

307107

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Office of Proceedings
September 11, 2023
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Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO AB-768

**MOHAWK, ADIRONDACK & NORTHERN RAILROAD
CORPORATION
ABANDONMENT EXEMPTION, COUNTY OF LEWIS AND COUNTY OF
JEFFERSON, NY**

VERIFIED NOTICE OF EXEMPTION

John K. Fiorilla, Esq.

Dyer & Peterson PC

605 Main Street Suite 104

Riverton, N.J. 08077-1440

609-792-6851

Jfiorilla@dierpeterson.com

Attorney for Mohawk, Adirondack & Northern Railroad Corporation

Date: September 11, 2023

FILED
September 11, 2023
SURFACE TRANSPORTATION BOARD

FEE RECEIVED
September 11, 2023
SURFACE TRANSPORTATION BOARD

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SURFACE TRANSPORTATION BOARD**

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**MOHAWK, ADIRONDACK & NORTHERN RAILROAD
CORPORATION
ABANDONMENT EXEMPTION, COUNTY OF LEWIS AND COUNTY OF
JEFFERSON, NY**

Notice of Exemption

Mohawk, Adirondack & Northern Railroad Corporation (“MAN”) submits this verified Notice of Exemption pursuant to 49 C.F.R. § 1152 Subpart F- Exempt Abandonments and Discontinuances of Service and Trackage Rights for an exempt abandonment of service of two portions of that railroad. The first portion to be abandoned is a part of USRA Line Code 4751 approximately 16 miles between MP 58.10 and MP 74.00 located between the Village of Lowville, NY in the County of Lewis, NY and the Village of Carthage NY in the County of Jefferson, NY. Portion 2 of the abandonment is a portion of USRA Line Code 4741 consisting of .5 miles of an unused spur track and 300 feet of terminal end of main line all within the Village of Lyons Falls in the County of Lewis, NY. (both portions are hereinafter referred to as “the Line”).

Proposed Consummation Date 49 C.F.R. § 1152.50(d)(2)

The abandonment will not be consummated until at least 50 days after filing this Notice of Exemption.

Certification: 49 C.F.R. § 1152.50(b)

MAN certifies that no local or overhead traffic has moved over the Line for at least fifteen (15) years, therefore there is no need to reroute any traffic. MAN further certifies that no formal complaint filed by a user of rail service on the line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line is pending either with the Board or any US District Court, or has been decided in favor of the complainant within a two-year period.

Additional Information Required: 49 C.F.R. 1152.22 (a) (1-4, 6-8. and (e) 4)

(a) General

(a)(1) The railroad's exact name is Mohawk, Adirondack & Northern Railroad Corporation.

(a)(2) MAN is a common carrier by railroad subject to 49 U.S.C. Subtitle 4, Chapter 105.

(a)(3) MAN intends to abandon two portions of the Line. The first portion to be abandoned is a part of USRA Line Code 4751 approximately 16 miles between MP 58.10 and MP 74.00 located between the Village of Lowville, NY in the County of Lewis, NY and the Village of Carthage NY in the County of Jefferson, NY. Portion 2 of the abandonment is a portion of USRA Line Code 4741 consisting of .5 miles of an unused spur track and 300 feet of terminal end of main line all within the Village of Lyons Falls in the County of Lewis, NY.

(a)(4) A map of the portions of the Line to be abandoned is attached hereto as **Exhibit 1**.

(a)(6) This application to abandon is made because the Line has not been in use in over 15 years and the County of Lewis, NY has entered into a contract with MAN subject to abandonment approval to purchase the portions of the line to be abandoned and convert the Line into a recreational trail for use by the public.

(a)(7) The representative to whom correspondence regarding this abandonment and discontinuance should be sent is.

John K. Fiorilla, Esq.
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605 Main Street Suite 104
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609-792-6851
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(a)(8) ZIP Codes- The Lines to be abandoned traverse US Postal Zip codes 13367, 13368 and 13619.

(e)(4) Rural and Community Impact

It is MAN's intention to sell the right of way, track, ties, ballast and bridges to the County of Lewis, NY. MAN, and the County of Lewis have entered into a purchase and sale agreement outlining the terms and conditions for the sale of the Line subject to Board approval for abandonment and trail use. Culverts and right-of-way grading will remain intact so as not to alter the prevailing drainage and water flows along the Line. Ballast will typically be left in place but may be removed by the County of Lewis if it would make the right of way more suitable for a planned future use.

After the proposed abandonment, the County of Lewis intends to develop Line for hike/bike trail purposes. All track, ties, public grade crossings, railroad signals will be salvaged and removed by the County of Lewis, NY.

Based on MAN records, MAN owns the real estate in fee title interest and the Line does not contain federally granted right-of-way.

No local traffic has moved over the line for the past fifteen (15) years and there is no overhead. MAN has received no request for rail service on the line in well over 15 years. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during the prior 15 years.

A map of the Line is attached hereto as Exhibit 1

Labor Protection

There have been no railroad employees assigned to work on this line. If there were they would be protected by the conditions discussed in Oregon Short Line Railroad Co.-Abandonment-Goshen 360 I.C.C. 91 (1979).

Certifications

Attached as Exhibit 2 is a Certificate of Service and Publication including an Affidavit of Publication pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

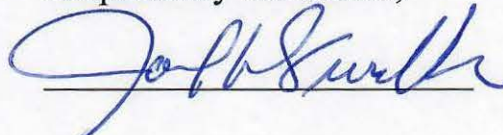
Environmental and Historic Report

A copy of both the cover letter and MAN's Combined Environmental and Historic Report (CEHR) containing the information required in 49 C.F.R. §§ 1105.7(e) and 1105.8 and delivered in accordance with 49 C.F.R. 1105.11 is attached hereto as Exhibit 3.

Since serving the CEHR, MAN has received an email from the State Historic Preservation Office (SHPO) of the State of New York a copy of which is attached as Exhibit 4. In reply to the additional information requested the MAN's response to the SHPO's email is attached as Exhibit 5. Note that MAN has suggested that the railroad escort the SHPO on a tour of the Lines since photos of the line are not available. Counsel for MAN has also received copies of letters sent to the Board by individuals and organizations opposing the abandonment however no other correspondence from any of the parties who were served with the CEHR has been received.

