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May 21, 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
May 21, 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 order of the Surface Transportation Board (the “Board”) served on October 23, 2018, the deadlines for substantive comments responsive to the New York State Department of Environmental Conservation’s (“NYSDEC”) abandonment application and the related environmental assessment in the above-referenced proceeding were stayed until further Board order. In that same order, OmniTRAX, Inc. (“OmniTRAX”) and Saratoga and North Creek Railway, LLC (“SNCR”), among others, were directed to offer status reports on negotiations that had triggered the stay order. Most recently, by order served on April 3, 2019, the Board continued the stay, subject to the filing of supplemental status reports by or before May 21, 2019. OmniTRAX and SNCR hereby tender, jointly, the required supplemental report.

OmniTRAX (through its parent company, OmniTRAX Holdings Combined, Inc. – “OHCI”) remains engaged in discussions with NYSDEC intended to resolve freight car storage issues on the subject rail line. The parties have not yet reached an accord, yet OmniTRAX remains hopeful that agreement will be reached in due course to – (a) facilitate, with NYSDEC’s support, acquisition of the subject railroad line by an OHCI-controlled subsidiary for purposes of restoring rail service; and (b) permit NYSDEC to withdraw its abandonment application.

Similarly, OmniTRAX and SNCR continue to negotiate over the sale of the subject rail line. OmniTRAX and SNCR anticipate reaching mutually-acceptable terms that would trigger a Board-authorized sale for purposes of restoring the line to service concurrently with NYSDEC’s withdrawal of its abandonment application.

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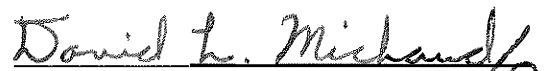
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Accordingly, OmniTRAX and SNCR join in requesting that the Board retain in effect the current stay order.

Respectfully submitted,



Robert A. Wimbish
Attorney for OmniTRAX, Inc.



David L. Michaud
Attorney for Saratoga and North
Creek Railway, LLC

RAW/ah

cc: All parties of record