



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

May 21, 2019

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

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Public Record

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

Dear Ms. Brown:

Currently pending before the Board is an application by the New York State Department of Environmental Conservation (the Department) for authorization to abandon a thirty-mile stretch of railroad known as the Tahawus Line (the Line), located in Warren, Hamilton, and Essex Counties in northern New York.

On October 16, 2018, the Department wrote the Board requesting that the pending abandonment application be held in abeyance while the Department attempted to negotiate a binding rail car storage agreement with the Line's potential purchaser, OmniTRAX, Inc. (OmniTRAX). The Board issued a stay order on October 23, 2018. The order directed that a status report be filed by January 22, 2019. On January 18, 2019, the Department provided a status update and requested that the stay be continued. On February 2, 2019, the Board continued the stay and directed that the parties file a status report by March 22, 2019. By letter dated March 21, 2019, the Department filed a status report and requested that the stay be continued for an additional 60 days. On April 3, 2019, the Board continued the stay and directed that the parties file a status report on or before May 21, 2019.

The Department represents that negotiations with OmniTRAX are ongoing. In anticipation of a mutually agreeable resolution, the Department again requests that the Board continue the current stay for an additional 60-day period.

The Department understands that OmniTRAX will file a separate report updating the Board and requesting that the stay be continued.

Respectfully submitted,

/s Joshua M. Tallent

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cc: service list