Dated this eleventh day of September 2023

Respectfully Submitted,

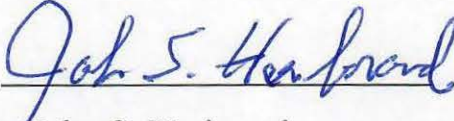


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VERIFICATION PURSUANT TO 28 USC § 1746(2)

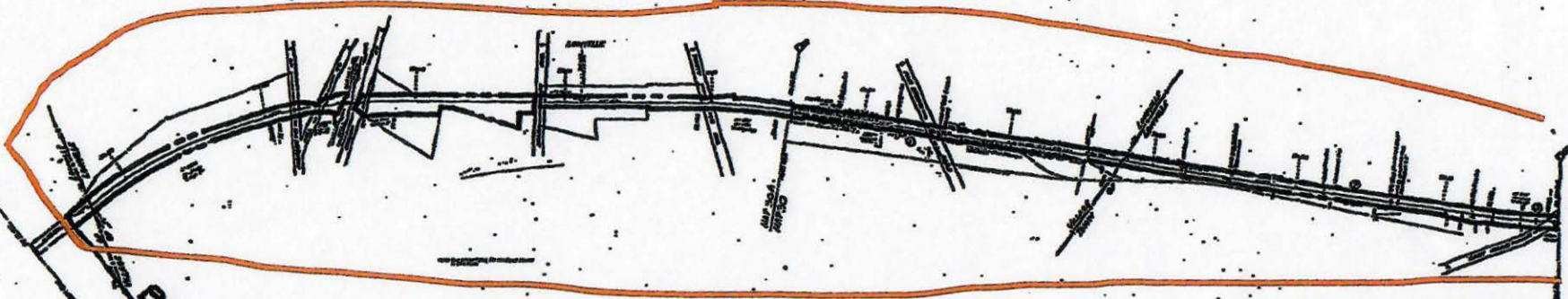
I, John S. Herbrand, Secretary and General Counsel of the Mohawk, Adirondack & Northern Railroad Corporation, declare under penalty of perjury under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of the Mohawk, Adirondack & Northern Railroad Corporation.

Dated at Batavia, NY this 11'th day of September, 2023


John S. Herbrand

V.S. 102(1020)/30-38 L.C. 4751

LOWVILLE INDUSTRIAL TRACK



TO CARTHAGE



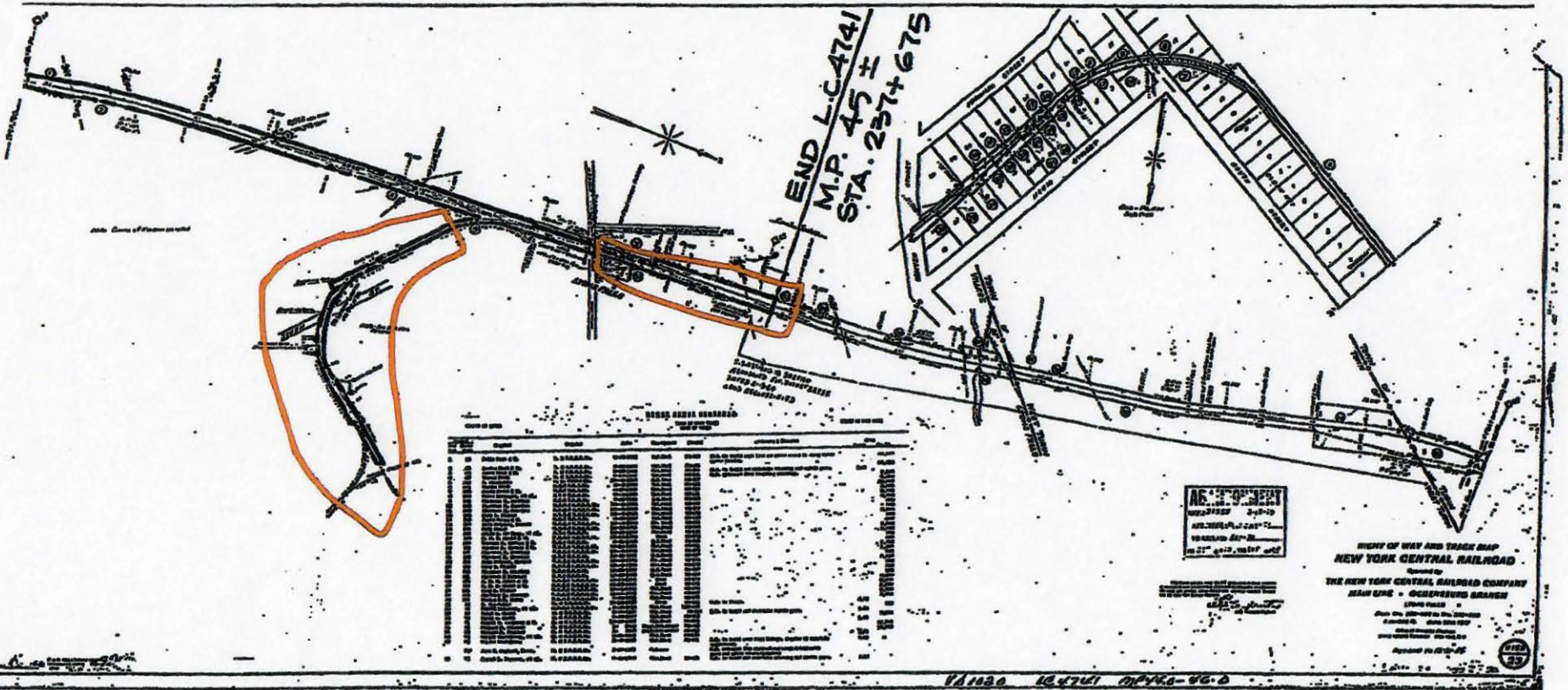
BEGIN L.C. 4751
STA. 300+58
M.P. 58.12

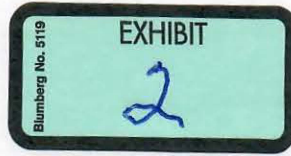
Scale bar and other technical markings.

