

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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September 12, 2023
Part of
Public Record

STB DOCKET NO AB-180

**THE LOWVILLE & BEAVER RIVER RAILROAD COMPANY
ABANDONMENT EXEMPTION, COUNTY OF LEWIS, NEW YORK**

VERIFIED NOTICE OF EXEMPTION

John K. Fiorilla, Esq.

Dyer & Peterson PC

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Riverton, N.J. 08077-1440

609-792-6851

Jfiorilla@dyerpeteron.com

Attorney for The Lowville & Beaver River Railroad Company

Date: September 11, 2023

FILED
September 12, 2023
SURFACE
TRANSPORTATION BOARD

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September 12, 2023
SURFACE
TRANSPORTATION BOARD

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STB DOCKET NO AB-180

**THE LOWVILLE & BEAVER RIVER RAILROAD COMPANY
ABANDONMENT EXEMPTION, COUNTY OF LEWIS, NEW YORK**

Notice of Exemption

The Lowville & Beaver River Railroad Company (“LBRR”) 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 all of its line of railroad running from Milepost 0.0 to Milepost 10.44, a total distance of 10.44 miles all of which is located between the Village of Lowville and the Village of Croghan in the County of Lewis, New York (the “Line”). The Line is found in US Postal Service Zip Codes 13367 and 13327.

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)

LBRR 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. LBRR 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 The Lowville & Beaver River Railroad Company.

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

(a)(3) LBRR intends to abandon all of its line of railroad running from Milepost 0.0 to Milepost 10.44, a total distance of 10.44 miles all of which is located between the Village of Lowville and the Village of Croghan in the County of Lewis, New York.

(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 LBRR 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.

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(a)(8) ZIP Codes- The Lines to be abandoned traverse US Postal Zip codes 13367 and 13327.

(e)(4) Rural and Community Impact

It is LBRR's intention to sell the right of way, track, ties, ballast and bridges to the County of Lewis, NY. LBRR, 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. 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, NY if it would make the right of way more suitable for a planned future use.

After the proposed abandonment, the County of Lewis will develop the 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 LBRR records, LBRR 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 traffic on the Line. LBRR 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 the 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.

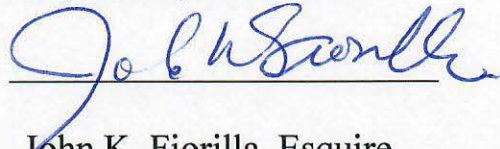
Environmental and Historic Report

A copy of both the cover letter and LBRR'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, LBRR 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 by the SHPO, the LBRR response to their email is attached hereto as Exhibit 5. Note that LBRR has suggested that the railroad escort the SHPO on a tour of the Lines since photos of the line are not available. Attached ^{AS A-6} to the response was a magazine article from 1985 which contained some historic photos and which is attached to our response to the SHPO. None of the other parties who received the CEHR have responded to LBRR. Counsel for LBRR has also received copies of letters sent to the Board by individuals and organizations opposing the abandonment.

Dated this eleventh day of September 2023

Respectfully Submitted,

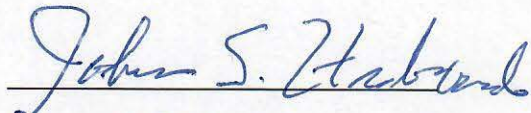
A handwritten signature in blue ink, appearing to read "John K. Fiorilla", written over a horizontal line.

John K. Fiorilla, Esquire
Dyer & Peterson, PC
605 Main Street Suite 104
Riverton, N.J. 08077-1440
609-792-6851
jfiorilla@dierpeterson.com

VERIFICATION PURSUANT TO 28 USC § 1746(2)

I John S. Herbrand, Secretary and General Counsel of The Lowville & Beaver River Railroad Company, 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 Lowville & Beaver River Railroad Company.

Dated at Batavia, NY this eleventh day of September, 2023


John S. Herbrand

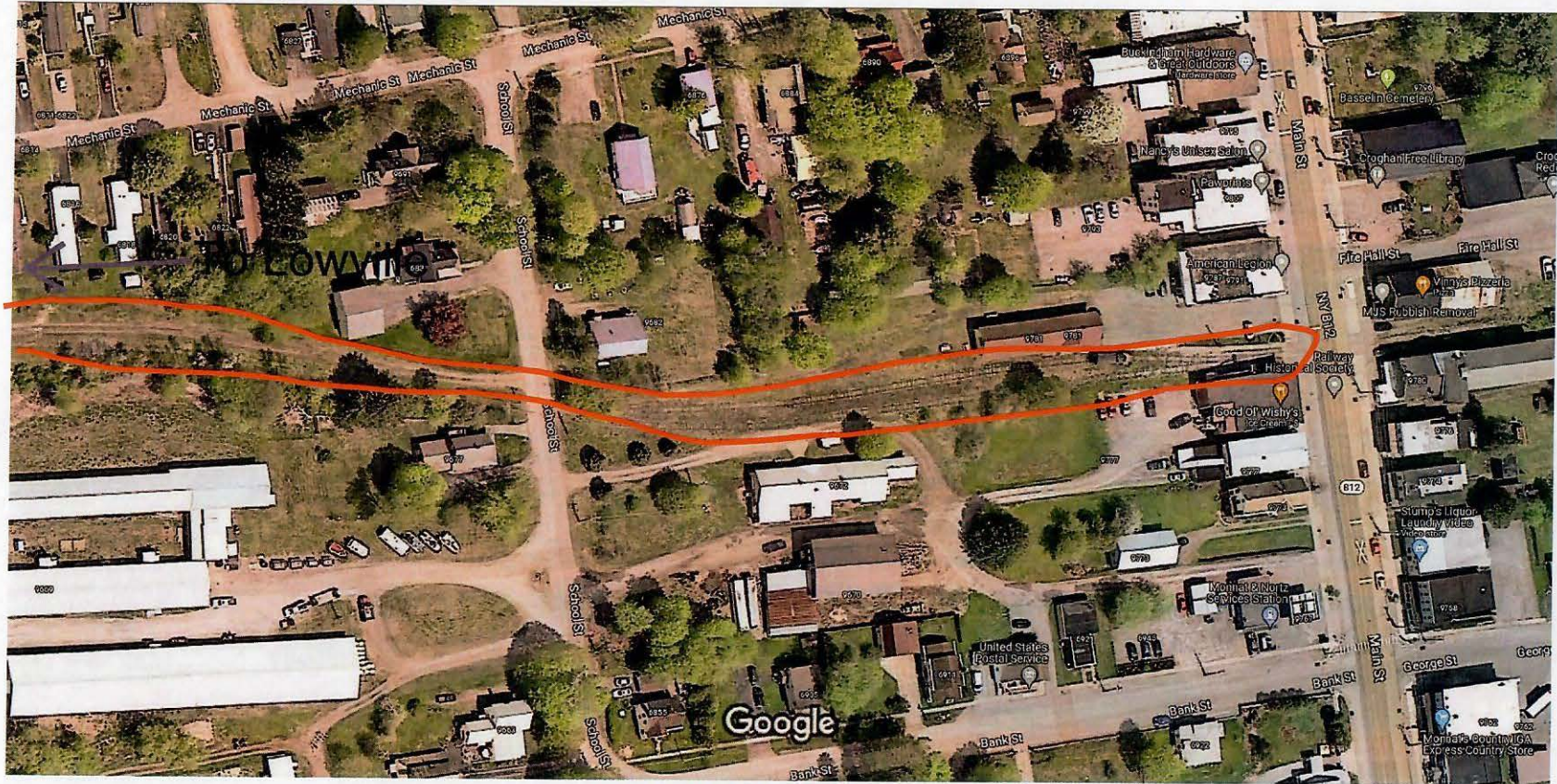
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EXHIBIT

