss are due by November 17, 2021.
2. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.