RIGHT OF WAY AND TRACK MAP
NEW YORK CENTRAL RAILROAD
OWNED BY
THE NEW YORK CENTRAL RAILROAD COMPANY
NEW YORK - CANTONVILLE BRANCH
GENERAL
DRAWN BY GEORGE W. HILL, JR.
ENGR. N.Y.C. & N.H. & H. CO.
NEW YORK, N.Y.
APRIL 1954

LOWVILLE
LEWIS CO.
NEW YORK

P3





STB DOCKET NO AB-768

**MOHAWK, ADIRONDACK & NORTHERN RAILROAD
CORPORATION
ABANDONMENT EXEMPTION, COUNTY OF LEWIS AND COUNTY OF
JEFFERSON, NY**

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(D)(1) – NOTICE

The undersigned certifies that on July 28, 2023 (at least 10 days before the Notice of Exemption is filed) written notice was given by MAN stating MAN's intent to enter into a Notice of Exemption procedure to abandon approximately 16 miles of track between Milepost 58.10 and Milepost 74 located between the Village of Lowville in the County of Lewis, New York and the Village of Carthage in the County of Jefferson, New York in US Postal Zip Codes 11367 and 13619. Notice was also given that an additional ½ mile of track in US Line Code 4741 which terminates in Lyons Falls, New York and 300 feet of the terminal end of the Main Line all within the Village of Lyons Falls, New York, County of Lewis in US Zip Code 13368 would be abandoned. A copy of the written notice is attached hereto as Attachment 1.

This was served on the following whose names and addresses appear on the attached letter.

State of New York, Department of Transportation, Albany, NY

Chief of Forest Service, U.S. Department of Agriculture, Washington, DC

National Park Service, Washington, DC

Transportation Engineering Agency (SDTE-SA) Scott AFB, Illinois

49 C.F.R. § 1105.11- Transmittal Letter of Applicant's Report

The undersigned certifies that on July 31, 2023 (at least 20 days before the Notice of Exemption is filed) a Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7 and 1105.8 was served in Docket AB-768 for abandonment of the Line in Lewis and Jefferson Counties, New York on the following:

1. New York State Director of Budget (alternate for State Clearinghouse)
2. New York Department of Environmental Conservation (Albany, NY)
3. US Department of Environmental Protection- (Regional Office)
4. New York State Historic Preservation Office- (Waterford, NY)
5. US Fish & Wildlife Service- (Regional Office)
6. US Army Corp of Engineers – (Buffalo NY District)
7. National Park Service (Regional Office)
8. US Natural Resources Conservation Services (Regional Office)
9. National Geodetic Service- (Silver Spring, MD)
10. Lewis County Manager (Head of Lewis County NY)
11. Jefferson County Administrator (Head of Jefferson County, NY)

A copy of the cover letter and listing of all parties served is attached hereto as Attachment 2.

49 C.F.R. § 11502.12- Newspaper Notice

The undersigned further certifies that a “Notice of Intent to Abandon and Discontinue Service” was published in the form prescribed by the Board for a Notice of Exemption. The Notice which is attached with an affidavit of publication was published once in the Watertown Daily Times on August 7, 2023. It is attached hereto as Attachment 3.

Dated this eleventh Day of September 2023



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Glenn T. Dyer
gdyer@dyerpetererson.com
Direct: 973-928-8219

Gregory E. Peterson
gpetererson@dyerpetererson.com
Direct: 973-218-1053
NJ, NY, PA, and DC

John K. Fiorilla
jfiorilla@dyerpetererson.com
Direct: 973-419-6124

973-928-8208
(phone & fax)

www.DyerPeterson.com

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322 US Highway 46
Suite 220E
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Associates

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NJ, NY, PA, and ME

Nathan C. Orr
norr@dyerpetererson.com
Direct: 973-841-5688

July 28, 2023

State of New York
Department of Transportation
Freight Rail Section
50 Wolf Road
Albany, N.Y. 12231

Chief of the Forest Service
U.S. Department of Agriculture
4th Floor NW Auditors Bldg.
1400 Independence Avenue SW
Washington, D.C. 20250-1111

National Park Service
1849 C Street NW
Washington, D.C. 20240
ATTN Recreation Resources Assistance Division

Transportation Engineering Agency (SDTE-SA)
Headquarters-Military Surface Deployment & Distribution Command
1 Soldier Way
Scott AFB, IL 62225

**Re: Proposed Abandonment and Discontinuance by the Mohawk, Adirondack & Northern RR Corp. of two portions of its rail lines, Portion 1 is part of USRA Line Code 4751 approximately 16miles between Milepost 58.10 and Milepost 74.00 located between the Village of Lowville in the County of Lewis New York and the Village of Carthage in the County of Jefferson, New York Portion 2 of the proposed abandonment is a portion of US Line Code 4741 (which terminates in Lyons Falls, NY) consisting of 1/2 mile of an unused spur track and 300 feet of the terminal end of the Main Line all within the Village of Lyons Falls, NY, County of Lewis, NY
STB Docket No. AB-768.**

To Whom it May Concern:

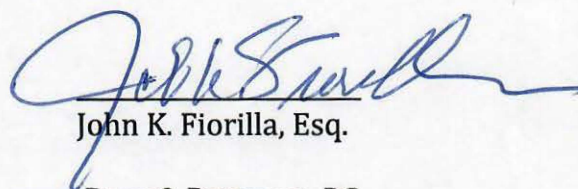
Please be advised that the Mohawk, Adirondack & Northern RR Corp (hereinafter MAN) expects to file with the United States Surface Transportation Board on or after August 11, 2023. A notice on an exempt abandonment of two portions of its rail lines, Portion 1 is part of USRA

Line Code 4751 approximately 16 miles between Milepost 58.10 and Milepost 74.00 located between the Village of Lowville in the County of Lewis New York and the Village of Carthage in the County of Jefferson, New York in US Postal Zip Codes 13367 and 13619. Portion 2 of the proposed abandonment is a portion of US Line Code 4741 (which terminates in Lyons Falls, NY) consisting of ½ mile of an unused spur track and 300 feet of the terminal end of the Main Line all within the Village of Lyons Falls, NY, County of Lewis, in US Postal Zip Code 13368.

The “no business” exemption procedure will be used to abandon the Line, pursuant to the STB’s abandonment regulations at 49 C.F.R. § 1152.50. No local or thru traffic has moved over the line for at least the last fifteen (15) years. There is no overhead traffic on the line. A Notice of Exemption to abandon service on the line pursuant to 49 C.F.R § 1152.50 (no local traffic for at least two years) will be filed with the STB on or after August 11, 2023.

Based on information in MAN’s possession, the Line does not contain federally granted right-of-way. Any documentation in MAN’s possession will be made available promptly to those requesting it. A map showing the segment of the line to be abandoned is attached hereto for your information.

Sincerely,



John K. Fiorilla, Esq.