1

LOWVILLE + BEAVER RIVER RAILROAD COMPANY
P1

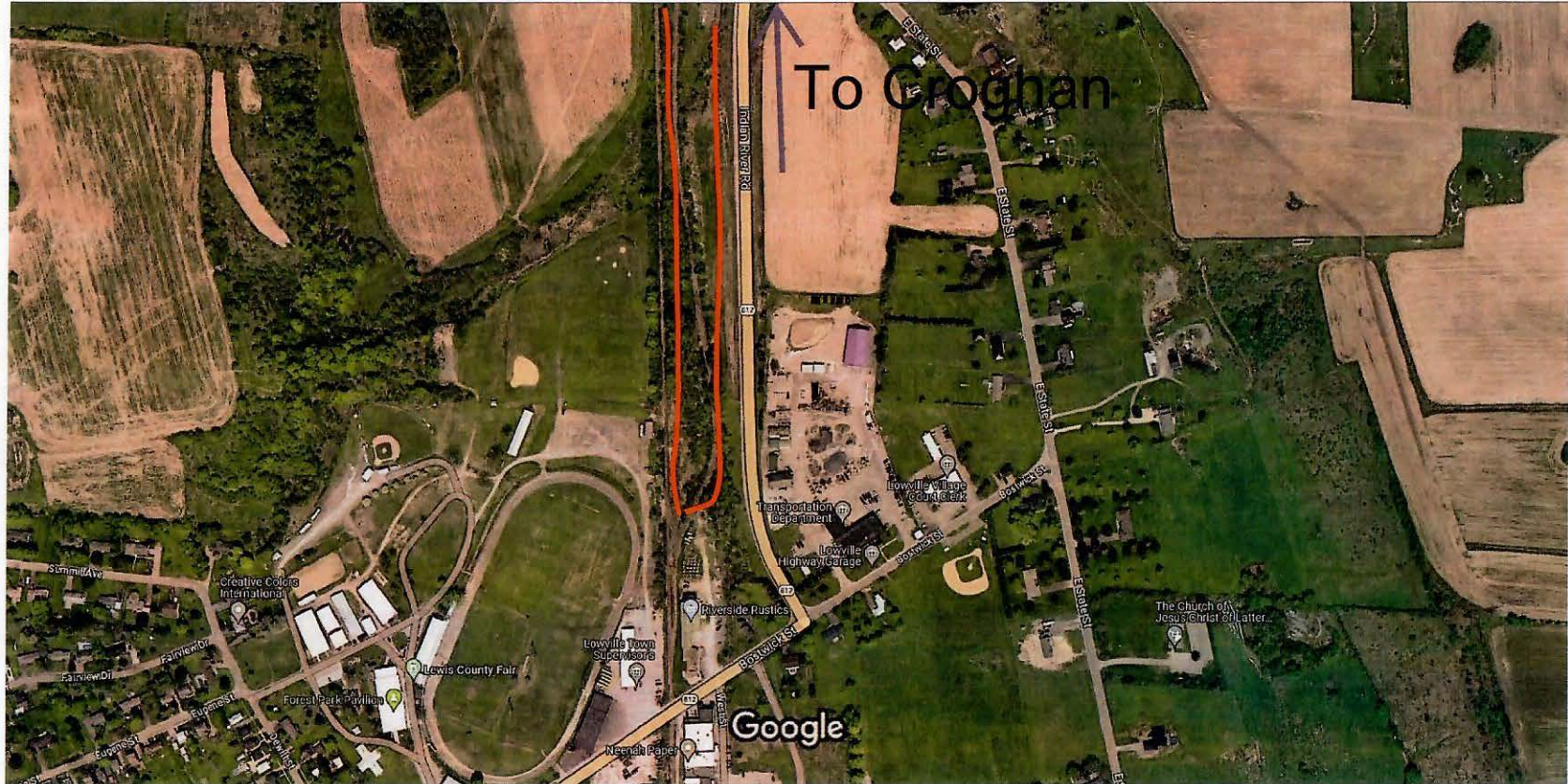
Google Maps L&BR Croghan, NY 07262023



Imagery ©2023 CNES / Airbus, Maxar Technologies, New York GIS, Map data ©2023 Google 50 ft

P2

Google Maps LBR Lowville, NY



Imagery ©2023 CNES / Airbus, Maxar Technologies, New York GIS, USDA/FPAC/GEO, Map data ©2023 200 ft



STB DOCKET NO AB-180

**THE LOWVILLE & BEAVER RIVER RAILROAD COMPANY
NOTICE OF EXEMPTION, COUNTY OF LEWIS, N.Y.**

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 LBRR stating LBRR's intent to use the Notice of Exemption procedure to abandon approximately 10.44 miles of track running from Milepost 0.0 to Milepost 10.44 all of which is located between the Village of Lowville and the Village of Croghan in the County of Lewis, N.Y. 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, D.C.

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-180 for abandonment of the Line in Lewis County New York to the following:

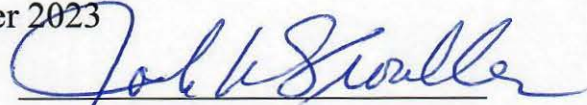
1. New York State Director of Budget (alternate for State Clearinghouse)
2. New York Department of Environmental Conservation (Albany, NY)
3. US Department of Environmental Protection- (Regional Office)
4. New York State Historic Preservation Office- (Waterford, NY)
5. US Fish & Wildlife Service- (Regional 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)

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.

Dated this eleventh Day of September 2023



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NJ, NY, PA, and DC

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NJ, NY, PA, and ME

Nathan C. Orr
norr@dierpeterson.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 of approximately
10.44 miles of the Lowville & Beaver River Railroad Company
located in Lewis County, New York STB Docket No. AB-180.**

To Whom it May Concern:

Please be advised that the Lowville & Beaver River Railroad Company (hereinafter LBRR) expects to file with the United States Surface Transportation Board on or after August 11, 2023. A notice on an exempt abandonment on a line of railroad known as the Lowville & Beaver River Railroad Company Main Line extending from Milepost 0.0 to Milepost 10.44 all of which is the County of Lewis, N.Y. between the Village of Lowville and the Village of Croghan in US Postal Zip Codes 13367 and 13327.

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 Lowville & Beaver River Railroad's possession, the Line does not contain federally granted right-of-way. Any documentation in LBRR'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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605 Main Street Suite 104
Riverton, N.J. 08077
609-792-6851
jfiorilla@dyerpetererson.com



LOWVILLE + BEAVER RIVER RAILROAD COMPANY P1

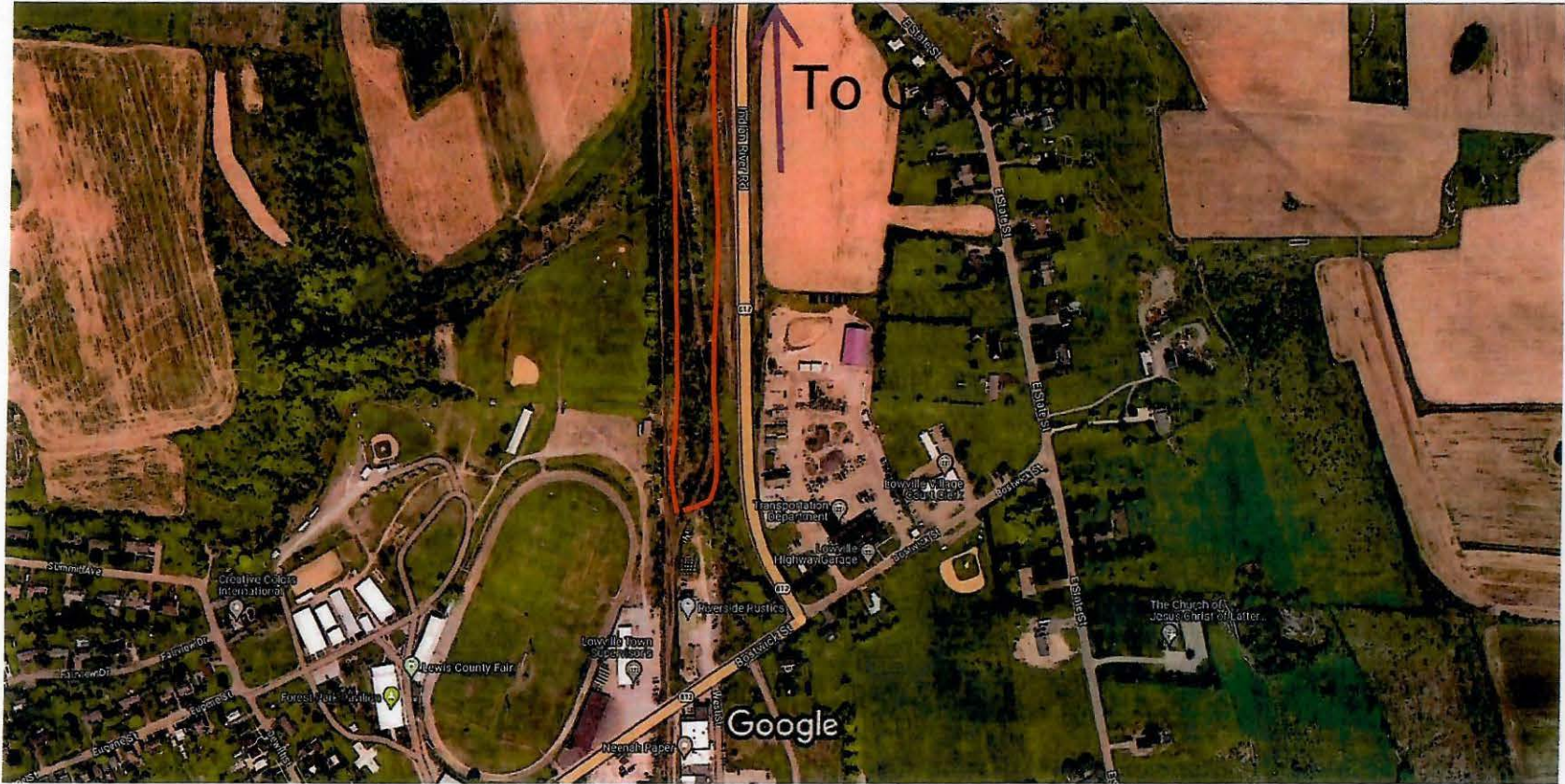
Google Maps L&BR Croghan, NY 07262023



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P2

Google Maps LBR Lowville, NY



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NJ, NY, PA, and ME

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

July 31, 2023

Via US Mail

To: See Attached List

Re: Proposed Abandonment and Discontinuance of approximately 10.44 miles of the Lowville & Beaver River Railroad Company located in Lewis County, New York STB Docket No. AB-180.

