

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

245055

FD 36164

ENTERED
Office of Proceedings
January 24, 2018
Part of
Public Record

**ULSTER & DELAWARE RAILWAY REVITALIZATION CORP.
PETITION FOR DECLARATORY RELIEF**

**ULSTER COUNTY, NEW YORK
VERIFIED MOTION FOR EXTENSION OF TIME**

Submitted By:

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Beatrice Havranek
County Attorney
Ulster County
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Kingston, NY 12402-1800
(845) 340-3685

Counsel for Ulster County, New York

Dated: January 24, 2018

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SURFACE TRANSPORTATION BOARD**

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**ULSTER & DELAWARE RAILWAY REVITALIZATION CORP.
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**ULSTER COUNTY, NEW YORK
VERIFIED MOTION FOR EXTENSION OF TIME**

Ulster County, New York ("County") respectfully submits its motion for an extension of time pursuant to 49 C.F.R. § 1104.7(b) to file a reply to the Ulster & Delaware Revitalization Corp. ("U&D") Petition for Declaratory Relief, which was filed in the above-referenced proceeding on January 16, 2018. County was never served with a service copy of the Petition. There is a 20-day period to file a reply to the Petition as provided in 49 C.F.R. § 1104.13(a). Consequently, the reply would be due on February 5, 2018. The County seeks a 30-day extension to this due date, up to and including March 7, 2018, to file its reply.

As noted by U&D, the Ulster & Delaware Railroad line (also known as the "Catskill Mountain Branch") was originally built by a predecessor to the bankrupt Penn Central Transportation Company (MP 2.9 to MP 74.9). The United States Railway Association analyzed whether the line should be included in Consolidated Rail Corporation in the Final System Plan ("FSP"). The line was excluded from the FSP and was approved for abandonment and made available for public subsidy, which was provided for only a six-month period in 1976. On March 1, 1977, a Notice of Intent to Abandon the Catskill Mountain Branch, which included the Ulster

County railroad segment at issue here (MP 10 to MP 21.6) ("Ulster County Line"), was issued by the Trustees of Penn Central pursuant to Section 304(b) of the Regional Rail Reorganization Act of 1973, 45 U.S.C. § 744(b), a copy of which is attached hereto as Exhibit A. On April 1, 1977, the New York State Department of Transportation issued a Railroad Abandonment Notification for the Catskill Mountain Branch to interested parties in accordance with this statute, a copy of which is attached hereto as Exhibit B. As a result, the Catskill Mountain Branch, which as noted included the Ulster County Line, was abandoned in accordance with the Regional Rail Reorganization Act of 1973 and is no longer subject to the jurisdiction of the Surface Transportation Board. On July 24, 1979, the County purchased the Catskill Mountain Branch from the Penn Central estate as noted in the Petition. There has not been any freight or passenger service on the segment at issue, the Ulster County Line, since 1976, and it has no physical connection to the national rail system.

Since the reply by the County will involve the review of facts and files which are around forty-years old, the County respectfully requests a 30-day extension to file a reply to the Petition for a Declaratory Order. The County also urges the Board to review the above-mentioned facts which demonstrate the line at issue has been abandoned and is not subject to the jurisdiction of the Board.

Respectfully submitted

Donn C. Meindertsma
Conner & Winters, LLP
1850 M Street N.W., Suite 600
Washington, D.C. 20036
(202) 887-5711

Counsel for Ulster County, New York

Dated: January 24, 2018

CERTIFICATE OF SERVICE

I, Donn C. Meindersma, hereby certify that a copy of the foregoing Verified Motion for Extension of Time dated January 24, 2018, was sent by Federal Express overnight mail to the following in this proceeding.

John D. Heffner
Strasburger & Price, LLP
1025 Connecticut Avenue, N.W., Suite 717
Washington, D.C. 20036



Donn C. Meindersma

VERIFICATION

I, Beatrice Havranek, County Attorney, of Ulster County, New York, verify under penalty of perjury that the foregoing Verified Motion for Extension of Time is true and correct to the best of my knowledge, information, and belief. Further, I certify that I am qualified and authorized to file the foregoing document.