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609-792-6851
jfiorilla@dyerpeter.com



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norr@dyerpeterson.com
Direct: 973-841-5688

July 31, 2023

Via US Mail

To: See Attached List

Re: Re: Proposed Abandonment and Discontinuance by the Mohawk, Adirondack & Northern RR Corp. of two portions of its rail lines, Portion 1 is part of USRA Line Code 4751 approximately 16miles between Milepost 58.10 and Milepost 74.00 located between the Village of Lowville in the County of Lewis New York and the Village of Carthage in the County of Jefferson, New York Portion 2 of the proposed abandonment is a portion of US Line Code 4741 (which terminates in Lyons Falls, NY) consisting of 1/2 mile of an unused spur track and 300 feet of the terminal end of the Main Line all within the Village of Lyons Falls, NY, County of Lewis, NY STB Docket No. AB-768.

To Whom it May Concern:


On or after August 25, 2023 the Mohawk, Adirondack & Northern RR Corp (MAN) expects to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon and discontinue service on two portions of its rail lines, Portion 1 is part of USRA Line Code 4751 approximately 16miles between Milepost 58.10 and Milepost 74.00 located between the Village of Lowville in the County of Lewis New York and the Village of Carthage in the County of Jefferson, New York Portion 2 of the proposed abandonment is a portion of US Line Code 4741 (which terminates in Lyons Falls, NY) consisting of 1/2 mile of an unused spur track and 300 feet of the terminal end of the Main Line all within the Village of Lyons Falls, NY, County of Lewis, Attached is a combines Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

MAN is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of

Environmental Analysis (OES), Surface Transportation Board, Washington, D.C. telephone 202-245-0291 and refer to the above Docket No. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to me the MAN's representative) would be appreciated within three weeks of the date of this letter.

Your comments will be considered by the STB in evaluation of the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me the representative of the MAN directly. My name is John K. Fiorilla. I may be contacted by telephone at 609-792-6851, by email at jfiorilla@dverpeterson.com or by mail at 605 Main Street Suite 104, Riverton, N.J. 08077-1440.

Sincerely,



John K. Fiorilla
Dyer & Peterson P.C.

Docket No. AB-768

Service List

State Clearinghouse or Alternate

New York State Director of the Budget
50 Wolf Road
Albany, N.Y 12231

State Environmental Protection Agency

New York State Department of Environmental Conservation
625 Broadway
Albany, N. Y. 12233-0001

US Department of Environmental Protection Agency- Regional Office

US Environmental Protection Agency
Region 2
290 Broadway
New York, N.Y. 10007-1866

State Historic Preservation Office

New York State Historic Preservation Officer
OPRHP PO Box 189
Waterford, N.Y. 12188

US Fish and Wildlife Service- Regional Office

US Fish and Wildlife Service
NE Regional Office
300 Westgate Center Drive
Hadley, MA 01035

US Army Corp of Engineers

US Army Corp of Engineers
Buffalo District Commander
1776 Niagara Street
Buffalo, N.Y. 14207-3199

National Park Service (Regional Office)

National Park Service Philadelphia Office
Interior Region- North Atlantic
1234 Market Street 20th Floor
Philadelphia, PA 19107

US Natural Resources Conservation Service

Natural Resource Conservation Service
7586 South State Street
Lowville, N.Y. 13367

National Geodetic Survey

NGS Information Services, NOAA, N/NGS12
Geodetic Services Division SSMC-3 #9340
1315 E-W Highway
Silver Spring, MD 20910-3282

Head of Lewis County, NY

Lewis County Manager
7660 North State Street
Lowville, N.Y. 13367

Head of Jefferson County, NY

Jefferson County Administrator
Historic Courthouse
195 Arsenal Street
Watertown, N.Y. 13601

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-768

**MOHAWK, ADIRONDACK & NORTHERN RR CORP.
ABANDONMENT EXEMPTION, COUNTY OF LEWIS, NEW YORK**

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The Mohawk, Adirondack & Northern RR Corp., a New York Corporation (“MAN”) is proposing to abandon two (2) portions of its lines of railroad (the “Subject Lines”), one of which (Portion 1) is part of USRA Line Code 4751 (which terminates in Lowville, New York) running from Milepost 58.10 to Milepost 74.00 a total distance of approximately 16 miles all of which is located between the Village of Lowville in the County of Lewis, New York Postal Service Zip Code 13367 and the Village of Carthage in the County of Jefferson, New York in US Postal Service Zip Code 13619, and the other of which (Portion 2) is part of USRA Line Code 4741 (which terminates in Lyons Falls, New York) consisting of approximately 1/2 mile of an unused spur track and 300 feet of the terminal end of the mainline, all within the Village of Lyons Falls, County of Lewis, New York, US Postal Service Zip Code 13368. In regard thereof, MAN submits this Combined Environmental and Historical Report in compliance with the reporting requirements of the Surface Transportation Board regulations at 49 C.F.R. §§ 1105.7 and 1105.8.

- 1. PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action including the commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations and maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a reasonable detailed map and drawings clearly delineating the project.**

RESPONSE; MAN proposes to abandon two (2) portions of the Subject lines, one of which (Portion 1) is part of USRA Line Code 4751 and runs between Milepost 58.10

and Milepost 74.00 a total distance of approximately 16 miles all of which is located in Between the Village of Lowville in the County of Lewis, New York and the Village of Carthage in the County of Jefferson, New York where it connects to CSX, and the other of which (Portion 2) is part of USRA Line Code 4741 running from Lyons Falls, New York to Utica New York and consist of approximately 1/2 mile of an unused spur track and 300 feet of the mainline, all within the Village of Lyons Falls, County of Lewis, New York, US Postal Service Zip Code 13368 where Line Code 4741 terminates. There has been no rail traffic on Portions 1 and 2 for more than fifteen (15) years and no shippers are located on either Portion. There is no overhead traffic on the Subject Lines.

As shown on Map Exhibits A and B attached to hereto, the portions of the abandonment in red are the rights of way being conveyed to the County of Lewis, New York as public purpose land.

MAN has plans to salvage the signals, crossing protection and switches on the Portions being abandoned. However, the rail and related track material for the length of the abandonment are to be conveyed to the County of Lewis, New York pursuant to the agreement between MAN and County of Lewis, New York.

2. TRANSPORTATION SYSTEM. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger and/or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: As noted above there has been no rail traffic for over fifteen (15) on the Portions. Accordingly, the proposed abandonment would have no effect on regional or local transportation systems or patterns.

