

March 24, 2023

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: FD 29761
Ontario Central Railroad Corporation
Operations Between Shortsville and Victor, NY

Dear Ms. Brown:

Please accept the following comments in relation to Ontario Central Railroad Corporation's ("ONCT") "Notice of Intent to Partially Terminate (Abandon) Service" filed with the Board on February 9, 2023.

As a threshold matter, we refer the Board to Docket No. NOR 42176, whereby Victor Insulators Inc. ("Victor Insulators") filed a complaint with the Board against Finger Lakes Railway Corp. ("FGLK"), the entity controlling ONCT's operations, complaining of failure to provide rail service to Victor Insulators. Rail service to Victor Insulators was suspended in November 2021, the line was not embargoed, and it was not until responding to Victor Insulator's complaint, that ONCT finally filed a notice to terminate service with the Board.

A. Termination of Service versus Permanent Abandonment

Pursuant to 49 C.F.R. § 1150.24, ONCT may terminate its service on the line after providing 60 days' notice of its intent to terminate the service to the Board. ONCT's notice is ambiguous because it indicates the intent to "terminate (abandon) service" over a 4.4-mile segment of the rail line servicing Victor Insulators between Victor and Shortsville, New York (the "Victor Rail Line"). While ONCT's notice may serve to discontinue operations, it does not simultaneously serve as notice to permanently abandon the line. Indeed, there is a significant difference between "'abandonment' of a rail line and 'discontinuance' of service."¹

Pursuant to Board regulations, in order to abandon the line, it is the owner of the line that must submit notice to the Board. See 49 C.F.R. § 1152.27(n)(1) ("To provide an opportunity for

¹ *Preseault v. ICC*, 494 U.S. 4, 25, n.3 (1990).

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rail service continuation through offers of financial assistance, however, the owner of the line must give not less than 60 days' notice of a discontinuance, and beginning 120 days after discontinuance, not less than 30 days' notice of abandonment."'). Additionally, "[n]otice is to be sent by the line owner to the Board, the governor and transportation agencies and the government of each political subdivision of each state in which such rail properties are located and to each shipper who has used the rail service during the previous 12 months." *Id.* While ONCT is reportedly the operator of the line, it is not the owner. Rather, the County of Ontario, New York (the "County") is the owner of the line. To date, the County has not provided notice to Victor Insulators (nor presumably to the Board) of its intent to abandon the line.

B. Request to Apply Offer of Financial Assistance Procedures

We respectfully request that the Board require any permanent abandonment of the line to first go through the offer of financial assistance ("OFA") procedures to allow an opportunity for continued rail operations in Victor, New York. Board regulations provide for an abbreviated OFA process for rail lines not part of the Final System Plan. 49 C.F.R. § 1152.27(n)(1). ONCT has indicated that the line in question is not part of the Final System Plan. Thus, while ONCT may not be required to obtain the Board's approval to *terminate* service on the line, the Victor Rail Line should still be subject to the abbreviated OFA process in the event of a permanent *abandonment* "to provide an opportunity for rail service continuation." 49 C.F.R. § 1152.27(n)(1). This regulation clearly states that "[t]he Board will generally apply the OFA procedures in this section (49 C.F.R. § 1152.27) for class exemptions to summary abandonment and discontinuance notices... ."

Because ONCT is not subject to the traditional abandonment process given the operation of the line under a modified certificate, we respectfully assert that the OFA process for summary abandonments and discontinuances ought to be applied to allow any interested party to continue operating the line that serves Victor Insulators.

This is particularly important in this instance given that FGLK has held itself out as operator of the Victor Rail Line.² By holding itself out as operator, FGLK has muddied the reality of what actions are actually required for termination of services and any eventual abandonment of the Victor Rail Line. Unlike ONCT, FGLK has not indicated that it ever applied for or obtained a modified certificate, which is the status allowing ONCT to bypass the

² For example, FGLK's "System Map" clearly indicates that FGLK operates along the line that services Victor Insulators and the New York State Department of Transportation map titled "Railroads in New York State – 2013" (available on FGLK's website) illustrates FGLK as the operator of the Victor Line and makes no reference to ONCT operating within the State of New York. In addition, it appears that ONCT does not operate a website advertising its freight services and FGLK's website makes no distinction between the operations of FGLK and ONCT (and simultaneously indicates that FGLK operates the Victor Rail Line). Customers seeking freight services from ONCT presumably must communicate through FGLK as no contact information for ONCT freight services is included. FGLK and ONCT also share the same upper level corporate executives (such as the President, Michael Smith) and attorneys. See Docket No. NOR 42176.

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statutorily required abandonment process. Without a modified certificate, FGLK would not be exempt from 49 U.S.C. § 10901 and § 10903, and by holding itself out as operator, has given the public reason to believe the traditional abandonment processes would apply if service were to be abandoned over the Victor Rail Line.

C. Continued Rail Service is Critical to Victor Insulators' Operations

Victor Insulators objects to the discontinuance and any potential abandonment of rail lines in Victor, NY as Victor Insulators depends on these lines for its business operations. In particular, it relies on these rail lines to deliver key ingredients for its manufacture of high voltage porcelain insulators. Delivery of these materials over roads will greatly increase costs to Victor Insulators and put it at a great economic disadvantage to its competitors.

The community also benefits from continued rail service in Victor, New York and Victor Insulators requires rail service for its continued business operation and growth in the area. Victor Insulators was founded in 1893 in Victor, New York and has been doing business there ever since. Victor Insulators currently employs over 70 people, nearly all of whom are area residents, and would have the capacity to employ nearly triple that number if employees were currently available for hire.

