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January 24, 2019

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VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

ENTERED
Office of Proceedings
January 28, 2019
Part of
Public Record

**Re: Docket No. AB 1261
New York State Department of Environmental Conservation –
Adverse Abandonment – Saratoga and North Creek Railway in Town
of Johnsburg, New York**

Dear Ms. Brown:

Pursuant to an abeyance request filed by the New York State Department of Environmental Conservation ("NYSDEC"), the Surface Transportation Board (the "Board") on October 23, 2018, stayed the deadlines for substantive comments responsive to NYSDEC's abandonment application and the related environmental assessment "until further Board order." In that same order, OmniTRAX, Inc. ("OmniTRAX") and Saratoga and North Creek Railway, LLC ("SNCR") were directed to provide status updates on negotiations that had triggered the stay order. OmniTRAX and SNCR hereby tender, jointly, such a status report.

For its part, OmniTRAX is pleased to report that it remains engaged in constructive discussions with NYSDEC to address and resolve freight car storage issues. Negotiations have progressed favorably to this point, but they have not yet concluded. OmniTRAX is optimistic that an agreement will soon be reached that will – (a) facilitate, with NYSDEC's support, the acquisition of the subject railroad line by an OmniTRAX subsidiary for purposes of restoring common carrier operations; and (b) permit NYSDEC to withdraw its abandonment application.

Similarly, OmniTRAX and SNCR continue to negotiate over the sale of the line that is the subject of this proceeding. Here, also, negotiations have not yet concluded, but the parties are optimistic that mutually-acceptable terms will be reached that would permit the Board to authorize the line sale (for purposes of restoring the line to service concurrently with NYSDEC's withdrawal of its abandonment application upon satisfactory conclusion of the aforementioned car storage discussions).

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For these reasons, OmniTRAX and SNCR join in requesting that the Board retain in effect the current stay order.

Respectfully submitted,


Robert A. Wimbish
Attorney for OmniTRAX, Inc.


John D. Heffner
Attorney for Saratoga and North Creek Railway

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cc: All parties of record