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SERVICE DATE – FEBRUARY 1, 2018

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36164

ULSTER & DELAWARE RAILWAY REVITALIZATION CORP.—PETITION FOR
DECLARATORY ORDER

Decided: February 1, 2018

On January 16, 2018, the Ulster & Delaware Railway Revitalization Corp. (U&D), a non-profit tax-exempt New York corporation, filed a petition for declaratory order requesting that the Board determine whether a line of railroad located in Ulster County, N.Y. (County), known as the Catskill Mountain Branch (the Line), has been abandoned, and if so, whether the conversion of the Line's right-of-way into a trail could be done pursuant to the National Trails Act, 16 U.S.C. § 1247(d). On January 24, 2018, the County filed a verified motion for an extension of time to file a reply. The County asserts that it was never served a copy of the petition and that its reply will involve the review of facts and files which are around 40 years old. Thus, the County seeks a 30-day extension, up to and including March 7, 2018, to respond to U&D's petition.

U&D responded to the County's extension request on January 25, 2018, asserting that the County was provided with timely service of the petition but noting that U&D would be willing to agree to a short extension, until February 13, 2018.

A reasonable extension of time will be granted for the County's reply to U&D's petition. An extension of 30 days from the date of the County's motion should be sufficient to permit the County to respond to the petition without undue prejudice to U&D.

U&D states in its January 25 reply that it would be willing to engage in Board-sponsored mediation with the County. The Board favors the resolution of disputes through the use of mediation and arbitration procedures, in lieu of formal Board proceedings, whenever possible. If the County is amenable to Board-sponsored mediation, it is requested to so inform the Board.

It is ordered:

1. The County's reply to U&D's petition will be due by February 23, 2018.
2. This decision is effective on its date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.