Significantly, the company is the last United States-owned (and one of the last two United States-based) wet-process porcelain electric insulator manufacturer. The insulators manufactured by Victor Insulators are a critical component to insulating high voltage electrical power (the electrical grid) throughout the United States. Victor Insulators provides critical products to utilities, public transit companies, and the U.S. military.

In 2021, it was determined that repairs were necessary to the rail lines servicing Victor Insulators, and beginning in November 2021 rail service has stopped in Seneca Falls, NY, where the materials are loaded into cars for delivery to Victor Insulators. Given the delicate nature of the materials being transported, the process of moving the materials from rail car to truck is not feasible in the long term and greatly increases the risk of cross-contamination with other products rendering the materials unusable. In addition, Victor Insulators' demands have greatly increased over the past couple of years and reinstated and continued rail service would help it meet these demands. If the rail lines currently serving Victor Insulators are discontinued or abandoned, there are no possible alternative lines that could provide service. The absence of available rail service would undoubtedly present an economic hardship and impede future business opportunities for the company.

D. Public Support for Continuation of Rail Service

Finally, many members of the public are in support of continued rail operations in Victor, New York. Attached hereto as "Attachment A" are numerous letters of support from members of the public (not representatives of Victor Insulators) for continued rail service, including letters

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from Village of Victor officials, sent to Victor Insulators representatives for delivery to the Board.

As a result of the foregoing, ONCT's notice to terminate its service on the line is noted, but the issue of service termination and permanent abandonment of the rail line are and should be treated as separate and distinct issues. If and when the County files an intent to abandon the line, other interested rail carriers ought to be given the opportunity to submit OFAs to preserve the critical rail transportation upon which Victor Insulators depends.

Respectfully submitted,

Harter Secrest & Emery LLP



Allison E. Bartlett

DIRECT DIAL: 585.231.1302
EMAIL: ABARTLETT@HSELAW.COM

Enclosures

cc: Justin J. Marks (CLARK HILL PLC, counsel for Ontario Central Railroad Corporation)
jmarks@clarkhill.com

George Heltz
heltzgeorge@gmail.com

Attachment A

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington DC 20024
Re: Docket No. FD29761

March 22, 2023

In regard to the proposal by the Ontario Central Railroad to abandon the section of track that connects to Victor (Docket no. FD29761) I state that I support the Victor Insulator Company and desire that you heed the company's arguments and take into account the welfare of the company as you deliberate.

The Victor Insulator Company has a long, proud history in Victor where the Fred Locke invented and then manufactured the porcelain insulator. The Victor Insulator Company has always been a good neighbor and the largest single tax-payer within the Village of Victor. As a village trustee, I want to see the Victor Insulator Company continue to produce quality insulators and thrive in this competitive market, a market where they are now the last surviving American owned and operated porcelain insulator company.

I urge that the Surface Transportation Board listen attentively to the arguments from the Victor Insulator Company. I trust that you will regard all the facts, follow law and precedent, and render a fair decision. I fervently hope that your decision will provide a viable path forward for the transportation requirements for our local Victor Insulator Company. I want the Victor Insulator Company to continue and prosper, providing jobs and helping to support our local community.

Robert W. Kelly
Victor Village Trustee
10 Valley View Drive
Victor, New York 14564

bobkellyemail@gmail.com

**MAYOR**

Gary Hadden
924-3311

DEPUTY MAYOR

Michael L. Crowley

BOARD OF TRUSTEES

Carol Commisso
Robert Kelly
Michelle Chalupa

VILLAGE CLERK

Pamela Hogenes
924-3311

TREASURER

Diane White
924-3311

VILLAGE ATTORNEY

Reid A. Holter

DIRECTOR OF PUBLIC WORKS

John C. Turner
924-2004

CODE ENFORCEMENT OFFICER

Todd Smith

PLANNING BOARD CHAIRPERSON

Meg CHaides

ZONING BOARD CHAIRPERSON

Sean Sanderson

URBAN RENEWAL AGENCY CHAIRPERSON

Carol Commisso

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, D.C. 20024
RE: Docket No. FD 29761

Date: 03/22/2023

I am writing to share my perspective with the Surface Transportation Board in regards to the rail abandonment proposal by Ontario Central Railroad, Docket No. 29761 in and near Victor NY. A portion of the rail line is located within the Village of Victor including a spur that leads to the property of Victor Insulators Inc. located at 280 Maple Ave in the Village of Victor. The Village Board of Trustees has received comments in opposition to the proposal to abandon the rail. The comments were made by local citizens and the CEO of Victor Insulators Inc. I am aware of the alleged negative impacts that are perceived to cause harm to the business operations at Victor Insulators Inc. As Mayor of the Village I am both grateful and respectful of the approximately 130 years business commitment that the Victor Insulators Inc. has made to the Village of Victor. I am hopeful for its continued success. As Mayor and as a citizen I ask that the Surface Transportation Board take the aforementioned into account during its fact finding process involving this matter. Further I will respect the decision handed down and I appreciate the opportunity for input and respect the Surface Transportation Board's diligence involving this matter. Thank you for your consideration.