To Whom it May Concern:

On or after August 25, 2023 the Lowville & Beaver River Railroad Company (LBRR) expects to file with the Surface Transportation Board (STB) a Notice of Exemption seeking authority to abandon and discontinue service of approximately 10.44 miles of the Lowville & Beaver River Railroad Company located in Lewis County, New York

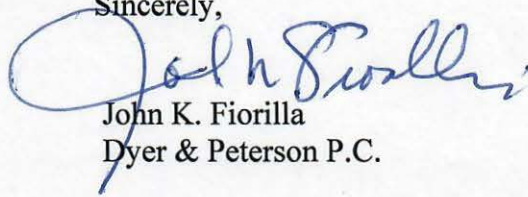
Attached is a combines Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

LBRR 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 (OEA), 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 LBRR'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 LBRR 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,

A handwritten signature in blue ink that reads "John K. Fiorilla". The signature is fluid and cursive, with a large initial "J".

John K. Fiorilla
Dyer & Peterson P.C.

Docket No. AB-180

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

SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-180

**LOWVILLE & BEAVER RIVER RAILROAD COMPANY.
ABANDONMENT EXPEMPTION, COUNTY OF LEWIS, NEW YORK**

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The Lowville & Beaver River Railroad Company, a New York Corporation ("LBRR") is proposing to abandon all of its line of railroad (the "Subject Line running from Milepost 0.00 to Milepost 10.44, a total distance of approximately 10.44 miles all of which is located between Village of Lowville and the Village of Croghan in the County of Lewis, New York in US Postal Service Zip Codes 13367 and 13327. In regard thereof, LBRR 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: LBRR proposes to abandon the Subject line running between Milepost 0.00 in Lowville, New York to Milepost 10.44 in Croghan, New York, a total distance of approximately 10.44 miles. There has been no rail traffic on the Subject Line for more than fifteen years (15) years and no shippers are located on the Subject Line. There is no overhead traffic on the Line.

As shown on Map Exhibit A attached to hereto, the portion of the abandonment in red which is right of way is being conveyed to the County of Lewis, New York as public purpose land.

LBRR has plans to salvage the Subject Line's signals, crossing protection and switches. However, the rail and related track material for the length of the abandonment is to be conveyed to the County of Lewis, New York pursuant to its agreement with the 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) years on the Subject Line. 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: LBRR has reviewed the plans of the County of Lewis, New York to 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 approximately linear feet of land. In addition, LBRR will notify the State of New York State 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 LBRR has not received any reply from NYDOT. If a response is received copies will be sent to the Board. LBRR will also advise the Villages of Lowville and Croghan and

County of Lewis of its intention to abandon the Subject Line in letters dated July 28, 2023 which included copies of these reports. No response has been received as of this date from the County of Lewis or Villages of Lowville or Croghan. 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: LBRR, notes that this property is being acquired by the County of Lewis, New York. The Subject Line is 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. LBRR 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 LBRR does not believe the Subject Line is 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. LBRR 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 Subject Line right of way to the County of Lewis, New York to be used for a trail system for recreational use as part LBRR and the County of Lewis have already signed an agreement of 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 years (15), no traffic has moved over the Subject Line. 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 years (15), no traffic has moved over the Subject Line. 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 Subject Line 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 Subject Line 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 abandonment 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 abandonment 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 this line in the last fifteen (15) years. Accordingly, the proposed abandonment does 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 an 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, bioreceptors 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 abandonment 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 abandonment does 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 right of way to be abandoned nor are there any known spills on the right-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: LBRR 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. LBRR received a response from US Fish and Wildlife Service via email which indicates that “The Service has determined that no federally listed species occur within or in the vicinity of the proposed project site

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: LBRR does not believe that the proposed abandonment would be inconsistent with applicable Federal, State or local water quality standards. The NY State Department of Environmental Conservation was notified for the proposed abandonment by letter dated July 28, 2023 and their comments solicited. As of the date of this report no response has been received. LBRR 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: LBRR will not be removing soils from the right-of-way only track and track materials will 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. LBRR 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: LBRR 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. LBRR 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 Subject Line and no shippers are located on the Subject Line. Moreover, LBRR does not intend to move any soil on the Subject Line. 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 portion of the Subject Line proposed to be abandoned is attached hereto as Exhibit A. There are no structures on the Subject Line that are 50-years-old or older.

2. DESCRIPTION OF LINE

The area through which the Subject Line runs is sparsely populated and consists primarily of flat land. The Subject Line runs from Milepost 0.00 to Milepost 10.44 a total distance of approximately 10.44 miles, all of which is located between the Village of Lowville and the Village Croghan in the County of Lewis NY and in US Postal Service Zip Codes 13367 and 13327. The County of Lewis, N.Y is acquiring all of the right of way for use as a trail system for recreational use. The width of the

right of way portion of the Subject Line to be conveyed to the County of Lewis, New York varies from 50 feet to 75 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 Subject Line to be abandoned.

4. INFORMATION ON STRUCTURES

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

5 BRIEF HISTORY OF OPERATIONS.

No operational changes by LBRR are contemplated as a result of the proposed abandonment. It should be noted that there has been no service on the line for fifteen (15) years. The original railroad which constructed the Subject Line was The Lowville & Beaver River Railroad Company which was chartered in 1903, and was constructed the Subject Line circa 1903 and began operating the Line about that time. In January 1991, The Lowville & Beaver River Railroad Company was acquired by Genesee Valley Transportation Co., Inc.

6. ENGINEERING DOCUMENTS

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

7. HISTORIC CRITERIA

8. LBRR 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.

LBRR 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 LBRR 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 linear miles and no structures are involved in the abandonment.

9. GROUND DISTURBANCES

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

10. 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

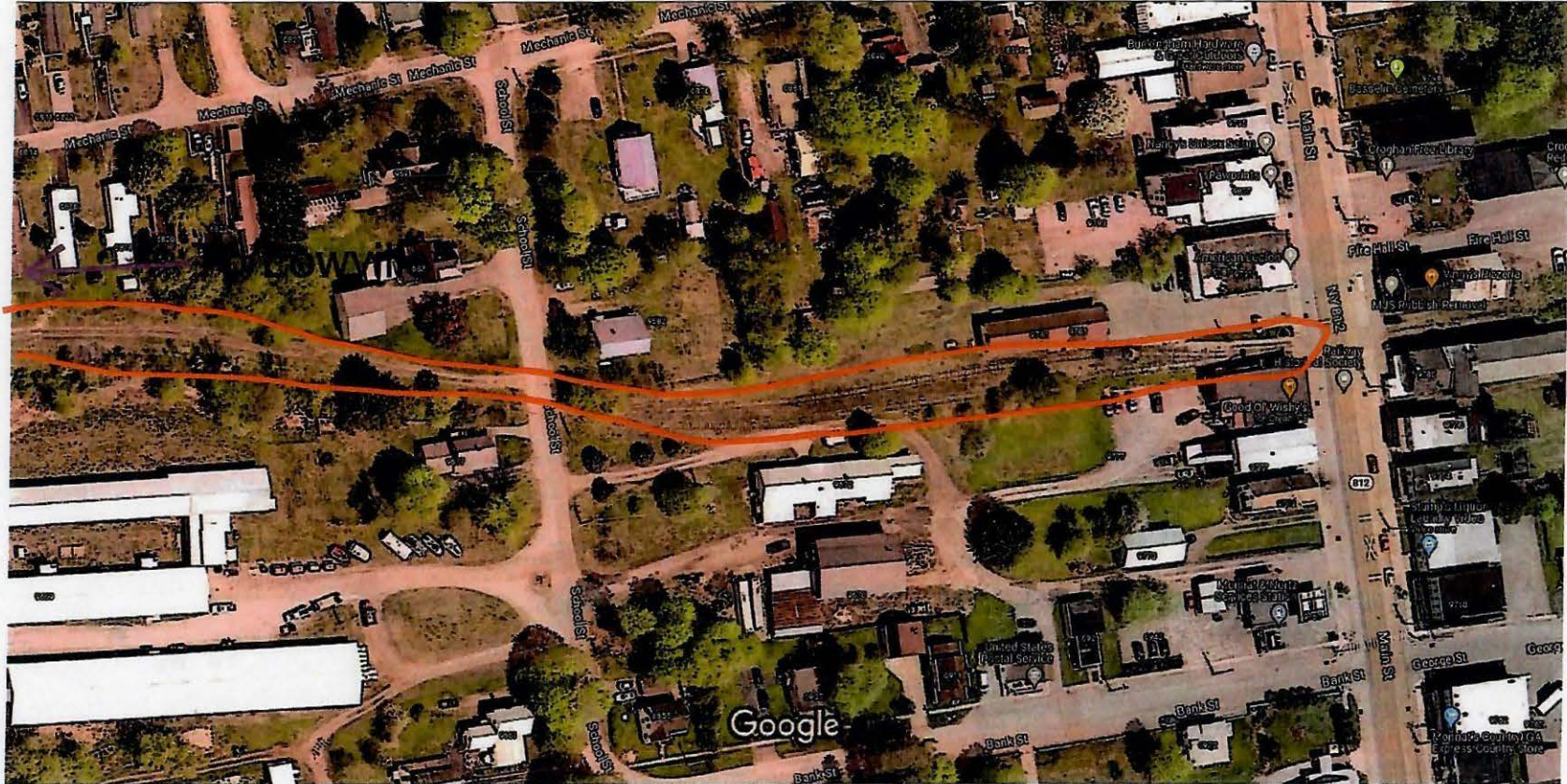
ADJACENT TO THE PROPERTY) AND A WRITTEN DESCRIPTION OF ANY PREVIOUSLY DISCOVERED ARCHEOLOGICAL SITES, IDENTIFYING THE LOCATION AND TYPE OF THE SITE (I.E, PREHISTORIC OR NATIVE AMERICAN.