3. LAND USE

I Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: MAN has been informed by the County of Lewis, New York that it will use the property for a trail system for recreational use. Its use as part of a trail system would seem to be an appropriate land use of this land. In addition, MAN will notify the State of New York Department of Transportation requesting that that the State of New York release its preferential right to of acquisition of abandoned property under § 18 of New York's Transportation Law. As of this date MAN has not received any reply from NYDOT. If a response is received copies will be sent to the Board. MAN will also advise the Villages of Lowville, Carthage and Lyons Falls and the County of Jefferson of its intention to abandon portions of the Portions in letters dated July 28, 2023 which included copies of these reports. There is no need for MAN to advise the County of Lewis since the Purchase and Sale Agreement with the County of Lewis requires MAN to abandon the Portions. No response has been received as of this date from the County of Jefferson or the Villages of Lowville, Carthage or Lyons Falls. If a response is received, a copy will be provided to the Board.

II Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: MAN, notes that this property is being acquired by the County of Lewis, New York. The Subject Lines are not adjacent to any prime agricultural land. The United States Department of Agriculture, Natural Resource Conservation Service were notified

of the proposed abandonment by letter dated July 28, 2023. MAN will provide the Board copies of any response it receives.

III If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

RESPONSE: As MAN does not believe the Portions are in a designated coastal zone and that it will be used as public recreational land, it would not seem to have any effect on a Coastal Zone. However, the NY State Department of Environmental Conservation (NYSDEC) was notified by letter dated July 28, 2023 of the proposed abandonment and asked if the action would affect land or water uses and their comments solicited. As of the date of this report NYSDEC has not responded. MAN will provide the Board copies of any responses it receives.

IV If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. §10905 and explain why.

RESPONSE: This intention of this abandonment is to sell the Portions' rights of way to the County of Lewis, New York to become part of a trail system for public recreational use as part of the County of Lewis' development plan. MAN, and the County of Lewis have already signed an agreement of purchase and sale for this purpose.

4. ENERGY

I Describe the effect of the proposed action on the transportation of energy resources.

RESPONSE: Over the past fifteen (15) years no traffic has moved over the Portions. The proposed abandonment will have no effect on the transportation of energy resources.

II Describe the effect of the proposed action on recyclable commodities>

RESPONSE: Over the past fifteen (15) years no traffic has moved over the Portions.

The proposed abandonment will have no effect on the transportation of recyclable commodities.

III State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action will have no effect on overall energy efficiency as there have been no rail shipments of the Portions in the past fifteen (15) years.

IV If the proposed action will cause diversions from rail to motor carriage of more than:

- a. 1,000 rail carloads a year, or
- b. an average of 50 rail carloads per mile per year for any part of the affected Line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

RESPONSE: There are no shippers on the Portions and there have not been rail shipments for over fifteen (15) years. Accordingly, the proposed abandonment will have no effect on any shipper's ability to use rail and will not cause a diversion of rail traffic to motor carriage.

5. AIR

I If the proposed action will result in either:

- a. An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains per day on any segment of rail line affected by the proposal, or

- b. An increase in rail yard activity of at least 100% (measured by carload activity), or
- c. An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions, for a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or re-institute service over a previously abandoned line, only the eight train a day provision in §§ (5) (I) (A) will apply.

RESPONSE: The proposed abandonments will not result in an increase in rail traffic on any segment of the rail line affected by the proposal, an increase in rail yard activity, or an increase in truck traffic in excess of the above thresholds.

II If the proposed action affects a Class 1 or non-attainment area under the Clean Air Act and will result in either:

- a. An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of the rail line,
- b. An increase in rail yard activity of at least 20% (measured by carload activity), or
- c. An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the restitution of service over a previously abandoned line, only the three train a day threshold in this Item shall apply.

RESPONSE: The proposed abandonments will not result in an increase in rail or truck traffic or rail yard activity.

III If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills, and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: No traffic has moved over the Subject Lines in the last fifteen (15) years.

Accordingly, the proposed abandonments do not involve the transportation of ozone depleting materials.

6. NOISE. If any of the thresholds identified in item 5(i) of this section are surpassed state whether the proposed action will cause:

I am incremental increase in noise levels of three decibels Ldn or more or

II an increase to a noise level of 65 decibels Ldn or greater. In so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The thresholds identified in item (5) (i) will not be surpassed.

7. SAFETY

I. Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: The proposed abandonments will have no adverse effect on public health or safety.

II If hazardous materials are expected to be transported, identify: the materials and quantify: the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicants safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: The proposed abandonments do not involve or effect the

transportation of hazardous materials.

III If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way, identify the location of those sites and types of hazardous materials involved.

RESPONSE: There are no hazardous waste sites on the rights of way to be abandoned nor are there any known spills on the rights-of- way.

8. BIOLOGICAL RESOURCES

I. Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: MAN will not be removing track and track material from Portions being abandoned. Nonetheless, MAN does not believe that the removal of the track and track materials will have an effect on endangered or threatened species designated as a critical habitat. However, the U.S. Fish and Wildlife Service was notified by letter dated July 28, 2023 of the proposed abandonment and their comments solicited. As of the date of this report no response has been received. MAN will provide the Board with copies of any responses it receives.

9. WATER.

I- Based on consultation with the State water quality officials, state whether the proposed action is consistent with applicable Federal, State, or local water quality standards. Describe any inconsistencies.

RESPONSE: MAN does not believe that the proposed abandonments would be inconsistent with applicable Federal, State or local water quality standards. The NY State Department of Environmental Conservation was notified for the proposed abandonments by letter dated July 28,2023 and their comments solicited. As of the date of this report no response has been received. MAN will provide the Board with copies of any responses it receives.

II Based on consultation with the U.S. Army Corp of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe effects.

RESPONSE: MAN will not be removing soils from the rights-of-way. Track and track materials might be removed by the County of Lewis. There is no reason to believe that this would cause a discharge into a waterway which would require a permit under § 404 of the Clean Water Act. However, the U.S. Corp of Engineers was notified of this abandonment in a letter of July 28, 2023 and their comments were solicited. As of the date of this report no response has been received. MAN will provide the Board with copies of any response it receives.

III Stage whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection agency or equivalent agency if they are unsure whether such permits are required.

RESPONSE: MAN will do no construction on the site and will not be removing any soil. There is no reason to believe that there will be a discharge covered by § 402 of the Clean Water Act. The US EPA and the NY State Department of Environmental Conservation were notified of this proposed abandonment by letter dated July 29, 2023 and their comments solicited. As of the date of this report no responses from the parties have been received. MAN will provide the Board with copies of any responses it receives.