Sincerely,

Gary A Hadden
Mayor/Village of Victor

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington DC 20024

RE: Docket No. NOR 42176 and FD 29761

As a lifelong resident of the Village of Victor, I have a deep appreciation for Victor Insulators, and their role in our village over their 130 history. They have provided good jobs, contributed to our tax base, and produce a product that is integral to our country's electrical grid, and no longer manufactured anywhere else in the US.

The STB is now considering a request to abandon the rail line that has carried materials to Victor Insulators for many years. I respectfully ask that you seriously consider the filing from Victor Insulators stating the impact that abandoning the rails would have on their business. Progress is necessary for survival, however, sometimes it comes at too great a cost to the present. Thank you for your consideration.

Respectfully,

Carol Commisso

Village resident and Trustee

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024
Re: Docket No. FD 29761

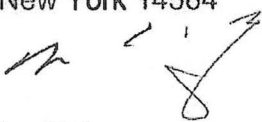
Date: March 21, 2023

I am writing to share that I am against the abandonment proposal by the Ontario Central Railroad, Docket No. 29761, in and near Victor, NY. Victor Insulators has been an industrial customer in business here for 130 years. They manufacture products critical to the current upgrades of our national electrical grid and infrastructure. Poor railroad maintenance has severely impacted their business and transportation of materials by tractor-trailer truck now is necessary and expensive.

Abandoning the railroad will place additional financial burden on Victor Insulators, Inc. and will severely impact the company's future viability. The increased shipping costs and more difficult logistic issues with moving materials and products will be substantial. Moreover, problems caused by impurities in raw materials generated by additional handling will also be a significant risk to the company's operations and product quality.

The loss of this company will significantly impact the lives of the affected workers and the community with the loss of tax revenue, but it will also negatively impact our nation, as the electrical infrastructure is stressed and in great need of improvement. Putting one of the only remaining domestic manufacturers of high-voltage electrical insulators at such a disadvantage is a matter of national security as it will ultimately affect the well-being of its citizens.

Name: MICHAEL Cronley
Title: DEPUTY MAYOR
Village of Victor, New York 14564



Process Information Note -

For more information about how to file your comments with the Surface Transportation Board, please contact:

Allison Bartlett

585-231-1302

abartlett@hseilaw.com.

Bartlett, Allison E.

From: Cheryl Jones-Richter <cjonesrichter@gmail.com>
Sent: Saturday, March 18, 2023 10:54 AM
To: Bartlett, Allison E.
Cc: friendsoftherailroad@gmail.com; iknickerbocker@victorinsulators.com
Subject: Docket No. NOR 42176 (Complaint filed by Victor Insulators) and Docket No. FD 29761 (Notice to Partially Terminate (Abandon) Service)

CAUTION: External email. Beware of links and attachments.

March 18, 2023

Alison E. Bartlett, Associate
Harter, Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, NY 14601-2711

For delivery to:

Cynthia T. Brown
Chief, Section of Administration Office of Proceedings
Surface Transportation Board 395 E Street SW
Washington, DC 20024

Subject: Docket No. NOR 42176 (Complaint filed by Victor Insulators) and
Docket No. FD 29761 (Notice to Partially Terminate (Abandon) Service)

Dear STB:

As a Victor resident for over 60 years, I am writing in support of the complaint filed by Victor Insulators, Inc. (Docket 42176) and to request that the Surface Transportation Board deny the Ontario Central Railroad Corp (ONCT) request for abandonment of the 4.4 mile segment of the railroad between Milepost 370.9 and 366.5 (Victor and Farmington, NY.)

This abandonment would be extremely detrimental to Victor Insulators, as well as to the residents of Victor, NY. As stated in their complaint, Victor Insulators manufactures high-voltage porcelain electric insulators. These products are critical to utilities, public transport, U.S. military and other customers, especially since Victor Insulators is the only U.S. owned manufacturer. Support for rail service is extremely important for Victor Insulators to maintain the high quality products required for its customers.

Rail shipping has a lower cost-per-ton-mile (the cost of moving one ton of freight one mile) than truck shipping. Rail is a much more fuel-efficient mode of transportation. Railcars can also carry much more volume than

trucks; one rail car is equivalent to about four full truck loads. Potentially, increased business by Victor Insulators would result in more truck traffic through the town.

The alternative of truck transportation has also resulted in contamination of raw material to Victor Insulators, resulting in higher defect rates (increased cost), as well as the higher costs for the truck transport itself. This could potentially impact Victor Insulators and drive them out of business. Victor Insulators is important to Victor, for its employment, tax revenue, and its historical significance (invention of porcelain insulators by Victor resident Fred Locke, and manufacture in Victor since 1893.)

ONCT and Finger Lakes Railway (which has stopped service on that rail line) has claimed that it is not financially feasible for them to maintain that rail line and provide service to Victor Insulators. However, they have failed to properly maintain that rail line to require standards (ties, etc.) And it is my understanding that their intent in abandoning the rail line is to REMOVE the heavier, high quality rail from that area in Victor/Farmington and reinstall it in other areas of their line. This would financially benefit Finger Lakes Rail, and Ontario County which owns that rail line, at the expense of Victor Insulators. In addition, the Town of Victor has expressed intent to build a road in a portion of the area where the rail line is proposed for removal. Thus, it appears that the request for the rail abandonment is subterfuge for these other motives.

In conclusion, I respectfully request that the Surface Transportation Board deny the request for abandonment of this rail line, and support the complaint filed by Victor Insulators, Inc.