If any additional information is requested LBRR will provide it.

LOWVILLE + BEAVER RIVER RAILROAD COMPANY P1

Blumberg No. 5119
EXHIBIT
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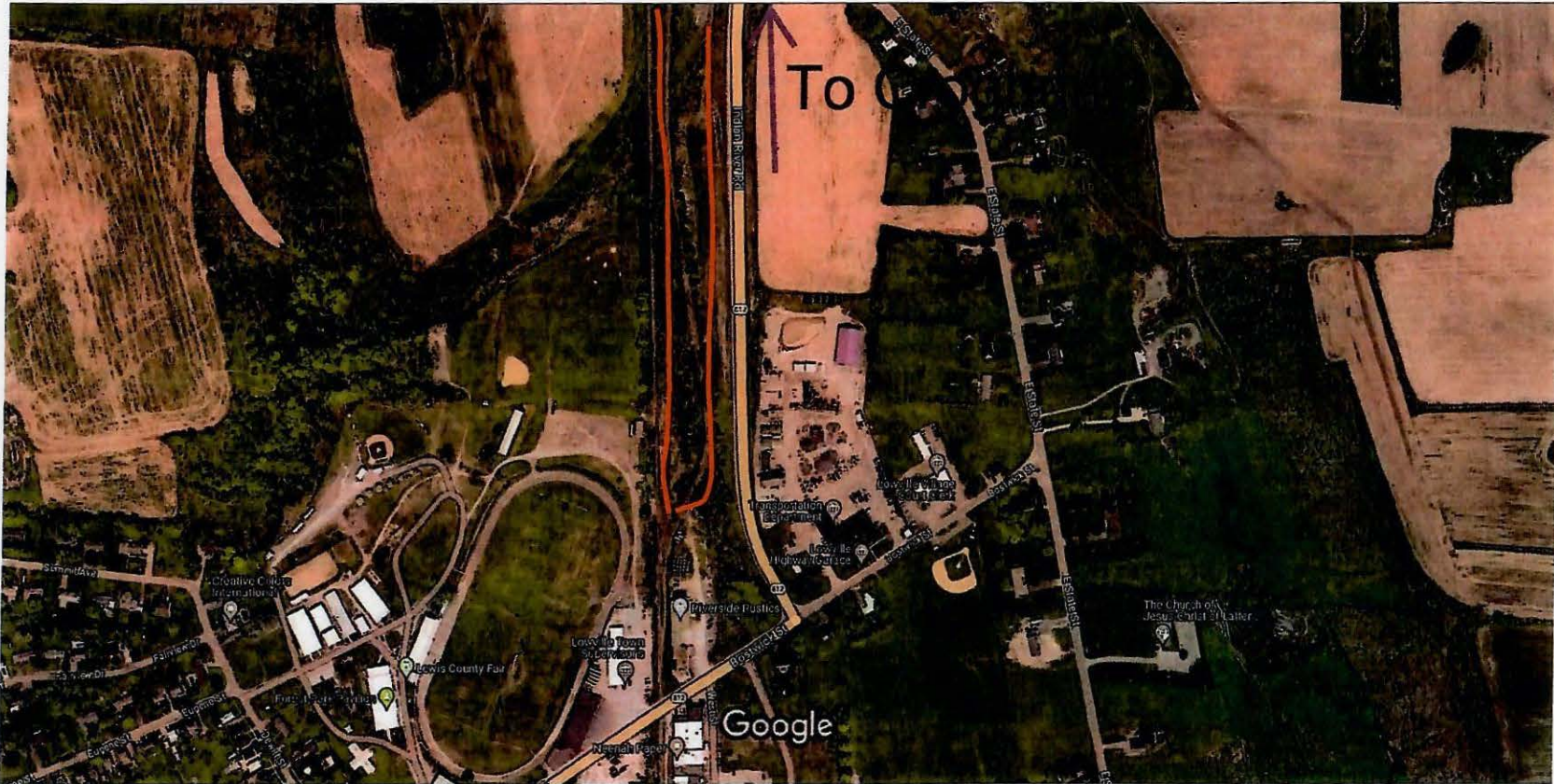
L&BR Croghan, NY 07262023



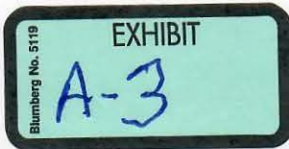
Imagery ©2023 CNES / Airbus, Maxar Technologies, New York GIS, Map data ©2023 Google 50 ft

P2

Google Maps LBR Lowville, NY



Imagery ©2023 CNES / Airbus, Maxar Technologies, New York GIS, USDA/FPAC/GEO, Map data ©2023 200 ft



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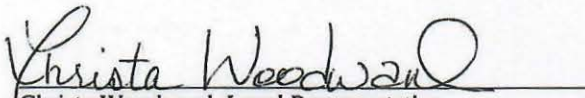
STATE OF NEW YORK
COUNTY OF JEFFERSON

WATERTOWN DAILY TIMES

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

REFERENCE: 5099131
20458267 NOTICE OF INTENT
THE LOWVILLE & BEAVER RIVER 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: 2X50 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

Johnson Newspaper Corporation

Client:	5099131	Dyer & Peterson PC	Phone:	(609) 792-6851	
Class.:	605 Main Street	Suite 104	Riverton, NJ	08077	
Ad #	20458267	Requested By:	JOHN FIORILLA	Fax:	
Sales Rep.:	W220	Angel Spencer	Phone:	(315) 661-2457	
		aspencer@wdt.net	Fax:	(315) 661-2521	
Class.:	0610	Announcements			
Start Date:	08/07/2023	End Date:	08/07/2023	Nb. of Inserts:	1
PO #:		Entered By:	ASPENC		
Publications:	Watertown Daily Times				
Paid Amount:	\$0.00	Balance:	\$273.00		
Total Price:		\$273.00			Page 1 of 1

NOTICE OF INTENT TO ABANDON AND DISCONTINUE RAIL SERVICE

The Lowville & Beaver River Railroad Company (LBRR) gives notice that on or after August 25, 2023 LBRR 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 a line of railroad known as the LBRR Main Line extending from Milepost 0.0 to Milepost 10.44 all of which is in the County of Lewis, N.Y. between the Village of Lowville and the Village of Croghan in US Postal Zip Codes 13367 and 13327. The proceeding has been docketed as STB Docket No AB-180. No rail service has traversed this line for at least fifteen years. LBRR 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 LBRR's representative John K. Fiorilla, Esq. Dyer & Peterson PC 605 Main Street Suite 104, Riverton, N.J. 08077-1440. (609) 792-6851, jfiorilla@dypeterson.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)

