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SERVICE DATE – SEPTEMBER 25, 2023

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 768X

MOHAWK, ADIRONDACK & NORTHERN RAILROAD CORPORATION—
ABANDONMENT EXEMPTION—IN LEWIS AND JEFFERSON COUNTIES, N.Y.

Docket No. AB 180X¹

THE LOWVILLE & BEAVER RIVER RAILROAD COMPANY—ABANDONMENT
EXEMPTION—IN LEWIS COUNTY, N.Y.

Decided: September 25, 2023

On September 11, 2023, Mohawk, Adirondack & Northern Railroad Corporation (MAN) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon: (1) an approximately 16-mile rail line that runs between milepost 58.1 and milepost 74.0 located between the Village of Lowville, N.Y., and the Village of Carthage, N.Y. (Lowville-Carthage Line), and (2) 0.5 miles of an unused spur track and 300 feet of terminal end of main line all within the Village of Lyons Falls, N.Y. On September 12, 2023, The Lowville & Beaver River Railroad Company (LBRR) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon a 10.44-mile rail line running from milepost 0.0 in Lowville to milepost 10.44 in Croghan, N.Y. (Lowville-Croghan Line). The Lowville-Croghan Line connects with the Lowville-Carthage Line at Lowville.²

According to MAN and LBRR, there has been no traffic on either the Lowville-Carthage Line or the Lowville-Croghan Line, respectively, for at least 15 years. (MAN Notice 3, AB 768X; LBRR Notice 3, AB 180X.) Both MAN and LBRR indicate that they are seeking abandonment authority because they have entered into contracts with Lewis County, N.Y., for the county to purchase the portions of the lines to be abandoned and convert them into a recreational trail for use by the public. (MAN Notice 4, AB 768X; LBRR Notice 3, AB 180X.)

¹ These proceedings are not consolidated but are being addressed in the same decision for administrative convenience.

² MAN and LBRR are both subsidiaries of Genesee Valley Transportation Company Inc. See David Monte Verde—Continuance in Control Exemption—Falls Rd. R.R., Docket No. FD 33161 (STB served Nov. 4, 1997.)

These notices raise issues that require further clarification. The Board’s records indicate that in 1991, its predecessor agency, the Interstate Commerce Commission (ICC), published a notice of exemption authorizing LBRR to transfer ownership of the Lowville-Croghan Line from LBRR to the Lewis County Industrial Development Agency (LCIDA) and for LCIDA to lease the line back to LBRR. See Lewis Cnty. Indus. Dev. Agency—Exemption from 49 U.S.C. 10901, Docket No. FD 31825 (ICC served Feb. 13, 1991). The published notice also states that LBRR “will retain an easement so that it may provide rail common carrier service on the line” and that LCIDA “is prevented by law from operating the line.” See id., slip op. at 1 n.1. In addition, the notice describes the Lowville-Croghan Line as extending “between milepost 0.0, at Lowville, and milepost 10.57, at Croghan, including a 1.15-mile branch at Beaver Falls, NY.” Id., slip op. at 1.

The Board is unaware of any subsequent transfer of ownership from LCIDA back to LBRR. Accordingly, LBRR will be directed to file a supplement explaining whether LCIDA possesses an ownership interest in the Lowville-Croghan Line and, if not, which party (or parties) has an ownership interest in this rail line and when such interest was acquired. If LCIDA has an ownership interest in the Lowville-Croghan Line, LBRR should explain why LCIDA would not be the proper party to seek abandonment authority. LBRR is also directed to explain whether the “1.15-mile branch at Beaver Falls” referred to in Docket No. 31825 is a rail line separate from the Lowville-Croghan Line and, if so, how this rail line would connect to the interstate rail network once the Lowville-Croghan Line is abandoned. Lastly, LBRR is directed to clarify whether the milepost for the endpoint of the Lowville-Croghan Line for which it is seeking abandonment authority is milepost 10.57 or milepost 10.44.

The Board’s records also describe the Lowville-Carthage Line that was acquired by MAN in 1991 as extending from milepost 74.3 to milepost 57.1. See Mohawk, Adirondack R.R.—Acquis. & Operation Exemption—Consol. Rail Corp., Docket No. 31846 (ICC served Mar. 22, 1991).³ MAN is directed to file a supplement clarifying whether the milepost for the endpoint of the Lowville-Carthage line is milepost 58.1 or milepost 57.1.

In light of the foregoing, the effective dates of the exemptions in Docket Nos. AB 768X and AB 180X will be postponed until further order of the Board.

It is ordered:

1. MAN and LBRR are directed to supplement the record, as discussed above, by October 10, 2023.
2. The effective dates of the exemptions in Docket Nos. AB 768X and AB 180X are postponed until further order of the Board.

³ The Board’s records indicate that MAN was formerly known as Mohawk & Adirondack Railroad Company, Inc. See David Monte Verde—Continuance in Control Exemption—Genesee & Mohawk Valley R.R., FD 32170, slip op. at 1 n.2 (ICC served Nov. 30, 1992).

3. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.