Sincerely,

Cheryl Jones-Richter
125 Church St.
Victor, NY 14564
Cjonesrichter@gmail.com

Surface Transportation Board
Attention: Cynthia T. Brown
Chief, Section of Administration; Washington, DC
RE: STB Docket NOR42176

19 March, 2023

Dear Ms. Cynthia T. Brown,

I am a resident in close proximity to the Village of Victor.

I am very concerned and disappointed with the possibility that railroad service to and from the Victor area is being considered to be terminated.

As a resident, I am concerned about the significant negative implications that this decision could lead to. In particular, the loss of opportunities to enhance the existing rail line to include expansion of commercial customers, tourism opportunities and community events highlighting the long and rich history the rail service has provided to the community and the Finger Lakes region.

I have read of the ongoing difficulty the long-established rail customer, Victor Insulator, has endured to retain the essential and invaluable rail service to their facility. I am hard pressed to understand why local government and civic leaders have not been more actively involved to ensure that the rail service remains.

I feel the alternative uses being considered for the potentially abandoned rail line may be ill-conceived and unrealistic for the future growth of the Victor area. Additionally, it is possible the driven force behind this effort, the planners and members of the current political structure, may be short sighted with regards to the negative implications among which include unachievable economic expectations.

The aspect of losing a major local and long established employer such as Victor Insulator would be a lasting blemish on current Town and Village leaders. If events continue to lead to this conclusion and the plant becomes idle, many hard-working dedicated employees will be faced with difficult decisions. Not to mention the loss of a viable, nationally prominent supplier of essential components to the electric power transmission system.

The aspect of the loss of tax revenues, real estate taxes, sales tax and payroll taxes will become a burden on the existing tax base. Certainly, a difficult notion to consider in these times of economic uncertainty and already tax-burdened citizens.

Thank you for this opportunity for me to impart my concerns to you.

Respectively submitted,

John E. Becker
1392 Ashwood Lane; Victor, New

Copies to:
Ms. Allison Bartlett; Harter Secrest and Emery LLP, Rochester, New York
Friends of The Railroad; Victor, New York

March 15, 2023
William L. Martz
1540 State Route 444
Victor, NY 14564

To: abartlett@hselaw.com, friendsoftherailroad@gmail.com
Subject: Docket No. NOR 42176

Alison E. Bartlett Associate
Harter, Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, NY 14601-2711

Dear Ms. Bartlett:

I am writing regarding Docket No. NOR 42176 and the company Victor Insulators, Inc.. I am concerned about the possible termination of service intended by the Ontario Central Railroad/Finger Lakes Railway.

Abandoning the track will place a huge burden on Victor Insulators, Inc. and will severely impact the company's viability. The increased shipping cost and more difficult logistic issues with moving materials to the company would be substantial. However, the potential problems caused by impurities in the material caused by additional handling could also be a significant risk to the company's operations and quality.

The loss of the company would cause not only a huge impact on the lives of the affected workers and the community with the loss of revenue, but will negatively impact our nation at a time when the electrical infrastructure is stressed and in great need of improvement. Putting one of the critical remaining domestic manufacturers at such a disadvantage is a matter of national security as it would ultimately affect the well-being of most of its citizens.

It appears the Finger Lakes Railway Corp. has violated its terms of service and is not acting in good faith. Perhaps they believe they can do this in light of a proposed roadway to replace part of the removed track. There has been little public discussion about the project, the proposed road, cost, its impact, and who may stand to benefit. Removing the rails for the project at this time is definitely unwarranted and looks corrupt. I believe Finger Lakes Railway Corp. should honor its legal obligations and resume service to the Victor Insulators, Inc. facility.

I hope the Surface Transportation Board will listen to the people of Victor and do what is best for the community and the country. Please do not terminate service and allow the tracks to be removed.

Regards,

William L. Martz

644 Championship Drive
Victor, New York 14564
October 11, 2022

Secretary Pete Buttigieg
US Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Dear Secretary Buttigieg

I am writing to you on behalf of Victor Insulators, Inc., located in Victor, New York.
(victorinsulators.com), a local manufacturer over a century old.

I will start by saying I have no relationship, financial or otherwise, with this company. I am writing because I am concerned about the future of this company and that impact on our community.

Victor Insulators makes high quality insulators, including transmission, distribution, and substation products. Right now the best method for it to receive raw materials is in jeopardy, with the probable result of the company being out of business in about 5 years.

A brief summary:

Previously, Victor Insulators received its raw materials via a rail spur to the factory. That spur and the attached rail was serviced by Finger Lakes Railway. Because of the cost, Finger Lakes Railway now refuses to provide service on these rails.

The land, rails and associated equipment are owned by NY's Ontario County, which is supposed to maintain the line. They have failed to do this.

Finger Lakes Railway wants to pull up the rails and use them elsewhere. So far there is no agreement to proceed between the railway and the county.

I know actions like this require the approval of the Surface Transportation Board. As yet the STB has not been approached. In the meantime, Victor Insulators is receiving its raw materials by truck, which it finds unsatisfactory because of contamination. And without knowing how things will end, the company is left in limbo.

It seems to me, that with this administration's drive to bring manufacturing back to America, it would want to keep viable companies like Victor Insulators from going out of business.

And in my mind, this is also a national security issue. Do we really want to depend on China for insulators for our electrical grid? I wouldn't think so.

Thank you so much for taking the time to read this. I hope my letter prompts action to restore service on this track, allowing Victor Insulators to stay a viable asset to the Victor, NY community and to the country as a whole.

Respectfully,

Diane Robbins

Bartlett, Allison E.