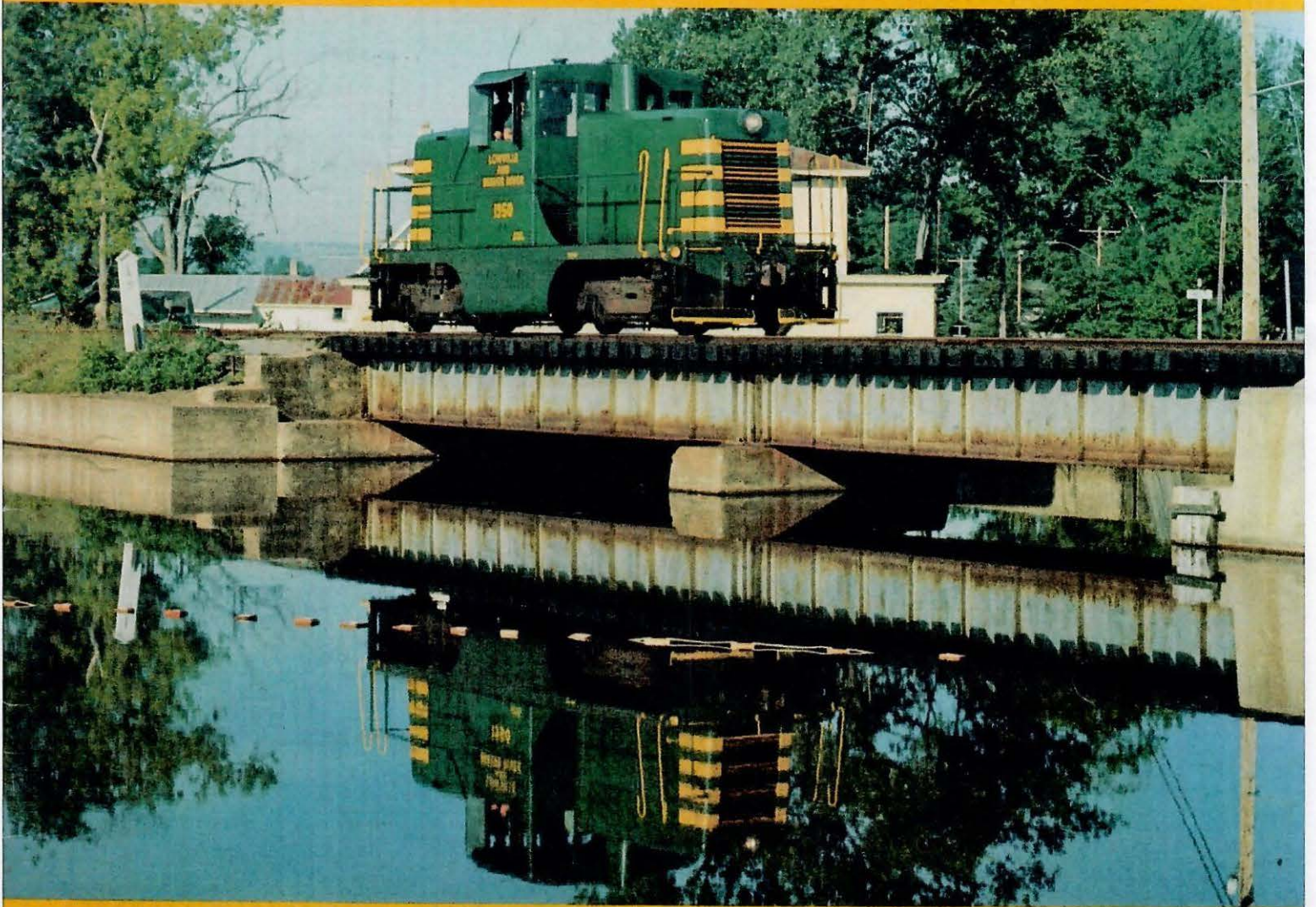
Cell (609) 792-6851

A RAILPACE COMPANY PUBLICATION

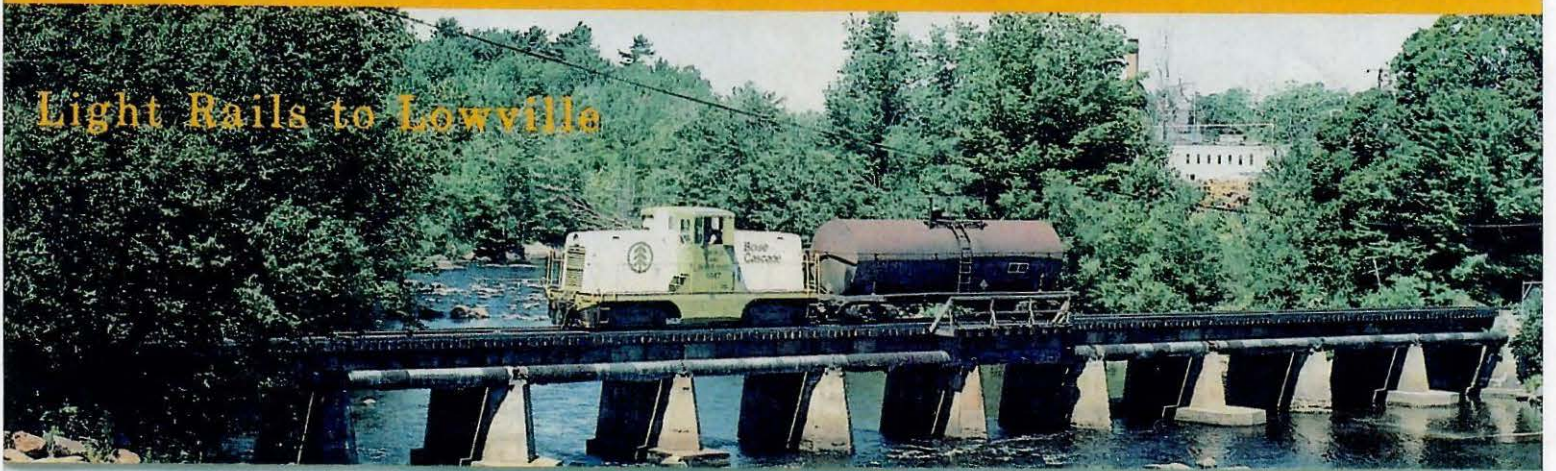
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OCTOBER, 1985 ★ \$2.50

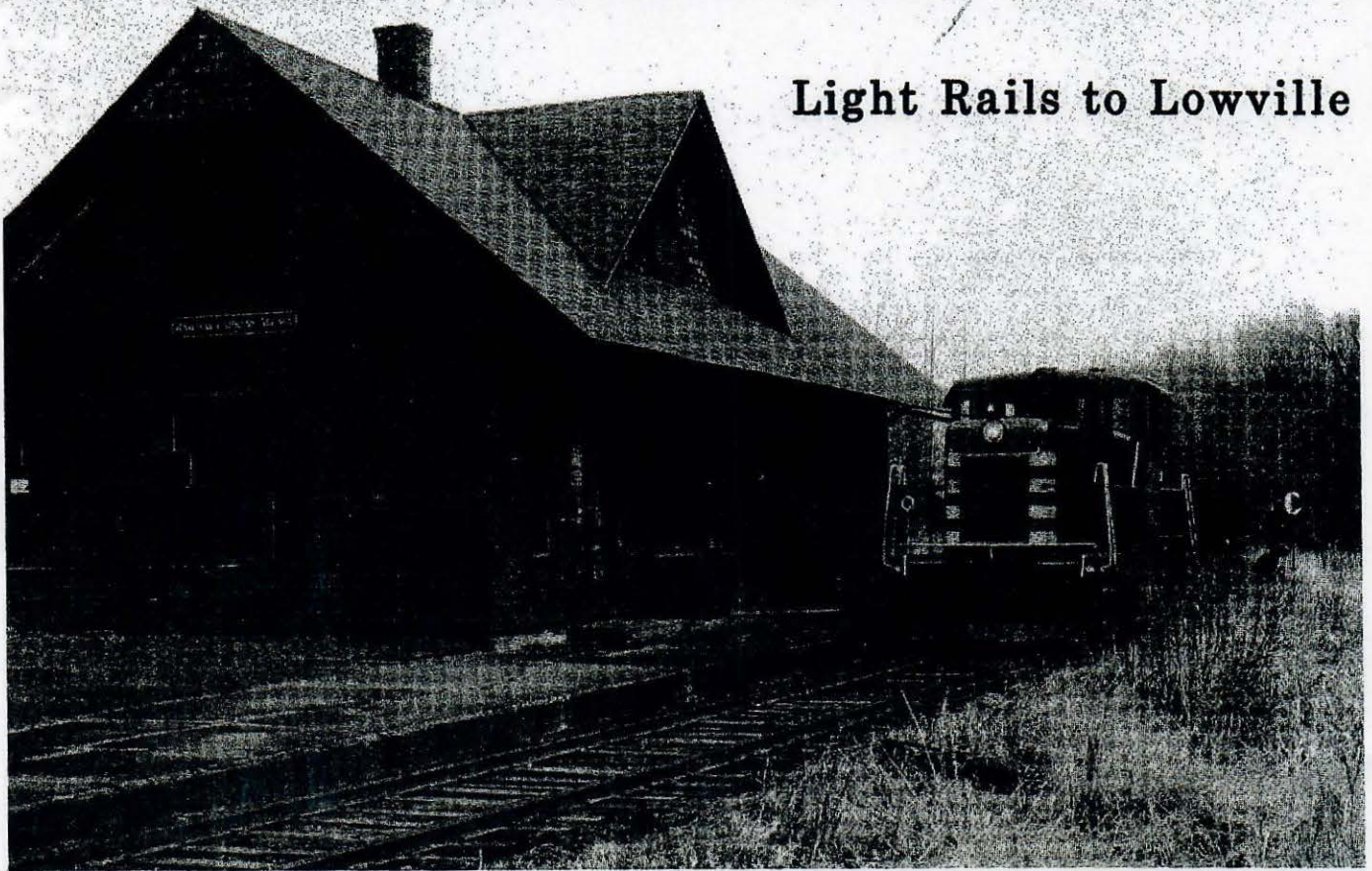
RAILPACE NEWSMAGAZINE



Light Rails to Lowville



Light Rails to Lowville



THE LOWVILLE & BEAVER RIVER RAILROAD IN 1985— A Railfan's Guide

by Jack Wright

One of the most obscure shortlines in upstate New York is the Lowville & Beaver River Railroad, located deep in New York's "North Country" in the western foothills of the Adirondacks, between Utica and Watertown.