10. PROPOSED MITIGATION. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: In the past fifteen (15) years there have been no rail shipments on the Portions and no shippers are located on the Portions. Moreover, MAN does not intend to move any soil on the

Subject Lines. Accordingly, the proposed abandonment will not have any adverse environmental impacts in the area and no mitigating action will be necessary.

HISTORIC REPORT
49 C.F.R. § 1105.8 (d)

1. MAP

A map showing the location of the portions of the Subject Line proposed to be abandoned is attached hereto as Exhibits A and B. Other than bridges, there are no structures on the Portions that are 50-years-old or older.

2. DESCRIPTION OF LINE

The area through which Subject Line 1 runs is sparsely populated and consists primarily of flat land. Subject Line 1 which is part of USRA Line Code 4751 runs a total distance of approximately 16 miles between Milepost 58.10 in the Village of Lowville in the County of Lewis, New York, US Postal Service Zip Code 13367 and Milepost 74.00 in the Village Carthage in the County of Jefferson, New York, US Postal Service Zip Code 13617. Portion 2 which is part of USRA Line Code 4741 is located within the Village of Lyons Falls, New York and runs through a primarily commercial area. The County of Lewis, N.Y is acquiring the rights of way for use as a trail system for recreational use. The width of the rights of way of the Portions to be conveyed to the County of Lewis varies from 25 feet to 200 feet.

3. PHOTOGRAPHS

Other than bridges, there are no structures 50 years old or older (in fact there are no structures of any age) on the Portions to be abandoned.

4. INFORMATION ON STRUCTURES

Because there are no structures other than bridges on the Portions, this section is not applicable.

5. BRIEF HISTORY OF OPERATIONS

No operational changes by MAN are contemplated as a result of the proposed abandonments. It should be noted that there has been no service on the Portions for fifteen (15) years. The original railroad which included the Portions was the Utica & Black River Rail Road Co. which, upon information and belief, was chartered in and was constructed circa 1871. The Utica & Black River Railroad began operating the Subject Lines about that time. Subsequently, the Subject Lines were acquired by New York Central Railroad Company. In April, 1976 the Subject Lines were obtained by Consolidated Rail Corporation (Conrail) and thereafter the line of railroad between Lowville and Lyons Falls, New York was abandoned by Conrail. In 1991 Conrail sold to MAN the lines of rail encompassing the Portions.

As a result of the Subject line abandonment, MAN's lines will terminate as shown on Exhibit A attached hereto.

6. ENGINEERING DOCUMENTS

Documents in MAN's possession concerning this abandonment may include valuation maps.

7. HISTORIC CRITERIA

MAN does not believe, based on readily available information in its possession, that the Subject Line meets the criteria for listing on the National Register of Historic Places. MAN does not believe that there is a likelihood of archeological resources or any other previously unknown historic railroad properties in the project areas. The New York Historic Preservation Office was notified by letter dated July 28, 2023 of the proposed abandonment. If MAN receives a response from the State Historic Preservation Officer it will be sent to the Board. As you note the taking is of right of way extending 16 linear miles and no structures are involved in the abandonment.

8. GROUND DISTURBANCES

Based upon readily available information in its possession, MAN does not know of any other sub-surface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect archeological recovery of resources on the Subject Lines to be abandoned attached hereto. MAN will not be involved in any subsurface excavation or salvage of the line except to remove signals, switches and crossing equipment. The rail and other track materials will be removed by the County of Lewis. MAN gave notice to the National Geodetic Survey of these Abandonments. When we receive a reply from the Survey, we will report it to the Board.

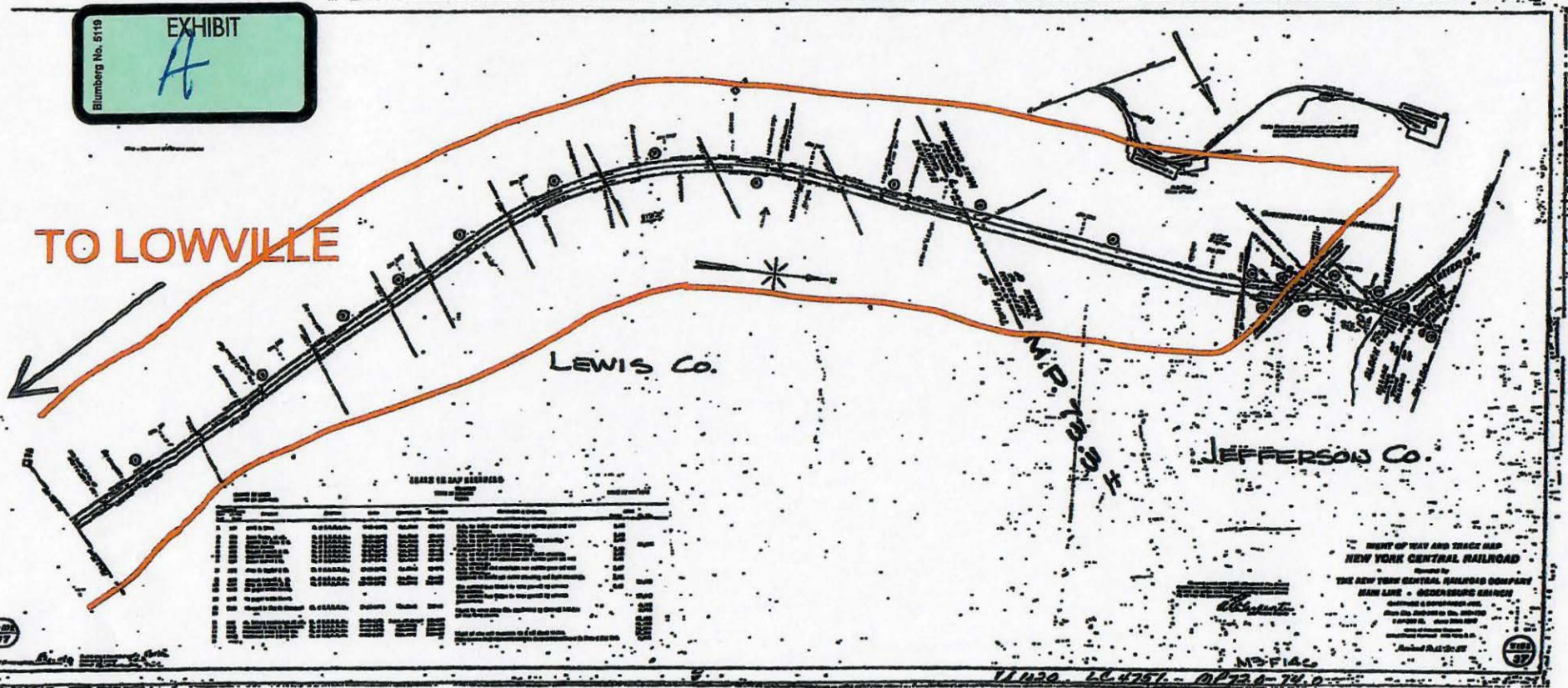
9. WITHIN 30 DAYS OF RECEIPT OF THE HISTORIC REPORT, THE STATE HISTORIC PRESERVATION OFFICER MAY REQUEST THE FOLLOWING ADDITIONAL INFORMATION REGARDING SPECIFIED NONRAILROAD