From: barrett506@aol.com
Sent: Wednesday, March 8, 2023 8:34 AM
To: Bartlett, Allison E.; friendsoftherailroad@gmail.com; michael.higgins@stb.gov
Subject: Docket No. NOR 42176

CAUTION: External email. Beware of links and attachments.

651 Championship Drive

Victor, NY 14564

Alison E. Bartlett

Associate, Harter, Secrest & Emery LLP

1600 Bausch & Lomb Place Rochester, NY 14601-2711

Dear Ms Bartlett:

I am writing to you regarding Docket No. NOR 42176 and the company Victor Insulators. Let me begin by noting the well-known facts that rail shipping is much more cost-effective than truck shipping for several reasons. Rail shipping has a lower cost-per-ton-mile (the cost of moving one ton of freight one mile) than truck shipping. Rail is a much more fuel-efficient mode of transportation. Railcars can also carry much more volume than trucks; one rail car is equivalent to about four full truck loads. The cost of maintaining rail cars is also significantly lower.

In the past, Victor Insulators (VI) received its raw materials by a rail spur which runs alongside the factory. Due to lack of maintenance of this spur, VI now has had to receive the materials by truck, bringing increased traffic and environmental contamination to the community. Presently, VI has a backlog of orders but due to the increased costs of truck delivery of raw materials, cannot commence to address those orders and faces closure. If rail delivery on the maintained rail line were recommenced, VI would be saved from closure and even 75 new hires created.

Thank you for any assistance you might provide in saving VI from going out of business in the near future.

Sincerely,

Terence W. Barrett

Ms. Alison F. Bartlett
Associate, Harter, Secrest & Emery, LLP
1600 Bausch & Lomb Place
Rochester, New York 14601-2711

Subject: Docket # NOR42176

Dear Ms. Bartlett:

I am writing to express my support for Victor Insulator located in Victor, New York. This business is 128 years old, employs many people, and has recently hired additional people. These insulators are sold nationally and internationally.

I do not want the railroad tracks removed because this business receives their materials via those tracks. It is much more financially and environmentally efficient for their entire delivery system. Why make it harder for an important, local business to operate?

Please add me to the list of the many people supporting this terrific business, Victor Insulator.

Regards,



Mary Jo Cascini
1338 Courtney Drive
Victor, NY 14564

Bartlett, Allison E.

From: Carolann Darling <cdsheep809@yahoo.com>
Sent: Tuesday, March 21, 2023 9:58 PM
To: Bartlett, Allison E.
Cc: friendsoftherailroad@gmail.com
Subject: Docket No. NOR 42176 and Docket No. FD 29761

CAUTION: External email. Beware of links and attachments.

Alison E. Bartlett
Associate, Harter, Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, NY 14601-2711

Dear Ms. Bartlett:

I am reaching out to express my concerns over Docket No. NOR 42176 and Docket No. FD 29761 and the significant and beloved 130 year old industrial business and employer of about 100 in the community of Victor, NY currently known as Victor Insulators, (VI).

Currently the rail spur it had been utilizing is in need of repair and because of such VI has had to rely on ground transportation which has resulted in significant raw material and final product delays.

We know well that utilizing ground transportation takes a toll on the environment on many levels and is simply not as efficient as rail transportation.

Victor Insulators is a well respected industrial business and employer to the community and its very existence should be applauded and preserved. From their website: *"Victor has the most complete product line of any North American insulator manufacturer. Our wide product line, commitment to customer service and competitive pricing make us the preferred source of insulators."*

Maintenance of the short span of rail which VI relies on for production and distribution should be given priority of repair.

Thank you for giving consideration to my request to provide repair and maintenance to the Victor Insulators rail and in turn maintain the integrity of this notable industrial business.

Mrs. Carolann Darling
1300 Spring Street Extension
Groton, NY 13073
607-351-6668

Carolann Darling
607-351-6668 (cell)

Douglas A. Fisher, Esq.
P.O. Box 30592
Rochester, New York 14603
(585) 406-4177
dglsfshr@gmail.com
March 23, 2023

Allison E. Bartlett, Esq.
Harter Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, New York 14604-2711

Via email to: abartlett@hselaw.com

Please forward to the Surface Transportation Board

Attention: Deputy Director: Michael H. Higgins

Re: Docket No. NOR 42176 and Docket No. FD 29761

To the Surface Transportation Board:

As you consider the request by Finger Lakes Railway to abandon its track corridor in the town and village of Victor, New York, laid out in the 1890s by the former Lehigh Valley Railroad, several larger considerations will argue against the narrow characterization presented by the applicant to justify an unjustified abandonment.

The Finger Lakes Railway / Ontario Central Railroad has a lease relationship with the rail corridor on land owned by the County of Ontario. I was a member of the Ontario County Board of Supervisors in

1979 who advocated and voted for the purchase of this very rail line when it was being abandoned by its then-owner. I chaired the board's Planning Committee at that time.

Separately, as Supervisor of the Town of Victor in 1979, I signed the town check to purchase for the town the rail corridor segment west from NYS Route 251 of the section sought today to be abandoned. This purchase protected that corridor as an entity, and prevented it from being sliced up by prospective purchasers who owned adjoining property.

My interest all these years later is to protect the rail trackage surviving in this corridor from being abandoned and therefore from seeing its viable future use being thwarted.

The instant application considers only the narrow issue of today's revenue vs. maintenance costs. Yet these dollar numbers seem to be unavailable for analysis by the public, who would bear the consequences of devaluation of this important community asset. Rail abandonment petitions in this region have traditionally followed this self-serving strategy of non-disclosures to the public for over a century.