Monday through Friday, one of the line's two immaculate General Electric 44 tonners will venture forth from the tiny enginehouse and take a few freight cars north to Beaver Falls. The trip is less than 10 miles each way, but includes four river crossings and a 2½ percent grade.

The L&BR is a classic shortline, with light rail, and bridges and locomotives characteristic of such an operation. It has been spared the invasion of CF7's and other high horsepower hand-me-downs of the designated-operator shortlines born in the Conrail era.

The Lowville & Beaver River Railroad operated its first train in 1906, connecting the villages of Croghan, Beaver Falls, and New Bremen with the New York Central's Lyons Falls Branch at Lowville. The line brought limited prosperity to an otherwise unsettled area. Each village had a railroad station, and all are still standing, except for New Bremen. Passenger service lasted until 1947. Between 1910 and 1930, L&BR "varnish" was protected with a Hall-Scott gas-electric car. A 2-8-0 locomotive remained stored serviceable on the property at Lowville until 1964, when it was sold to Steamtown.

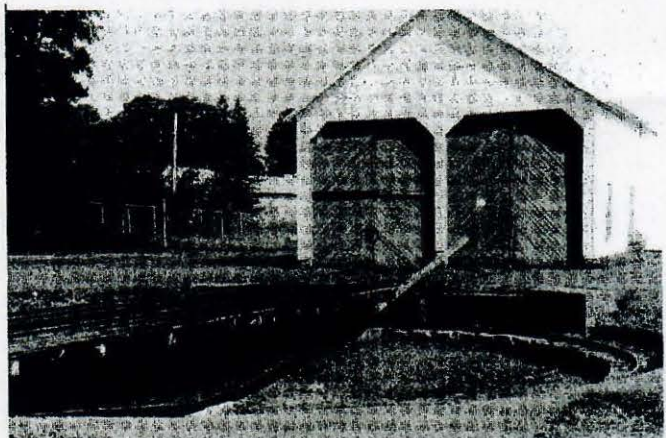
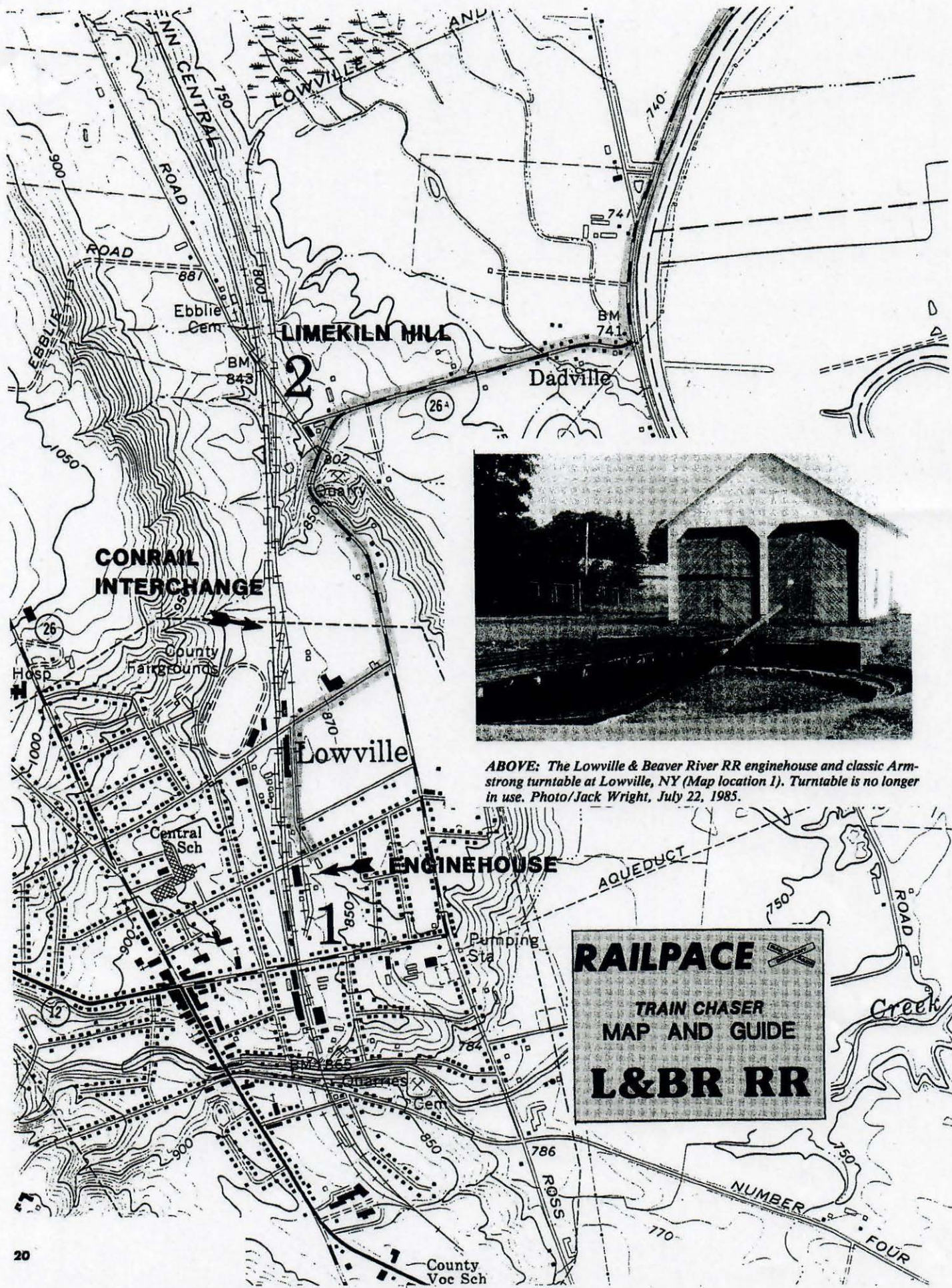
ABOVE: L&BR 44-tonner 1950 switches in front of the Beaver Falls depot in April, 1983 (Map location 6). Engine has since been repainted into Boise Cascade green and white. Photo/Jack Wright.

Freight traffic initially consisted of milk, agricultural supplies, lumber and inbound coal. Milk was a big revenue producer for the line until milk service was discontinued in 1959, when New York Central dropped its connecting service.

The largest on-line customer has been the J. P. Lewis paper mill and latex factory at Beaver Falls. The facility has been acquired by Boise Cascade, which still makes good use of rail service, and is the primary reason for existence of the line today.

The L&BR has stood the test of time well, outliving its Class 1 connections New York Central and Penn Central. The tiny road has even paid its stockholders dividends during certain years. Today, the railroad's track is well maintained, as are the two diesel locomotives.

The summer of 1985 reveals that L&BR's two GE 44 tonners have new colors. No. 1947, formerly maroon, and No. 1950, formerly green, now wear bright green and white Boise Cascade livery. Many of the old barn-red and grey railroad structures are being repainted into a green and white scheme to match. The classic depots at Beaver Falls and Croghan, which have stood vacant and intact for years, are now boarded up and posted. Apparently, the 20th century problem of vandalism has started to make its way into rural Lewis County.



ABOVE: The Lowville & Beaver River RR enginehouse and classic Armstrong turntable at Lowville, NY (Map location 1). Turntable is no longer in use. Photo/Jack Wright, July 22, 1985.