OWNED PROPERTIES OR GROUPS OF PROPERTIES IMMEDIATELY ADJACENT TO THE RAILROAD RIGHT-OF-WAY; PHOTOGRAPHS OF SPECIFIED PROPERTIES THAT CAN BE READILY SEEN FROM THE RAILROAD RIGHT-OF-WAY (OR OTHER PUBLIC RIGHTS-OF-WAY ADJACENT TO THE PROPERTY) AND A WRITTEN DESCRIPTION OF ANY PREVIOUSLY DISCOVERED ARCHEOLOGICAL SITES, IDENTIFYING THE LOCATION AND TYPE OF THE SITE (I.E, PREHISTORIC OR NATIVE AMERICAN.

If any additional information is requested MAN will provide it.

Mohawk Adirondack & Northern R.R. Corp P. 1

Blumberg No. 5119
EXHIBIT
A



TO LOWVILLE

LEWIS Co.

JEFFERSON Co.

TABLE OF DATA

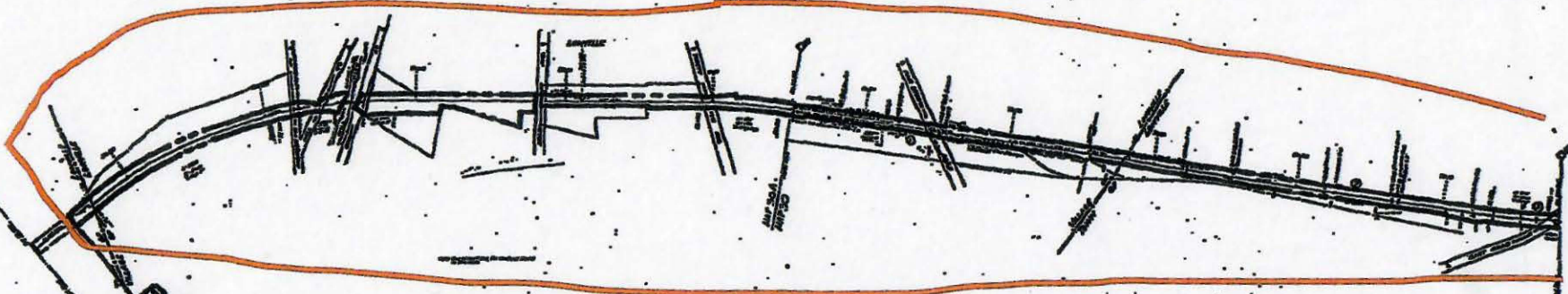
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0.10	0.10	0.00	0.00	
0.20	0.20	0.00	0.00	
0.30	0.30	0.00	0.00	
0.40	0.40	0.00	0.00	
0.50	0.50	0.00	0.00	
0.60	0.60	0.00	0.00	
0.70	0.70	0.00	0.00	
0.80	0.80	0.00	0.00	
0.90	0.90	0.00	0.00	
1.00	1.00	0.00	0.00	
1.10	1.10	0.00	0.00	
1.20	1.20	0.00	0.00	
1.30	1.30	0.00	0.00	
1.40	1.40	0.00	0.00	
1.50	1.50	0.00	0.00	
1.60	1.60	0.00	0.00	
1.70	1.70	0.00	0.00	
1.80	1.80	0.00	0.00	
1.90	1.90	0.00	0.00	
2.00	2.00	0.00	0.00	
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4.50	4.50	0.00	0.00	
4.60	4.60	0.00	0.00	
4.70	4.70	0.00	0.00	
4.80	4.80	0.00	0.00	
4.90	4.90	0.00	0.00	
5.00	5.00	0.00	0.00	

PLAN OF WAY AND TRACK MAP
NEW YORK CENTRAL RAILROAD
Owned by
THE NEW YORK CENTRAL RAILROAD COMPANY
MAIN LINE - GEDDESBURG BRANCH
Geddesburg Branch
Geddesburg, New York
Scale: 1" = 1000'
Date: 11/20/20

11420-264756-01720-74.0

V.S. 102(1020)/30-38 L.C. 4751

LOWVILLE INDUSTRIAL TRACK



TO CARTHAGE



BEGIN L.C. 4751
STA. 300+50
M.P. 58.12

RIGHT OF WAY AND TRACK MAP
NEW YORK CENTRAL RAILROAD
OWNED BY
THE NEW YORK CENTRAL RAILROAD COMPANY
NEW YORK - CANTONMENT BRANCH
SCALE
DATE OF SURVEY AS SHOWN ON THIS MAP
APPROVED AND AUTHORIZED
L. B. ...
NOV 1911 51-1-68

LOWVILLE
LEWIS CO.
NEW YORK



AFFIDAVIT OF PUBLICATION

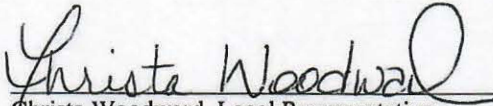
STATE OF NEW YORK
COUNTY OF JEFFERSON

WATERTOWN DAILY TIMES

DYER & PETERSON PC
605 MAIN ST SUITE 104
RIVERTON NJ 08077

REFERENCE: 5099131
20458268 NOTICE OF INTENT
THE MOHAWK, ADIRONDACK & NORTHERN RAILROAD

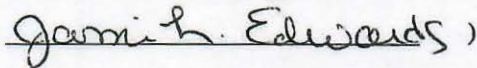
Christa Woodward, being duly sworn, says that she/he is a
Legal Representative of the Johnson Newspaper
Corp., a Corporation duly organized and existing
Under the laws of the State of New York, and
Having its principal place of business in the City
Of Watertown, New York, and that said corporation
Is the publisher of the WATERTOWN DAILY TIMES,
A Newspaper published in the City of Watertown,
Jefferson County and State of New York, and that
A Notice, of which the annexed is a printed copy,
Has been published in said newspaper on dates
listed below.


