

July 27, 2022

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Submitted via e-filing

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

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Office of Proceedings
July 27, 2022
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Public Record

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

Dear Ms. Brown:

This letter is in response to the Housatonic Railroad Company's ("HRRC") July 22, 2022, submission requesting the Board to accept additional evidence on HRRC's behalf ("Submission"). Metro-North Commuter Railroad Company ("Metro-North") objects to the Submission and asks the Board to reject it.

The Submission consists of a newspaper article discussing funding for proposed passenger service on a small portion of the Beacon Line, the trackage subject to this proceeding. However, the article is irrelevant to the proceeding at hand, namely Metro-North's petition to discontinue HRRC's trackage rights. See 49 C.F.R. § 1104.8 (rejecting irrelevant material). There are at least three reasons that the Board should disregard the article. First, the possibility of future passenger service referenced in the Submission is immaterial to whether the termination of HRRC's *freight* rights is consistent with the public convenience and necessity. Second, the Submission is devoid of any indication of what role, if any, Metro-North is playing in the design and implementation of the passenger rail study referenced in the Submission, or whether Metro-North is providing funding for or otherwise supporting the study. Third, and perhaps most important, the presence (or lack thereof) of commuter service on the Beacon Line has no bearing on HRRC's freight common carrier obligations or on its ability to conduct freight service on the Beacon Line. The STB has no jurisdiction over Metro-North's commuter operations, and there is no indication that Metro-North proposes to operate the speculative service.

Since the Submission has no bearing on the central question in this proceeding, HRRC's goal in submitting the article can only be to attempt to further cloud the very straightforward question of whether the public convenience and necessity justifies the discontinuance of HRRC's authority to conduct freight service on the portion of the Beacon Line in New York State. As

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Metro-North has stated numerous times, the answer to that question, is “Yes, HRRC’s authority to operate freight rail service on this Line should be discontinued.” The Board should, therefore, reject HRRC’s Submission.

Respectfully submitted,



Charles A. Spitulnik

Cc: Edward J. Rodriguez
All parties of record in STB Docket AB No. 1311