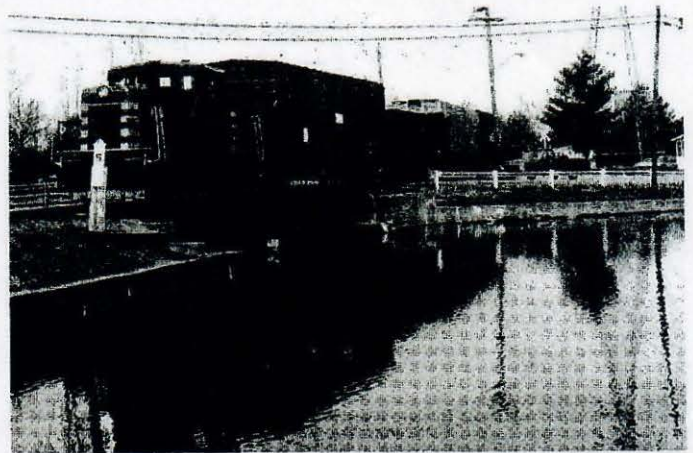
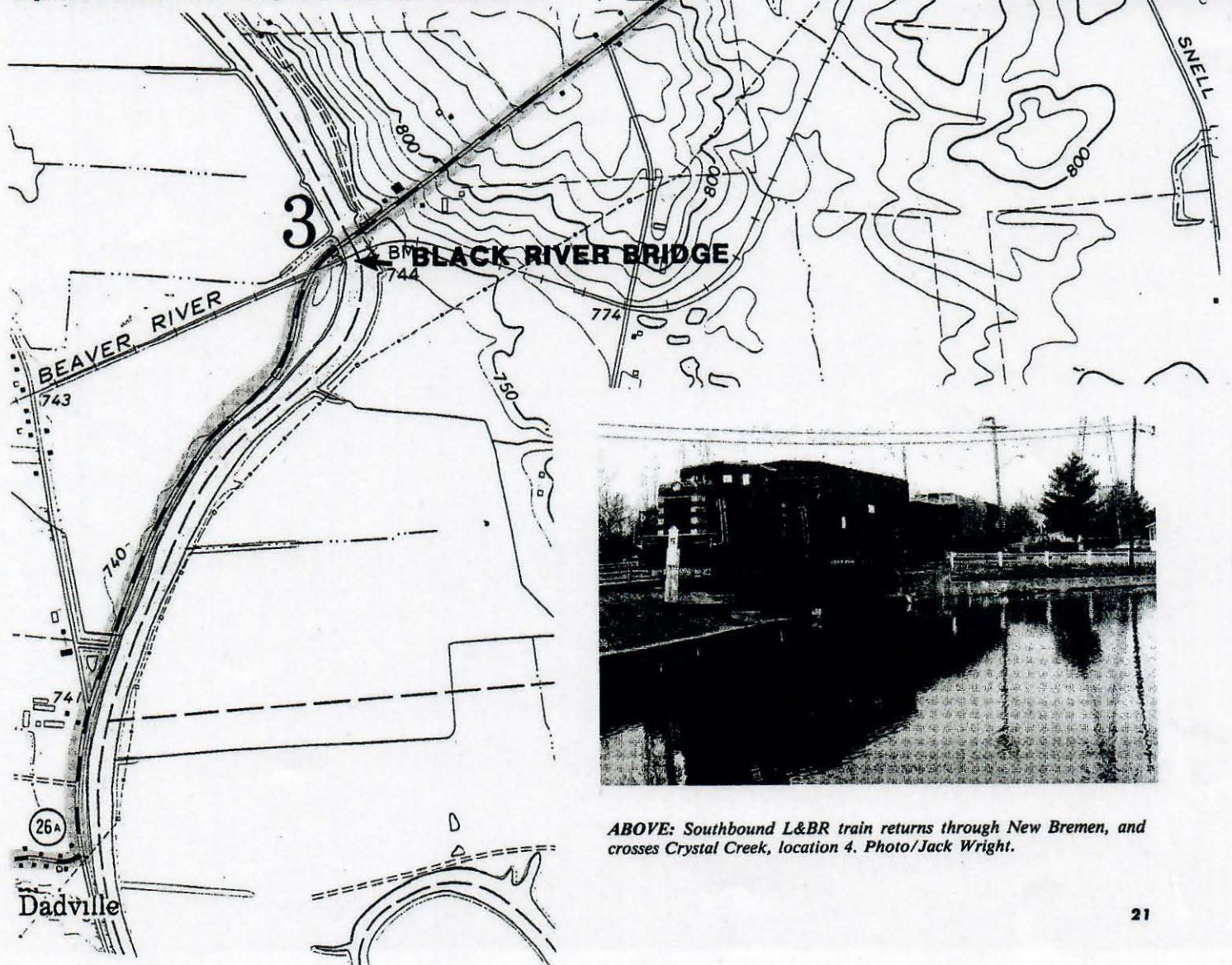
RAILPACE X
 TRAIN CHASER
 MAP AND GUIDE
L&BR RR

RAILFANNING THE L&BR

Plan to arrive Lowville early in the morning—7:00 a.m. is often starting time for the crew. Upon arrival, if no one is at the concrete block enginehouse, but automobiles are parked alongside it, the train has already departed. Typical of true shortlines, you can't be eating breakfast at McDonald's at 8:00 in the morning and expect to catch opening exercises at the engine terminal.

Lowville, New York, is located 56 miles north of Utica, on NY State Route 12. Watertown is another 27 miles farther to the northwest along Route 12. Upon arrival in Lowville's business section, turn eastward toward the tracks. The L&BR enginehouse and yard is parallel to the Conrail branch. Here you will find L&BR's well-maintained Russell snowplow, Armstrong turntable, and two small enginehouses. Interchange with Conrail is made about 3 blocks north of the engine facility, near an old creamery.

Following the line north from Lowville, take the road east a short distance to the county garage. A grade crossing (Map Location 2) on a side road by the county garage is the summit of 2½ percent Limekiln Hill. The next photo location is reached by heading east from the garage to a T-intersection, where a left (north) will bring you to the impressive Black River Bridge (Location 3). Many photo



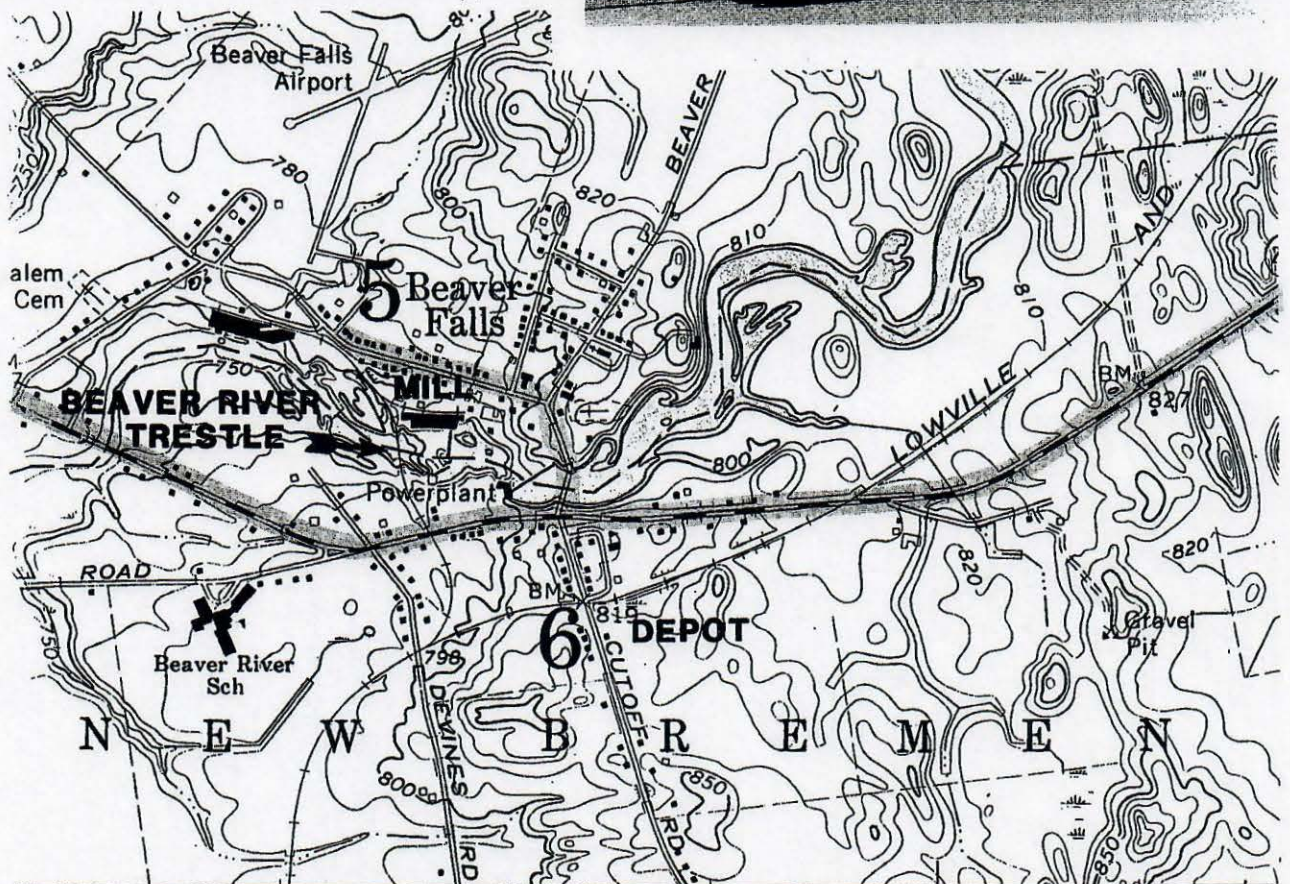
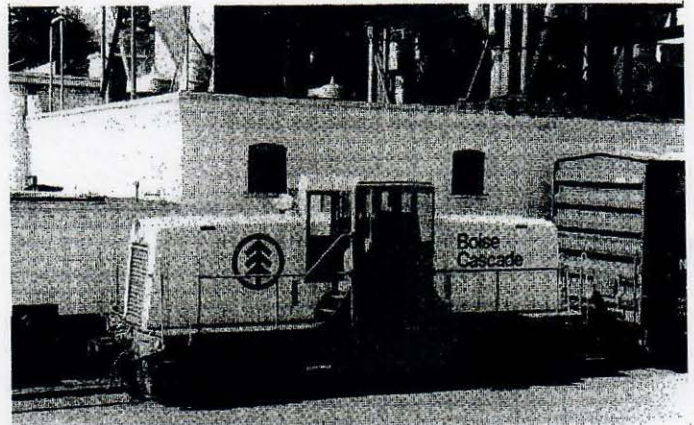
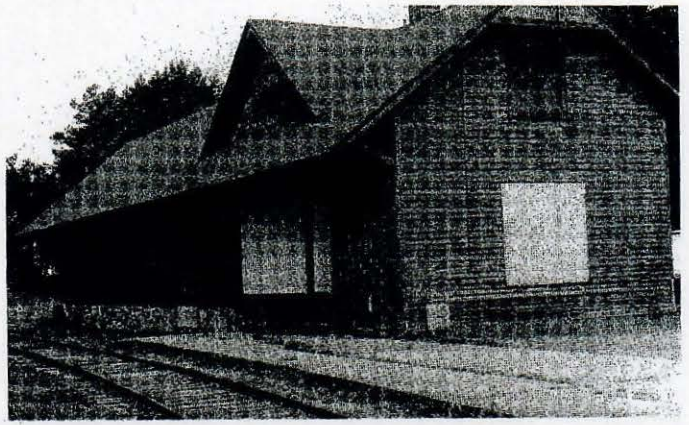
ABOVE: Southbound L&BR train returns through New Bremen, and crosses Crystal Creek, location 4. Photo/Jack Wright.