Christa Woodward, Legal Representative

Published on: 8/07

AD SPACE: 2X57 LINES
FILED ON: 8/07/23

Sworn to and subscribed before me this)
10th day of August 2023



JAMI L EDWARDS
NOTARY PUBLIC-STATE OF NEW YORK
No. 01ED6283808
Qualified in Jefferson County
My Commission Expires 06-17-2025

NOTICE OF INTENT TO ABANDON
AND DISCONTINUE RAIL SERVICE

The Mohawk, Adirondack & Northern Railroad Corporation (MAN) gives notice that on or after August 25, 2023 MAN intends to file with the Surface Transportation Board (STB) in Washington DC a notice of exemption under 49 C.F.R. part 1152 Subpart F- Exempt Abandonments permitting the abandonment and discontinuance of service on two portions of its railroad line in the County of Lewis and County of Jefferson, New York. Portion 1 is a portion of USRA Line Code 4751 approximately 16 miles between the Village of Lowville, County of Lewis, NY and the Village of Carthage, County of Jefferson, NY. This line traverses postal zip codes 13367 and 13619. Portion 2 of the proposed abandonment is a portion of US Line Code 4741 (which terminates in Lyons Falls, County of Lewis, NY) consisting of ½ mile of an unused spur track and 300 feet of the terminal end of the Main Line all within the Village of Lyons Falls, County of Lewis, N.Y. This line traverse postal zip code 13368. The proceeding has been docketed as STB Docket No AB-768. No rail service has traversed these lines for at least fifteen years. MAN has a contract with the County of Lewis, N.Y. to sell the property in question for recreational purposes if the STB approves the abandonment.

The STB's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA) which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in an STB decision. Interested parties may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street SW, Washington, DC 20423 or by calling that office at (202) 245-0291.

Appropriate offers of financial assistance to continue rail service can be filed with the Board, Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trail use, public use, and offers of financial assistance) must be filed with the STB's Office of Proceedings, 395 E Street, SW, Washington, D.C. 20423 (See 49 CFR §1104.1(a) and 1104.3(a), and one copy must be served on the applicant's representative (See 49 CFR § 1104.12(a)). Questions regarding offers of financial assistance, public use or trails may be directed at the STB's Office of Public Assistance, Governmental Affairs and Compliance (OPAGAC) at (866) 254-1792. Copies of any comments or requests for conditions should be served on MAN's representative John K. Fiorilla, Esq. Dyer & Peterson PC 605 Main Street Suite 104, Riverton, N.J. 08077-1440. (609) 792-6851, jfiorilla@dyerpeterson.com



John Fiorilla

From: Towers, Chelsea (PARKS) <Chelsea.Towers@parks.ny.gov> on behalf of Towers, Chelsea (PARKS)
Sent: Thursday, August 24, 2023 2:57 PM
To: jfiorilla@dierpeterson.com
Subject: Proposed Abandonment and Discontinuance of Rail line projects

Good afternoon Mr. Fiorilla –

The State Historic Preservation Office (SHPO) received on Aug 3rd mailed notification two projects for the proposed abandonment and discontinuance of portions of rail road lines owned by the Mohawk, Adirondack & Norther RR Corp (STB Docket No. AB-768) and the Lowville & Beaver River Railroad Company (STB Docket AB-180). These projects involved a National Register eligible railroad line and therefore we would like to fully review the project. I have taken the liberty of entering the initial project information in our Cultural Resource Information System (CRIS) under projects **23PR07205** and **23PR07207** respectively. You may have received an automated email to this effect.

Per the provided *Combined Environmental and Historic Report*, the SHPO would like to request the documentation of properties immediately adjacent to the railroad right-of-way including: photographs of the properties that can be readily seen from the railroad right-of-way, identification and photos of formerly railroad related resources such as former train depots, engine houses, turntables, etc, and a map of inventoried resources. We would also request a brief history of the rail line.

Please let me know if you have any questions.

Best,

Chelsea Towers (she/her/hers)
Survey & National Register Coordinator

New York State Parks, Recreation & Historic Preservation
Peebles Island State Park, P.O. Box 189, Waterford, N.Y. 12188-0189
W: 518.268.2129 | C: 518.728.5026
Chelsea.Towers@parks.ny.gov



John Fiorilla

From: John Fiorilla
Sent: Thursday, August 24, 2023 5:39 PM
To: 'Towers, Chelsea (PARKS)'
Cc: JOHN S. HERBRAND (jsh@gvtrail.com); 'Joan McNichol'
Subject: RE: Proposed Abandonment and Discontinuance of Rail line projects
Attachments: Lowville & Beaver River RR article.pdf

Importance: High

Ms. Towers: I am in receipt of your email below. I wanted you to know that the owner of the two railroads is a railroad holding company and they are not the original owners of the lines and have very few records regarding them and no photos with one exception. In 1985 a RR magazine did an article on the Lowville & Beaver River which included some historical photos and I have attached that article to this email. We have no historical material or photos for the MA&N. Regarding photos nearby I have asked the Counsel for Lewis County to see if the County might have some photos or information which you requested and she will be letting me know what if anything they have. There are no remaining buildings on the lines in question that remain the property of the railroads. There are some buildings which were sold several years ago.

Regarding what is near the railroad today, my client and myself would be glad to do a tour of the lines with you and/or your staff so that they can view what we would like to abandon and sell to the County of Lewis. WE could also point out the buildings which were sold and no longer belong to the railroads. You can take photos if you wish and we will respond to any questions you may have. Let me know if you would like to do this and we will be glad to set the tour up on a day which is convenient for everyone. .

Finally, .we expect to file our abandonments with the Surface Transportation Board in Washington probably next week or the week thereafter and will be attaching what you have sent to us to them. You may also wish to send directly to the Board your comments copying me on the same. Thank you for your time and attention.

John K. Fiorilla

John K. Fiorilla, Esq.
Chair, Transportation Law Group
Dyer & Peterson P.C.
322 U.S. Highway 46, Suite 220E
Parsippany, New Jersey 07054
Direct: (973) 419-6124 (p)(f)
Cell (609) 792-6851