Executed on January 24, 2018



Beatrice Havranek
County Attorney
Ulster County, New York

EXHIBIT A

N O T I C E

The Trustees of Penn Central Transportation Company hereby give notice, pursuant to Section 304(b) of the Regional Rail Reorganization Act of 1973, as amended, of their intention, effective March 1, 1977 to abandon the
Catskill Mountain Branch

between Kingston (Milepost 2.9),
and Stamford (Milepost 74.9),
in the State of New York.

In the Final System Plan adopted under the terms of the 1973 statute, as amended, the line to which this notice relates is not designated for continued operation by Consolidated Rail Corporation or any other carrier, and no offer of subsidy pursuant to Section 304(c) of the above statute has been received.

ROBERT W. BLANCHETTE, RICHARD C.
BOND AND JOHN H. MCARTHUR, TRUSTEES
OF THE PROPERTY OF PENN CENTRAL
TRANSPORTATION COMPANY, DEBTOR

PC 137 1436 7/1/77

EXHIBIT B

NEW YORK STATE
DEPARTMENT OF TRANSPORTATION
Raymond T. Schuler, Commissioner



1220 Washington Avenue, State Campus, Albany, New York 12232

April 1, 1977

Re: Railroad Abandonment Notification
Penn Central Transportation Co.
Catskill Mountain Branch, Kingston
to Stamford, Ulster, Delaware &
Schoharie Counties

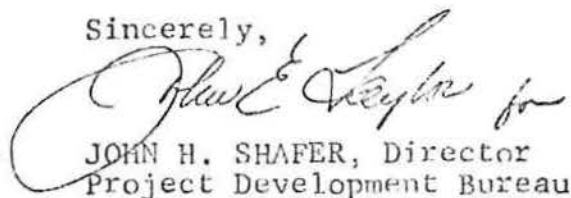
Dear

Under the provisions of Chapter 998 of the Laws of 1973, the Department of Transportation is designated as the official State agency to receive all notifications from the Federal Interstate Commerce Commission, United States Railroad Association (USRA), or any other Federal or State agency in regard to discontinuance of service or railroad property abandonment proceedings, including notification of applications from railroad companies for such purposes.

Furthermore, the Department of Transportation is required to inform all interested State agencies, transportation authorities and local municipalities in which such railroad property is located of these notifications.

In accordance with the provisions of this statute, you are hereby notified that the approval for the abandonment has been made for the subject railroad property identified in the enclosed description and map. You are being advised of this abandonment for informational purposes only.