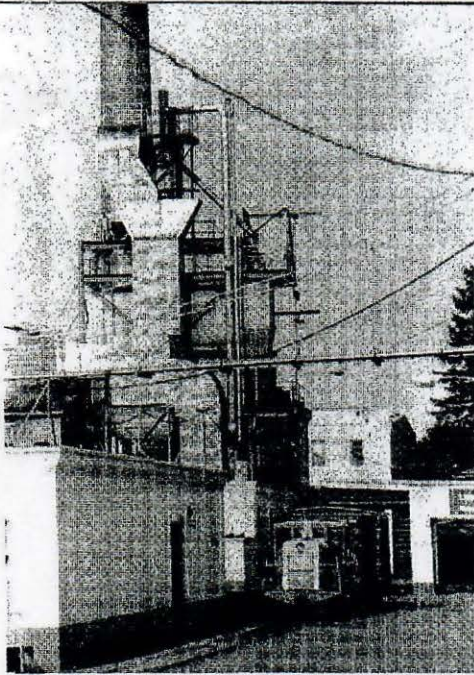
angles are possible here. A low wooden trestle crosses the flood plain, and a through-truss bridge spans the river. Cross the river on the nearby highway bridge, to reach New Bremen about one mile to the northeast. The railroad crosses Crystal Creek on a deck bridge at New Bremen (Location 4), and there are three grade crossings and an old M of W shed to add to the photo opportunities here. Between New Bremen and Beaver Falls the railroad is out of sight in the woods to the east. Cross the track at New Bremen and head north 5 miles to Beaver Falls. Do not dally, as the railroad has a shorter route, and the train moves along briskly.

After arriving in Beaver Falls, cross the tracks and proceed to the blinking light. At this intersection can be seen the trestle across the Beaver River. A left turn at the light will bring you across the river to the Boise-Cascade mill, Location 5.

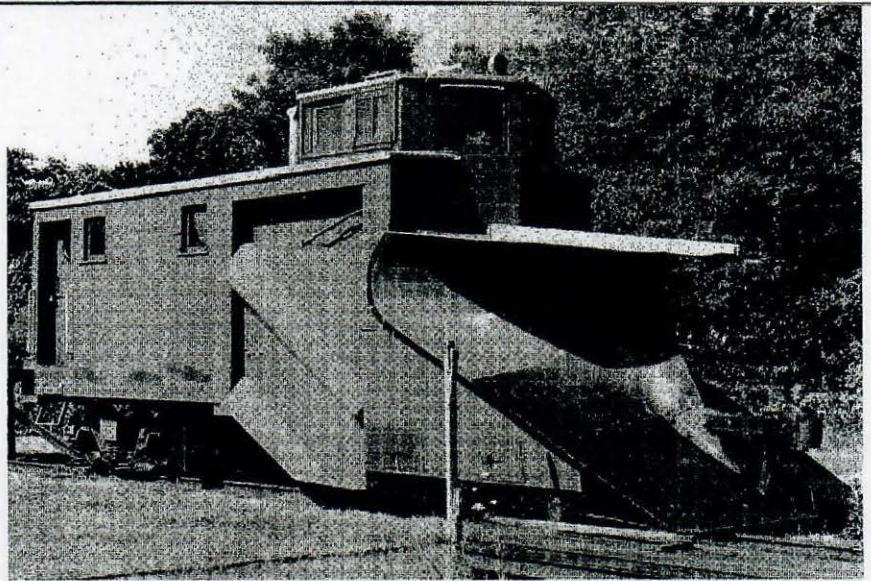
Numerous photo opportunities exist as the locomotive switches the many mill tracks. Photos of the diminutive diesel alongside the towering mill buildings belie the rural nature of the L&BR. Photos may be taken from the highway and parking lots; respect private property. A telephoto lens will come in handy here.

After switching the Beaver Falls mill for 1 to 2 hours, the train will recross the Beaver River trestle. Return to the south side of town and head straight through the traffic light to the depot (Location 6). The train may pause here to switch out cars before returning to Lowville. The tracks extend east another three miles to Croghan, but the train rarely ventures this far, except when the feed mill in Croghan has a car. A covered hopper car in the train consist leaving Lowville in the morning is a good sign that the

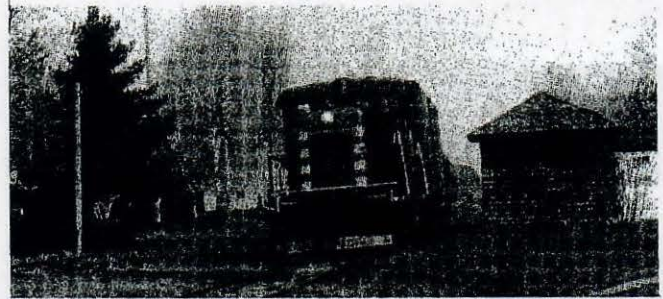




ABOVE: L&BR 1947 switches the large Boise-Cascade mill at Beaver Falls, NY, July 22, 1985. Photo/Jack Wright.



ABOVE: L&BR snowplow is painted tuscan red, and kept at Lowville enginehouse. Seen July 22, 1985. Photo/Jack Wright. **BELOW:** L&BR 44-tonner 1950, still in solid green scheme, rumbles through New Bremen, NY in May, 1982 (Location 4). Photo/Jack Wright.



train will run all the way to the end of the line at Croghan. The Croghan depot and yard (Location 7) are worth the visit.

The train usually returns to Lowville no later than 11:00 a.m. to noon, making for a short day, but allowing you enough time to drive south to Utica to catch something on the NYS&W in the afternoon.

The Lowville & Beaver River Railroad's future depends upon the economic viability of the Boise-Cascade mill. At present, that future looks secure, but the past has taught us never to be cocksure. As long as Boise-Cascade remains active, the little L&BR will likely continue to roll.

One questionmark is the future of Conrail, and specifically Conrail's branch line from Watertown to Lowville. Predecessor Penn Central abandoned the trackage from Lyons Falls north to Lowville, forever ending the Black River Branch as a through route. Lowville is now the southern terminus of the branch from Watertown. Rumors have circulated that Conrail may abandon the branch, severing L&BR's only rail connection with the outside world. However, enough business remains on the Conrail line so that a shortline could conceivably operate it.

If your pulse quickens at the sight of a 44-tonner threading its way over light rail, far removed from the congestion of large urban areas, take a trip back in time and visit the Lowville & Beaver River Railroad. The sound of the air-operated whistles alone makes the hour's drive north from Utica all worthwhile.

