

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
October 3, 2023
Part of
Public Record

STB DOCKET NO AB-768X

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

STB DOCKET NO AB -180X

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

**RESPONSE OF MOHAWK, ADIRONDACK & NORTHERN RAILROAD
CORPORATION (MAN) AND THE LOWVILLE & BEAVER RIVER
RAILROAD COMPANY (LBRR) TO RAILSTAR CORPORATIONS
SEPTEMBER 25, 2023 NOTICE OF INTENT TO FILE AN OFFER OF
FINANCIAL ASSISTANCE.**

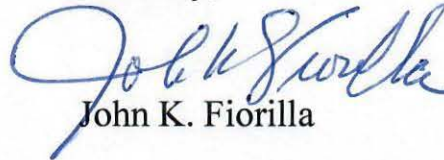
On September 25, 2023, Railstar Corporation of Cape Vincent, N.Y. filed a letter notice of its intent to file an Offer of Financial Assistance in the above captioned abandonment exemption matters. It is now October 3, 2023 and Railstar has failed to show how it intends to meet the requirements of 49 CFR § 1152.27 (c)(1)(i) in that they have not (1) formally expressed their intent to file an Offer of Financial Assistance and indicate the type of financial assistance they wish to provide or (2) demonstrated that they are preliminarily financially responsible as described in paragraph (c)(1)(ii) of this section to provide such financial assistance.

MAN and LBRR understand Railstar's interest in the property is to operate rail bike tourist activity and not to operate common carrier rail service. This is not surprising since there has been no common carrier service on the portion of the MAN for which abandonment is sought nor on the LBRR for more than fifteen (15) years. Neither MAN nor LBRR know of any prospective rail customers on the lines for which abandonment is sought. Since this is the case, it is highly

unlikely that Railstar will meet the requirements for the contents of an offer found at 49 CFR§ 1152.27a (c)(1)(iv) which provides that any offer must among other things "Demonstrate that there is a continued need for rail service on the line, or portion of the line in question" Examples of evidence to be provided include: evidence of a demonstrable commercial need for service as reflected by support from shippers or receivers on the line or other evidence of an immediate and significant commercial need.; evidence of community support for continued rail service; evidence that acquisition of freight operating rights would not interfere with current and planned transit services; and evidence that continued service is operationally feasible. As noted in the Notice of Exemptions filed, there has been no local or overhead rail traffic on the lines for more than fifteen (15) years.

It appears that Rail star's letter of September 25, 2023 regarding an offer to file an Offer of Financial Assistance does not comply with the requirements of 49 CFR §1152.27 (c)(1) and should not be accepted as an expression of intent to file an Offer of Financial Assistance.

Sincerely,



John K. Fiorilla

Cc: All Parties