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Office of Proceedings
September 26, 2023
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Public Record

Surface Transportation Board
Document No AB-180
Verified Notice of Exemption
September 25, 2023

Comments on above Filing:

I am writing to point out some potential irregularities contained in the Verified Notice of Exemption filed on September 12, 2023 by the Lowville and Beaver River Railroad Company, as **Docket No AB-180**.

A. Under the section of the filing headed: Combined Environmental and Historic Report

1. Proposed Action and Alternatives Section II:

Based on consultation with the US Soil and Conservation Services, state the effect of the proposed action on any prime agricultural land

Response: The LBRR states that the Subject Line is not adjacent to any prime agricultural land

Rebuttal: It is my understanding, from looking at soil maps of this area, that the subject line is actually adjacent to many acres of prime agricultural land.

And, their intended use after abandonment will have a detrimental effect on this prime agricultural land.

B. In this same section of their notice:

Under #3. Land Use

Section 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 will not be removing soils from the right of way only track and Track materials will be removed by The County of Lewis, etc. etc.

Rebuttal: The County of Lewis has stated that they plan to remove the steel track along with wooden cross ties that are soaked with creosote that are Imbedded in the soil and gravel railbed. This has the potential to pollute the surrounding railbed and also discharge pollution into surrounding waterways, and would likely require a permit under Section 404 of the Clean Waters Act. Plus, it is my understanding that prior to any transfer of this property, by law the LBRR has the responsibility to remove both track and ties.

C. In closing, I question whether the Lowville and Beaver River Railroad Company is actually in the Interstate Common Carrier Rail Network, and if it is even eligible

for trail conversion under the Trails Act? If not eligible for rail banking then any change of use would ultimately render the this sale, and the change of use as subject to “ Quiet Title Litigation”, and perhaps not fall under your jurisdiction.

I sincerely appreciate your consideration of the issues I've raised regarding the Verified Notice of Exemption filed by LBRR. It seems to me that their request may be hurried and not properly documented, and thus I would request that it be denied, or at least delayed the above issues can be looked into.

Sincerely,

Dennis Bishop
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Lowville, NY 13367
Telephone: 315 376-3420

“CC: Parties of Record”