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

Re: STB Docket No. AB 1261, *New York State Department of Environmental Conservation Application for Adverse Abandonment- Saratoga and North Creek Railway in the Town of Johnsbury, NY*

Dear Ms. Brown:

The Adirondack Council hereby submits this letter in support of the recent filings made by the State of New York Office of the Attorney General ("NYOAG") in this proceeding on July 12 and July 31, 2019.¹ In its filings, the NYOAG opposed the request by United Rail for continuation of the stay order currently in effect and asked the Surface Transportation Board ("STB") to issue a procedural schedule for the New York State Department of Environmental Conservation's ("NYS DEC") application for adverse abandonment. The Adirondack Council agrees with the NYOAG that good cause has not been demonstrated by United Rail to further warrant holding this proceeding in abeyance and we believe that it is now appropriate for the Board to receive comments on the abandonment application.

The pending adverse abandonment application concerns a thirty-mile line of railroad in New York's Adirondack Park known as the Tahawus Line. The subject line transgresses the counties of Warren, Hamilton, and Essex. The Adirondack Council has previously expressed its support for the NYS DEC application but also supported a *temporary* stay to allow OmniTRAX, Inc., a potential purchaser of the Tahawus Line, time to reach agreement with the Saratoga and North Creek Railway, Inc. ("SNCR")

¹ The Adirondack Council is a not-for-profit environmental organization with two offices in New York State and with membership comprised of thousands of individuals residing in all 50 states. The mission of the Adirondack Council is to ensure the ecological integrity and wild character of the Adirondack Park for current and future generations. We envision an Adirondack Park with clean water and air and large wilderness areas, surrounded by working forests and farms and vibrant local communities.



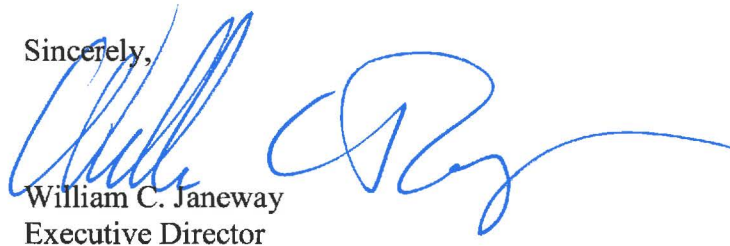
who is the current operator.² However, on June 14, 2019, OmniTRAX advised the Board that it no longer seeks to purchase the Tahawus Line.

On July 11, 2019, United Rail, a company headquartered in Las Vegas, Nevada and, according to its website, “is in the business of acquiring short line railroads in both the freight and passenger operations sectors” notified the Board that it had commenced “preliminary” discussions with SNCR about the possible purchase of the Tahawus Line. United Rail requested the Board to extend the stay order and stated initially that it was chosen by Warren County to be the operator of a rail line that directly connects with the Tahawus Line in North Creek, New York. However, on July 22, United Rail removed this statement about Warren County from its letter to the Board.

The Adirondack Council has previously indicated that it would fairly evaluate any legitimate freight rail investment and operation that would protect the environmental integrity of the Park and that could result in environmental benefits, such as cleaner air and reduced emissions, by reducing truck traffic of stone aggregates from the tailings mine. However, no party has asserted that the rail would supplant regional truck delivery in favor of serving distant markets by rail. As previously explained, freight rail service has not been provided on the line since the 1980s and there are high hurdles to establishing this service based on existing economic, legal and physical restrictions. United Rail has not provided any meaningful information let alone a viable plan for freight rail service that would justify continuation of the stay order.

Accordingly, the Adirondack Council agrees with the NYSOAG that the Board should deny United Rail’s request to extend the stay order and allow the adverse abandonment application to move forward. This course of action would best serve the public interest and the citizens of New York by allowing the State and its municipalities to explore other potential uses for the Tahawus Line that are consistent with the purposes for which the Adirondack Park was established.

Sincerely,

A handwritten signature in blue ink, appearing to read 'William C. Janeway', is written over the typed name and title.

William C. Janeway
Executive Director

cc: All parties of record

² The Council has clearly stated its serious concerns regarding the SNCR who has previously put the natural resources of New York's Adirondack Park at risk by allowing storage of tank cars containing oil residue within the Park's Wild, Scenic and Recreational river corridors and has failed to satisfy its financial and tax obligations.