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Comment Letter

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National Association of Reversionary Property Owners

Ms. Cynthia Brown, Office of Proceedings
STB
Washington, DC 20423

RE: AB 565-17X NYC Lines LLC, abandonment in Dutchess County, New York

Dear Ms. Brown:

On July 31, 2019 The County Attorney for Dutchess County New York(DCNY), Mr. James Fedorchak, filed a letter with the STB concerning AB 565-17X which is about an abandonment from 2004, which is 15 years ago. DCNY is now asking for a NITU on this abandonment which DCNY claims has not been consummated which it appears CSXT agrees with.

NARPO has one member on the west side of the Hudson River along this abandonment and two members on the east side of the Hudson River. All three of NARPO's members have been waiting patiently for over 15 years for the return of their reversionary rights to the right of way. It appears the abandoning railroad has not done anything to comply with the STB abandonment restrictions set in the 2004 abandonment decision question. In the 2004 abandonment application, the railroad said the line was unneeded for their railroad's use and they could use the money to further their other railroad usees. If the railroad needed the money so bad, then why have they waited 15 years and counting to do anything with the assets of the line? Obviously the railroad didn't need the money from the line's assets but used that as an excuse to quit serving customers; all this to the detriment to the many property owners who own the underlying right of way.

This NITU fiasco is one of many that NARPO did not include in it Rebuttal/Reply to EP 749 which NARPO filed on July 26, 2019. But this proposed NITU is a poster child for the games the railroads and the trails proponents are playing with the STB rules and

Federal law. Ten years has elapsed since any action has occurred on AB 565-17X, and then all of a sudden up pops a proposed NITU. How does the STB expect property owners to live on or possibly sell their property when these kinds of actions are hanging over their heads?

Reading through the DCNY letter, NARPO is confused as to which line and what mile posts are really involved with this NITU request. Also the Map of the NITU request exhibit supplied by DCNY is totally unreadable and does not comport to what is being requested. Mileposts have been changed over the 15 years since the abandonment was filed in 2004 so it is hard to decipher just where this NITU is proposed to be going.

Also it is mentioned in the DCNY letter that in 2009 a bridge across the Hudson River was conveyed in a NITU and Trail Use Agreement, but that bridge is not shown anywhere on the map and how it connects to the new proposed NITU, and even if it connects to the proposed NITU.

Also it does not appear that either end of the proposed NITU is connected to an existing line of railroad that is in the National Rail System. A good look at Google Maps shows what may be the proposed NITU layout does not connect to an existing railroad. A NITU cannot be issued unless at least one end of the proposed NITU is connected to an existing rail line.

NARPO requests the STB to deny the proposed NITU as it way past the last request for a NITU which expired many years ago. And the ten year lapse is way past the proposed three year limit for NITUs as proposed in EP 749 and agreed to in principle by the STB and many commenters.

NARPO requests the STB to require DCNY to submit a readable copy of the map of the proposed NITU along with the proposed NITU's connection to an existing railroad. Also NARPO would like to see how the existing NITU for the bridge over the Hudson River connects to the proposed NITU and what happened to the rest of the abandonment on the west side of the Hudson River.

NARPO has done its best to serve parties of record from 2004 and 2009, but some addresses are not current and of course there are no email addresses that are spelled correctly.

NARPO has served via email the railroad, Walkway and the Dutchess County attorney which should cover all current parties of record.

Sincerely yours, Richard Welsh, executive director, NARPO