The proposed road extension of Adams Street in Victor village should not be an obstacle to continuing the life span of today's rails. The width of the corridor is more than adequate for both uses to coexist.

There is an overlap of only 4,000 feet of rails where the rail line would share a portion of the ample corridor from the Victor Insulators factory spur to the east. Any track colocation is quite workable between Maple Avenue and the Victor village line, which is the only area of the proposed highway segment that involves a current rail line user.

The rail corridor to the east of the Victor village line is *not* proposed for abandonment, notwithstanding that we don't see an industrial belt *there* of rail users. Those tracks are proposed to remain, presumably because a 2005 contract specifies that a \$476,000 penalty would apply against the railroad if such abandonment were to occur.

As detailed further here, the rail abandonment presently being proposed should be disallowed by the Surface Transportation Board for the following reasons:

1. Well-considered regional planning presents considerations that favor retention of this rail corridor, quoted below from the *Long Range Transportation Plan for the Genesee-Finger Lakes Region 2045, adopted in 2021 by the Genesee Transportation Council*.
2. Present use of this rail line is critical to the survival of Victor's 130-year-old Victor Insulators industry, which is a growing mainstay of area employment.
3. Future use of this rail line has great potential for additional transportation-oriented development that benefits Victor and the Ontario County region.
4. As but one example, the economic investment being made in the 1916 Manchester Roundhouse will be more viable if rail excursions can be conducted between Manchester and the village of Victor.

Transportation-oriented development is an economic development strategy which relies on a certainty as to the future. Bus service does not inspire corridor development because of the ease of its abandonment.

Railroad trackage in place has a greater future prospect and thereby gives stronger confidence for prospective transit-oriented development.

Here, Finger Lakes Railway has made it clear that it intends to abandon this rail corridor. It then asks possible rail users as to what interest they might have in using its rail service. Faced with that probability of no service guarantee, it is hardly surprising that the self-reported market “poll” by the railroad shows a lack of future interest.

If economic development is to be a viable strategy for Victor, this rail corridor must *not* be abandoned.

Victor already has an important rail customer. Victor Insulators, Inc. is the community’s oldest industry and is an industry leader in its specialty. The proposed rail abandonment will inevitably lead to the closure of this important economic asset.

Victor Insulators CEO Ira Knickerbocker has separately testified to this undesirable outcome in correspondence on file with the Surface Transportation Board. The company is represented by a Rochester law firm that is directly seeking to avoid this predictable factory closure.

Company History

Victor Insulators, Inc. was founded in 1893 by Fred M. Locke. Fred Locke was one of the great early contributors to the successful establishment and growth of the electric power industry in North America. In 1893 he developed and patented a process for manufacturing wet process porcelain for use in insulators for power lines. His accomplishment

was in no small way a key contribution to the eventual growth of the electric power industry. Prior to Fred's accomplishments, insulators were at best unreliable for the demands of this growing industry.

— from the Victor Insulators, Inc. web site

With a major projected growth of the national electrical grid related to future increased use of electricity, such as for a nation-wide conversion to electric cars, one could easily see a strong increase in demand for power-line insulators.

Victor would lose this economic future if the railroad is abandoned.

Beyond today's rail corridor usage in the STB application, the larger issue of regional transportation-oriented development is addressed in the **Long Range Transportation Plan for the Genesee-Finger Lakes Region 2045**, adopted by the Genesee Transportation Council on June 10, 2021. This full plan may be viewed at:

https://www.gtcmppo.org/sites/default/files/pdf/2021/lrtp_2045_final.pdf

The carefully-thought-through recommendations in this report provide a regional context which ought to overshadow the narrow abandonment issue involved today. The Council offers the following relevant statements, with the intention of broadening and raising the sights of all involved in policy and planning decisions affecting the future:

ENHANCING CONNECTIVITY AND ACCESS FOR FREIGHT MOVEMENT

Page 69:

The competitiveness of a region's economy is inextricably linked to the strength of that region's transportation network. Manufacturing and agriculture are both primary sectors of the regional economy which heavily depend on freight network and industry to function.

Connectivity and access for freight transported by truck, rail, air, and water is a primary economic need for the region now and in the future. Overall, the transportation system is reliable, and congestion is not a major barrier.

Consideration should be given to increasing the efficiency of the freight system along the road, bridge, railroad, and waterway networks through direct infrastructure improvements to strengthen last mile connections, expanding the use of existing and upcoming technologies, and promoting coordination among local, state, and federal partners.

Economic development opportunities should be sought for users of the freight network through the coordination and better utilization of the existing networks, potentially exploring opportunities for modal shifts of certain goods movement.

[The proposed rail abandonment goes precisely in the opposite direction from this planning recommendation.]

ECONOMIC DEVELOPMENT - Pages 109-113:

An efficient multimodal transportation system supports the region's economy and allows users to seamlessly experience all the region has

to offer. Our region benefits from low levels of congestion, quick travel times, a well-connected interstate system, and many natural and historic wonders. The transportation system as currently configured is not a barrier to economic development and growth.

As we look to the next 25 years, it is essential that the region continues to maintain the existing system in a state of good repair, augments last mile connections, and improves access to destinations. The COVID-19 pandemic taught the world just how fast the traditional way of doing business can change and evolve. The long-term impacts of the pandemic on everyday life have yet to be realized.