Sincerely,


JOHN H. SHAFER, Director
Project Development Bureau

Enclosures

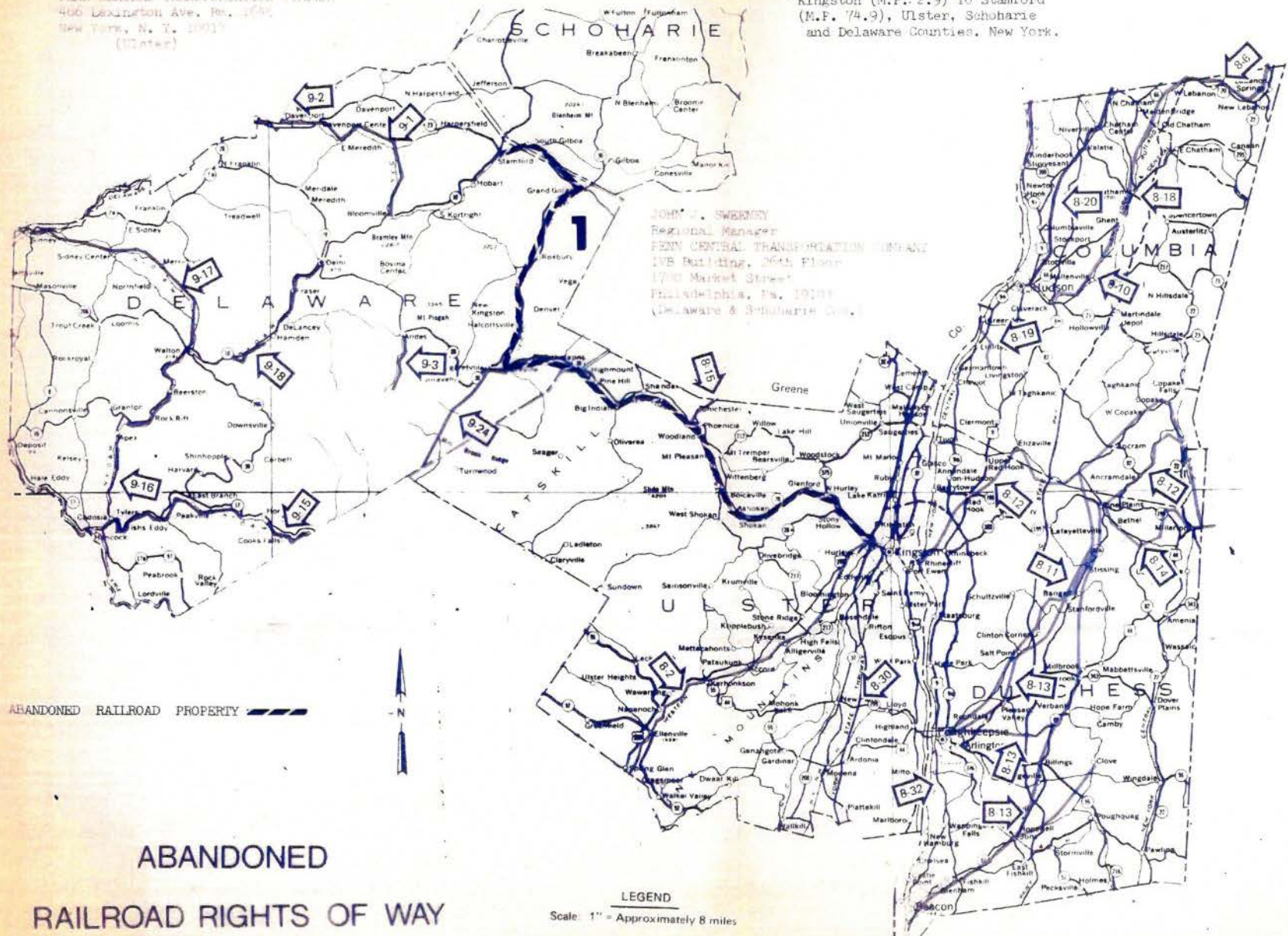
JHS/JPB/dc

bcc: J. K. Mladinov, 502-5
J. E. Collison, 204-5
K. W. Shiatte, 115-4
H. B. Clarkson, 115-4
J. K. Lussi, 212-4
B. S. Zodikoff, 316A-5
H. L. Peyrebrune, 206-4
M. D. Graham, 404-5
A. E. Dickson, Region #8
J. Lawrence, Region #8
J. K. Connors, Region #9
J. P. Carrington, Region #9

STANFORD J. SWILL
Regional Manager
PENN CENTRAL TRANSPORTATION COMPANY
400 Lexington Ave. Rm. 1604
NEW YORK, N. Y. 10017
(Winter)

PENN CENTRAL TRANSPORTATION COMPANY

- 1) Catskill Mountain Branch,
Kingston (M.P. 2.9) To Stamford
(M.P. 74.9), Ulster, Schoharie
and Delaware Counties, New York.



JOHN J. SWEENEY
Regional Manager
PENN CENTRAL TRANSPORTATION COMPANY
1700 Market Street
Philadelphia, Pa. 19103
(Delaware & Schoharie Cos.)

ABANDONED RAILROAD PROPERTY

ABANDONED
RAILROAD RIGHTS OF WAY

LEGEND
Scale: 1" = Approximately 8 miles