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January 23, 2024

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Office of Proceedings
January 23, 2024
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Public Record

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: *Metro-North Commuter Railroad Company – Abandonment Exemption – In
Dutchess and Putnam Counties, New York, STB AB 1311 (Sub-No. 1X)*

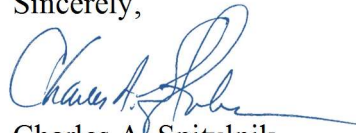
Dear Ms. Brown:

I am attaching for e-filing Metro-North Commuter Railroad Company's (1) Motion for Leave to File, Time for Filing Having Otherwise Expired, and Out of Time, and (2) Petition for Notice of Interim Trail Use in the above-captioned proceeding.

In addition, please note that the filing fee of \$350 has been paid. The Pay.gov ID number is 27B96O6M.

Please do not hesitate to contact me with any questions.

Sincerely,



Charles A. Spitulnik

Attachment

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB 1311 (Sub-No. 1X)

**METRO-NORTH COMMUTER RAILROAD COMPANY – ABANDONMENT
EXEMPTION – IN DUTCHESS AND PUTNAM COUNTIES, NEW YORK**

**MOTION FOR LEAVE TO FILE A
PETITION FOR NOTICE OF INTERIM TRAIL USE
TIME FOR FILING HAVING OTHERWISE EXPIRED**

Communications with respect to this document should be addressed to:

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*Counsel for Metro-North Commuter
Railroad Company*

January 23, 2024

**BEFORE THE
SURFACE TRANSPORTATION BOARD
STB Docket No. AB 1311 (Sub-No. 1X)**

**METRO-NORTH COMMUTER RAILROAD COMPANY – ABANDONMENT
EXEMPTION – IN DUTCHESS AND PUTNAM COUNTIES, NEW YORK**

**MOTION FOR LEAVE TO FILE A
PETITION FOR NOTICE OF INTERIM TRAIL USE
TIME FOR FILING HAVING OTHERWISE EXPIRED**

Metro-North Commuter Railroad Company (“MNR”) hereby moves this Board pursuant to 49 C.F.R. § 1117.1 for leave to file a request for interim trail use, time for filing having otherwise expired. The deadline for filing the Petition for a Notice of Interim Trail Use was yesterday, January 22, 2024. MNR is filing the Petition today in anticipation of a favorable ruling on this Motion. Because no parties will be prejudiced by permitting the filing to occur one day late, MNR respectfully requests the Board to grant this Motion.

On January 10, 2024, this Board issued a Notice of Exemption with respect to the abandonment by MNR of the freight rail common carrier obligations on approximately 41.1 miles of a rail line known as the “Beacon Line” that runs between Milepost 0.0 and Milepost 71.2 in Dutchess and Putnam Counties, New York (“Line”). The Board’s Notice set January 22, 2024, as the date by which interested parties should file a request for a Notice of Interim Trail Use.

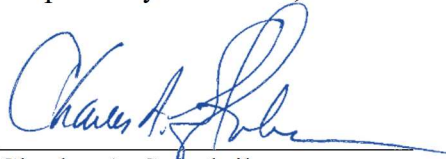
MNR owns the Line and has repeatedly advised the Board throughout the lengthy course of the proceedings that led to the issuance of the Notice of Exemption on January 10, 2024, of its intent to seek trail use on the Line. However, due to a number of factors related to intervening federal holidays and illness on the part of undersigned counsel, MNR’s ability to file the Petition for Interim Trail Use slipped by one day.

No party will be prejudiced by allowing this filing. In this docket, and in the previous proceedings involving the discontinuance of Housatonic Railroad Company's freight trackage rights and obligations on the Line¹, MNR has consistently stated its intent to seek trail use on the Line and has garnered public support for that use. Allowing MNR to file its Petition one day beyond the date set in the January 10 notice will permit the parties to achieve the desired result and will be consistent with the policy enunciated in the Trails Act, 16 U.S.C. § 1247(d) and this Board's regulations implementing that statute, 49 C.F.R. § 1152.29, that favor preservation of rail corridors for reactivation for freight service in the event of a future need for such service.

WHEREFORE, and in light of all the foregoing, MNR respectfully requests the Board to grant this Motion and permit filing of its Petition for a Notice of Interim Trail Use, today.

Dated January 23, 2024.

Respectfully submitted,



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¹ See *Housatonic Railroad Company, Inc. – Discontinuance of Service – Dutchess and Putnam Counties, N.Y.*, STB Docket No. AB 733 (Sub-No. 1X).

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of January 2024, I caused the foregoing Motion for Leave to File a Petition for Notice of Interim Trail Use, Time for Filing Having Otherwise Expired, to be served on the following parties by email:

Edward J. Rodriguez
Vice President and General Counsel
Housatonic Railroad Company
4 Huntley Road
P.O. Box 687
Old Lyme, Connecticut 06371-1448
e.rodriquez@hrrc.com


Charles A. Spitulnik