The shift to e-commerce had slowly been gaining ground over the last decade, only to take a massive leap due to the reluctance to shop in-person and stay-at-home orders. The future of work remains fluid as telework becomes a viable long-term option. LRTP 2045 acknowledges the uncertainties surrounding the impacts of the pandemic and provides flexibility in our response. The following recommendations lay out programs and policies that support economic development through the transportation system.

FREIGHT CORRIDOR DEVELOPMENT PLAN - Page 112:

D-4 Rights-of-Way

Preserve existing linear rights-of-way by following the preservation strategies identified in the 2015 Regional Rights-of-Way Study.

Coordinate with land owners to maintain potential future access.

Existing right-of-way offers options for future transportation needs that may not be currently realized. Procuring new right-of-way is difficult. Once right-of-way is disassembled, it is often impossible to restore.

[The proposed rail abandonment goes precisely in the opposite direction from this planning recommendation.]

RECOMMENDATIONS
RECOMMENDATIONS

ECONOMIC DEVELOPMENT

RECOMMENDATIONS
RECOMMENDATIONS

Description	Importance	Partners	Timeline
ED-4 Rights-of-Way	Preserve existing linear rights-of-way by following the preservation strategies identified in the 2015 <i>Regional Rights-of-Way Study</i> . <i>Counties</i> with land owners to maintain potential future access.	Existing right-of-way offers options for future transportation needs that may not be currently realized. Procuring new right-of-way is difficult. Once right-of-way is disassembled, it is often impossible to restore.	Utilities Municipalities Ongoing
ED-5 Last Mile Access	Improve the ability of freight to move from expressways to local freight-related facilities via local roads and intersections, known as last mile access, and typically the most complicated move of a freight trip.	Freight facilities often lack properly designed ingress/egress points. Long queues may develop, including through incompatible residential areas, if operational needs are not properly planned.	New York State Department of Transportation County Departments of Transportation Municipalities Near-Term 1-5 Years
ED-6 e-Commerce Support	Ensure that last mile e-commerce deliveries can continue to be made safely and timely. Reconsider traditional commercial land use policy as brick-and-mortar retail demand evolves. Plan for future implications of autonomous delivery methods.	E-commerce's market share continues to grow, signaling a shift away from traditional retail. An evolving transportation system that meets the needs of a changing economy creates a regional competitive advantage.	New York State Department of Transportation County Departments of Transportation Municipalities Near-Term 1-5 Years

PROJECT SPOTLIGHT
Freight Corridor Development Plan

The 2017 Ontario County Freight Corridor Development Plan examined the opportunities for development of rail-oriented, freight businesses along the railroad corridor within the Town of Manchester and Farmington, and the Villages of Manchester, Shortsville, and Clifton Springs.

In 2019, Leonard's Express converted the former Great Lakes Kraut facility to a warehousing space. Interest continues in the redevelopment of the historic Lehigh Valley Railroad Roundhouse. A buildings assessment is underway to determine redevelopment viability while the Environmental Protection Agency has documented contamination and needed mitigation measures.

The project supports the following recommendations:

- ED-2 - Rail Enabled Business
- ED-3 - Rail Infrastructure
- ED-9 - Regional Destination Promotion

TOP: Potential Manchester Yard Redevelopment Plan
Source: Ontario County Railway Corridor Development Plan

BOTTOM: Lehigh Valley Railroad Roundhouse - Manchester
Source: Genesee Transportation Council

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Long Range Transportation Plan for the Genesee-Finger Lakes Region 2045 | 113

PROJECT SPOTLIGHT

Freight Corridor Development Plan Description Importance Partners
Timeline ED-4 Rights-of-Way

Preserve existing linear rights-of-way by following the preservation strategies identified in the 2015 Regional Rights-of-Way Study.

Coordinate with land owners to maintain potential future access. Existing right-of-way offers options for future transportation needs that may not be currently realized. Procuring new right-of-way is difficult. Once right-of-way is disassembled, it is often impossible to restore.

The [Long Range Transportation Plan 2045] project supports the following recommendations:

ED-5 Last Mile Access

["Last Mile Access" already exists for Victor Insulators, Inc. The proposed abandonment would create the problem that the regional plan argues should be avoided.]

Improve the ability of freight to move from expressways to local freight-related facilities via local roads and intersections, known as last mile access, and typically the most complicated move of a freight trip. Freight facilities often lack properly designed ingress/ egress points. Long queues may develop, including through incompatible residential areas, if operational needs are not properly planned.

New York State Department of Transportation County Departments of Transportation Municipalities

SUPPORTING LEISURE TRAVEL AND TOURISM

The economic impact of tourism in the region is significant, totaling over \$3 billion in 2017 alone.

ED-9 Regional Destination Promotion

Portray the transportation system as a distinguishing feature in providing access to events, natural attractions, historically significant places, and nationally acclaimed multiuse trails. Affordable and easy access to an efficient transportation system increases the attractiveness of regional assets as destinations to visit, generating economic activity.

New York State Department of Transportation County Departments of Transportation Municipalities

ECONOMIC DEVELOPMENT

Near-Term 1-5 Years Near-Term 1-5 Years Ongoing

Potential Manchester Yard Redevelopment Plan

Source: Ontario County Railway Corridor Development Plan

Lehigh Valley Railroad Roundhouse - Manchester

Source: Genesee Transportation Council

The historic 1916 railroad roundhouse at Manchester, with its footprint of 62,000 square feet, is being officially considered as a major tourism

draw for Ontario County. It may be a railroad museum, or it may have a railroad-themed adaptive reuse.

