



COUNTY OF DUTCHESS
DEPARTMENT OF LAW

August 16, 2019

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Office of Proceedings
August 16, 2019
Part of
Public Record

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

RE: Docket No. AB-565 (Sub-No. 17X), *New York Central Lines, LLC –
Abandonment Exemption – in Dutchess County, NY*
Our File No. R-0790

Dear Ms. Brown:

Dutchess County, NY ("Dutchess County") files this reply to the document filed by the National Association of Reversionary Property Owners ("NARPO"). NARPO asks the Surface Transportation Board to deny Dutchess County's request to issue a Notice of Interim Trail Use or Abandonment (the "NITU") for an approximately 2.72-mile portion of the Line between milepost QCO 0.48 and milepost QCO 2.1±, and milepost QCO 2.0± and milepost QC 74.08 (formerly milepost QCO 3.2) in the city and town of Poughkeepsie, Dutchess County, NY (the "Trail Line") solely on the east side of the Hudson River.

NARPO alleges that the map submitted by Dutchess County is unclear, that the Trail Line does not connect to the national railroad system and that members of NARPO have been waiting 15 years to reclaim their property. The westernmost portion of the Trail Line at milepost QCO 74.08 connects to the north-south railroad line that CSXT sold to Metro-North and retained operating rights over CSXT.

The Surface Transportation Board's regulations at 49 C.F.R. §1152.29 set forth the steps to be followed in order for a potential trail user to receive a Notice of Interim Trail Use or Abandonment (the "NITU") from the Board.

In order to convert a railroad line into a trail under 16 U.S.C. §1247(d), the following must occur: (1) an abandonment must be sought by the railroad and granted by the Board; (2) a potential trail user must file a request for trail use, including a Statement of Willingness to Assume Financial Responsibility ("SWAFR") as required by 49 C.F.R. §1152.29(a)(3)1; (3) the railroad must agree to negotiate trail use; (4) the Board must issue a NITU under 49 C.F.R.

Where a late-filed trail use statement is accepted, the abandonment has not been consummated, and the railroad is willing to negotiate, an appropriate NITU will be issued. 49 C.F.R. §1152.29(e)(1).

§1152.29(d)(1); (5) the railroad and potential trail user must enter an agreement providing that the interim trail use is subject to future restoration of rail service pursuant to 49 C.F.R. §1152.29(d)(2); and (6) the parties must notify the Board that a trail use agreement has been reached under 49 C.F.R. §1152.29(h).

CSXT sought and received abandonment authority. CSXT has not consummated the abandonment of the Trail Line.

Dutchess County filed a SWAFR on July 30, 2019.

CSXT filed a letter on July 30, 2019 agreeing to negotiate under the NITU with Dutchess County.

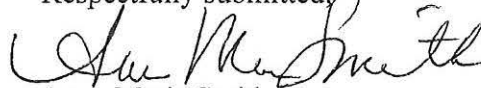
Dutchess County and CSXT are awaiting the issuance of the NITU, which has apparently been delayed by NARPO's document.

Dutchess County and CSXT have reached an agreement for Dutchess County to acquire the Trail Line from CSXT for trail use, subject to reactivation as a rail line, subject to certain pre-closing diligence.

Dutchess County and CSXT intend to notify the Board of the agreement after the NITU is issued and the pre-closing diligence is completed.

Since Dutchess County and CSXT have completed all of the requirements for the Board to issue an NITU and NARPO has not raised any legitimate objections, Dutchess County respectfully requests the Board to expeditiously issue the NITU.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Anne Marie Smith".

Anne Marie Smith

Senior Assistant County Attorney

CERTIFICATE OF SERVICE

I certify that I have this day served copies of this Reply on all parties of record in this proceeding by electronic service or first class mail, postage pre-paid.¹

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¹ The service list has been updated to include the names of officials at different agencies and necessary addresses.

Elizabeth Waldstein-Hart
Executive Director
Friends of the Walkway over the Hudson
P. O. Box 889
Poughkeepsie, NY 12602

Louis E. Gitomer

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August 16, 2019