

306261

February 24, 2023

ENTERED
Office of Proceedings
February 24, 2023
Part of
Public Record

Submitted via e-filing

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

FD 32639 (Sub-No. 1)

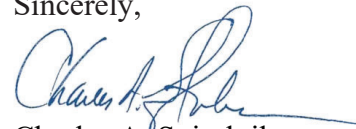
Re: STB Docket No. ~~AB 733 (Sub No. 1X), Housatonic Railroad Company~~
~~Discontinuance of Service Dutchess and Putnam Counties, New York~~

Dear Ms. Brown:

I am attaching for e-filing Metro-North Commuter Railroad Company's Notice of Abandonment of Beacon Line in the above-captioned proceeding.

Please do not hesitate to contact me with any questions.

Sincerely,


Charles A. Spitulnik

Enclosure

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 32639 (Sub-No. 1)
~~Docket No. AB 733 (Sub No. 1X)~~

**HOUSATONIC RAILROAD COMPANY, INC. — DISCONTINUANCE OF SERVICE —
DUTCHESS AND PUTNAM COUNTIES, NEW YORK**

**NOTICE BY METRO-NORTH COMMUTER RAILROAD
OF ABANDONMENT OF BEACON LINE**

Communications with respect to this document should be addressed to:

Charles A. Spitulnik
Daniel C. Orlaskey
Kaplan, Kirsch & Rockwell, LLP
1634 I (Eye) Street NW
Suite 300
Washington, DC 20006
(202) 955-5600
cspitulnik@kaplankirsch.com
dorlaskey@kaplankirsch.com

*Counsel for The Metro-North Commuter
Railroad Company*

February 24, 2023

**BEFORE THE
SURFACE TRANSPORTATION BOARD
~~Docket No. AB 733 (Sub No. 1X)~~**

FD 32639 (Sub-No. 1)

**HOUSATONIC RAILROAD COMPANY, INC.—DISCONTINUANCE OF SERVICE
DUTCHESS AND PUTNAM COUNTIES, NEW YORK**

**NOTICE BY METRO-NORTH COMMUTER RAILROAD
OF ABANDONMENT OF BEACON LINE**

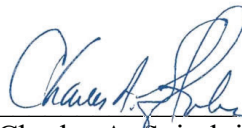
In this proceeding, Housatonic Railroad Company (“HRRC”) has filed a Notice of Exemption to discontinue its trackage rights for approximately 41.1 miles of a rail line known as the “Beacon Line” that runs between Milepost 0.0 and Milepost 71.2 in Dutchess and Putnam Counties, New York (“Line”), a map of which is attached hereto as **Exhibit A**. Metro-North Commuter Railroad Company (“MNR”) owns the Line.

When MNR acquired the Line in 1995, the ICC granted a petition by MNR to acquire the Beacon Line (referred to as the “Maybrook Line” in that proceeding) in Putnam and Dutchess Counties, New York, and to exempt MNR from the provisions of 49 U.S.C. Subtitle IV. *Metro-North Commuter R.R. Co.—Acquisition Exemption—The Maybrook Line*, ICC Finance Docket No. 32639 (Sub-No. 1) (Service Date Jan. 13, 1995) (“*1995 Decision*”). In the *1995 Decision*, the ICC approved MNR’s exemption from Subtitle IV, exempted MNR from acquiring a residual common carrier obligation and permitted it to abandon the Line subject only to Danbury Terminal Railroad Company (“DTRC”) (now HRRC) seeking authority to discontinue freight service. *See* 1995 Decision, slip op. at 3-4.

Because of the exemption from the requirements of Subtitle IV, MNR does not need to seek authority to abandon the Line. MNR is hereby providing notice to the Board that upon consummation of the discontinuance by HRRC, the Line will be fully abandoned.

MNR is filing this notice that it is abandoning the Line, simultaneously with submitting a Petition for Notice of Interim Trail Use, and a Verified Petition for Exemption from 49 U.S.C. § 10901 to acquire the reactivation right associated with the Line following implementation of the proposed railbanking.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Charles A. Spitulnik", is written over a horizontal line.

Charles A. Spitulnik
Daniel C. Orlaskey
Kaplan, Kirsch & Rockwell, LLP
1634 I (Eye) Street NW
Suite 300
Washington, DC 20006
(202) 955-5600
cspitulnik@kaplankirsch.com
dorlaskey@kaplankirsch.com

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of February 2023, I caused the foregoing Notice of Metro-North Commuter Railroad Company to be served on the following parties by email:

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



Charles A. Spitulnik

Exhibit A – Map of the Beacon Line

[illegible]