During much of the 20th century, Manchester had multiple sidings for freight train reconfigurations, second in number only to Chicago. This rail yard was considered to be a prime target by Axis powers during World War II. The 30 bays of the roundhouse survive where individual rail cars were shunted as trains were separated and reconfigured.

Although the numerous tracks in the rail yard area are now gone, rail access still exists from the village of Victor via the current rail corridor now proposed to STB for abandonment in the Victor section.

Great economic tourism potential exists for rail tourists to visit Victor to then take a train ride from Victor to this unique facility in Manchester. Annual "Santa Trains" were run successfully for many years on this route by the Victor-based Friends of the Railroad. Finger Lakes Railway then unilaterally halted them. Our heritage tourism market would support a major expansion of this train schedule.

FULL LIST OF OUR PAST EXCURSIONS

2008 Victor Rail Festival - 6 train excursions - (loading and unloading in Victor, NY)
2009 Mothers Day - 1 train excursion - (loading and unloading in Victor, NY)
2009 Victor Rail Festival - 6 train excursions - (loading and unloading in Victor, NY)
2010 Mothers Day - 1 train excursion - (loading and unloading in Victor, NY)
2010 Victor Rail Festival - 4 train excursions - (loading and unloading in Victor, NY)
2010 Halloween - 3 train excursions - (loading and unloading in Victor, NY)
2010 Blues & Brews - 1 train excursions - (loading and unloading in Victor, NY)
2010 Santa Trains - 3 train excursions - (loading and unloading in Victor, NY)

2011 Halloween - 3 train excursions - (loading and unloading in Victor, NY)
2012 Halloween - 3 train excursions - (loading and unloading in Victor, NY)
2012 Santa Trains - 3 train excursions - (loading and unloading in Victor, NY)
2013 Santa Trains - 3 train excursions - (loading and unloading in Victor, NY)
2015 Santa Trains - 3 train excursions - (loading and unloading in Victor, NY)
2016 Santa Trains - 3 train excursions - (loading and unloading in Victor, NY)
2017 Santa Trains - 4 train excursions - (loading and unloading in Victor, NY)
2018 Santa Trains - 3 train excursions SOLD OUT in only 10 days! - (loading and unloading in Victor, NY)

— Per Friends of the Railroad web site

Victor and Manchester should not now be deprived by the Finger Lakes Railway of expanding this good economic prospect, and replicating the successes of historic rail excursions elsewhere in the state.

Per the *Long Range Transportation Plan for the Genesee-Finger Lakes Region 2045:*

The 2017 Ontario County Freight Corridor Development Plan examined the opportunities for development of rail-oriented, freight businesses along the railroad corridor within the Town of Manchester and Farmington, and the Villages of Manchester, Shortsville, and Clifton Springs.

In 2019, Leonard's Express converted the former Great Lakes Kraut facility to a warehousing space. Interest continues in the redevelopment of the historic Lehigh Valley Railroad Roundhouse. A buildings assessment is underway [for the 62,000 square-foot roundhouse] to determine redevelopment viability while the Environmental Protection Agency has documented contamination and needed mitigation measures.

For a descriptive newspaper story on this historic roundhouse, see:

<https://www.mpnnow.com/story/news/2020/11/27/future-of-manchester-lehigh-valley-railroad-roundhouse-hinges-on-study/6406670002/>

Executive Summary of the Ontario County-sponsored study of the prospect for roundhouse redevelopment, at:

<https://ontariocountyny.gov/DocumentCenter/View/34745/Part-1-Executive-Summary>

In Summary, the proposed rail abandonment should be disallowed by the Surface Transportation Board for the following reasons:

1. Well-considered regional planning presents considerations that favor retention of this rail corridor.
2. Present use of this rail line is critical to the survival of Victor's 130-year-old Victor Insulators industry, which is a growing mainstay of area employment and deserves a viable future.
3. Future use of this rail line has great potential for additional transportation-oriented development that benefits the Victor and Ontario County region.
4. As but one example, the economic investment being made in the 1916 Manchester Roundhouse will become more viable if rail excursions can be conducted between Manchester and the village of Victor.

Abandonment of the trackage at issue is detrimental to these issues. We are dealing with our future, and the focus here deserves to be the future.

Thank you for your consideration.

Yours truly,

s / Douglas A. Fisher

Douglas A. Fisher, Esq.

March 23, 2023

Glen Teeple

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(Fishers is a hamlet in the town of Victor)

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Please forward to Surface Transportation Board

Attn: Dep Director Michael H. Higgins

Re: Docket No. NOR 42176 and Docket No. FD 29761

To the Surface Transportation Board:

Please consider the following in the request by Finger Lakes Railway to abandon the track spur in the town and village of Victor NY.

I strongly object to the abandonment and likely removal of the train tracks mentioned on the cited Dockets. What do we do with things that most people consider awesome and even beautiful? We try our best to maintain and preserve them for future use and enjoyment. Much like waterways and scenic trails, railways have an ascetic value for tourism as well as commercial use. However, once a section of rail is removed, it is almost never replaced. This section of rail has a history and probable future of tourism use and still has one valuable industrial customer. Please don't deprive us of this valuable asset.

Yours truly,

Glen Teeple

CERTIFICATE OF SERVICE

I hereby certify that I have this 24th day of March 2023, caused copies of the foregoing letter and enclosures to be served by email as follows:

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