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September 28, 2018

By E-filing

Ms. Cynthia T. Brown
Chief of Administration,
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

**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:

I am writing on behalf of the Saratoga and North Creek Railway, LLC ("SNC") in connection with the above-captioned matter. SNC is negotiating with Omni-TRAX Holdings Combined, Inc. ("OmniTRAX") for the sale of the SNC-owned rail line segment that is the subject of the New York State Department of Environmental Conservation's ("NYSDEC") adverse abandonment application, with the expectation that such a line sale would facilitate the reactivation of the line for through freight service.

For these reasons, SNC opposes to NYSDEC's application, and believes that the appropriate course here would be for SNC and OmniTRAX to complete line sale negotiations without the threat of a forced abandonment. SNC submits that the current abandonment application is not well-founded and should be withdrawn, or, at a minimum, that the abandonment proceeding should be held in abeyance pending the completion of negotiations, and the filing of an appropriate class exemption notice to authorize the anticipated rail line transfer. The withdrawal of the application or deferred action on it (at a minimum) would promote rail common carrier service, and remove uncertainty over the prospect of the Board's authorization of the line sale.

SNC appreciates the Board's attention to this matter, and asks that the agency remain mindful of ongoing efforts to restore the subject line to service to the benefit of the regional economy and the interstate rail network generally.

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Sincerely yours,

CLARK HILL STRASBURGER

A handwritten signature in blue ink, appearing to read "J.D. Heffner", with a long horizontal flourish extending to the right.

John D. Heffner
Attorney

cc: Service list

CERTIFICATE OF SERVICE

I, John D. Heffner, hereby certify that a copy of “Comments of Abandonment-Saratoga and North Creek Railway in Town of Johnsborg, New York” dated September 28, 2018, was sent by electronic mail to all parties of record in this proceeding.

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Dated: September 28, 2018