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October 16, 2018

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423
Via E-filing

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

Dear Ms. Brown:

The New York State Public Service Commission submits this letter in support of the New York State Department of Environmental Conservation's Application for Adverse Abandonment with respect to the 30-mile railroad track of Saratoga and North Creek Railway, between milepost NC 0.0 at North Creek, New York and the line's terminus at near the Tahawus Mine at milepost NC 29.71.

The portion of rail line at issue here cuts through New York's Forest Preserve, which is to be kept forever wild under the New York State Constitution. The State holds the Forest Preserve in trust for the benefit of all New Yorkers; thus, granting this Application for Adverse Abandonment is in the interest of all New Yorkers.

This rail line has not been regularly used to transport materials since at least 1989. Saratoga and North Creek Railway, LLC ("SNCR") has moved an insignificant amount of freight since gaining authority to operate on the line in 2012. The freight was so inconsequential that SNCR began storing used tank cars on the line. SNCR has since removed those tank cars but has represented that it intends to resume storage of used tanker cars on the rail line. Storage of used tanker cars puts the ecologically sensitive Forest Preserve at risk and contravenes the

State's goal of ensuring that the Forest Preserve is protected and available for the benefit of current and future generations of New Yorkers.

The Public Service Commission asks that the Surface Transportation Board grant the Application for Adverse Abandonment in full. Thank you for your attention to this matter.

Respectfully,



D. Scott Bassinson
Solicitor

cc: Susan L. Taylor
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