

**Lilyea Farms
Gary E. & Mary W. Lilyea
1320 Pre Emption Road
Penn Yan, NY 14527
315-536-6644**



June 7, 2007

Service Transportation Board
Mr. Vernon A. Williams, Secretary
395 East Street SW
Washington, DC 20423-0001

RE: Finger Lakes Railroad Abandonment in Yates County, New York
STB Docket # AB-1005X

Dear Mr. Williams:

It was recently brought to my attention that Finger Lakes Railway is abandoning a section of their rail line that bisects a large section of my farming operation as well as several other farms. I have also seen communications from the Friends of the Outlet and their request that this abandoned track become a "walking trail". I would like to take a little of your time to explain why I am strongly opposed to this proposal.

- The Keuka Outlet Trail runs from the Village of Penn Yan to the Village of Dresden. This trail goes through a large gulley along the Keuka Outlet. Along the way, there are remains of sites with some historic value, waterfalls and an abundance of wild life. It is a very enjoyable walk. The proposed trail from Flat Street to the Bellona Station Road is through open farmland.
- The proposed trail is one that goes *from nowhere to nowhere*. After conversations with Finger Lakes Railway, the section of rail to be abandoned **does not** start in the Village of Penn Yan as the Friends of the Outlet's letter would suggest. It starts just west of the Flat Street crossing

which is not in the Village at all. From Flat Street, the abandonment proceeds north to the Bellona Station road. One of the Friends main objectives was to be able to connect this trail with the Ontario Pathway's trail in the Town of Seneca, which is north of the Town of Benton. That isn't going to happen since several abandoned railroad sections, in Benton and Seneca, have already been sold back to the adjoining landowners. I have enclosed a copy of deed transfers showing that there is no railroad bed connection to the north.

- Probably one of my biggest concerns is the liability issue. As the enclosed maps show, we either own or farm a large portion of the land in the valley. We are good farmers and implement good farm practices. But as you may imagine, most people have no idea of how they get the food they eat. To produce good crops, there are certain farm applications that need to be done on a regular basis. One of those applications is applying spray to crops as they need them. A big factor that influence when this is done is weed and weather conditions. I don't need every hiker who walks through the middle of my farm deciding if I should be spraying that day or not. And believe me, there are any number of activists who think they are "good judges" of how things should be done. Another liability is the lack of access to get on this trail. Individual property owners own all the land on both side of this railway. I don't want to be responsible for people tripping and falling on my land while trying to access this trail. Another concern is the fact that we leave farm machinery parked in the valley. If someone were to climb on this equipment and get hurt, I'm in trouble. At certain times of the year, there are anhydrous ammonia tanks parked by this proposed trail. We use it to add nitrogen to the soil for the crops but vandals have other uses for it. Yates County has had issues in the past with vandals stealing the anhydrous to make drugs. Who's going to watch out for that in the middle of nowhere? Everyone can say we wouldn't be responsible for any of this but it seems if something bad happens everyone is responsible.
- All of the farmland in the valley has drainage tiles underground used to drain all the water from as far away as Benton Center. In order for those tiles to work, it is imperative that the railroad ditch be maintained. I have always had a good working relationship with the railroad and I believe have gone above and beyond to be a good neighbor. Just this spring, I paid a local excavating contractor to clean the railroad ditch that runs along the side of the tracks. Enclosed is a bill for \$5,057.50 that I recently paid along with pictures of the ditch after it was completed. As you can see from the pictures, there are many drain tiles that empty into this ditch. We have this cleaned every 10-12 years. This does not take into account any work that I do myself.

- The proposed trail crosses three roads. The intersection closest to Flat Street has been the sight of several traffic accidents that have resulted in at least two deaths. The road to the south of the crossing has a blind spot that makes it difficult to see other cars coming. I can't imagine what would happen if people were trying to get across that intersection on foot. Safety would be a major concern.
- I had a chance to talk to the former Yates County Planner, Chris Wilson, and he said that some of the things mentioned by him in the Friend's letter were taken out of context. Sure everyone is in favor of a walking trail if it's a good, viable plan. I think this one has too many issues. Besides that, how many "walking trails" does one community need? Yates County and Penn Yan already have a nice place for visitors to walk. I've never heard anyone complain that it's so crowded you can't walk on it. The current trail is in a spot with little if any activity by its boundaries. It's a perfect place to enjoy nature. The proposed trail however, runs right through the middle of some of the best agricultural land in the State and I believe it should remain just that...farmland.
- My Mennonite neighbors just shook their heads about the prospect of using the trail to get to Penn Yan. First of all, it's not going into Penn Yan and secondly, they couldn't figure out why they'd go a half mile out of their way when they don't have a problem with using the main roads.

I'd like to thank you for your time and consideration in this matter. I hope this information is not too late for your review. As a taxpayer, I think my money could be better spent establishing a walking trail in a community that doesn't already have one.

Sincerely,

A handwritten signature in cursive script that reads "Gary E. Lilyea".

Gary E. Lilyea

Cc: file

Parcels Sold Back To Adjoining Property Owners

Town of Seneca

Name Pathway Sold	Parcel ID To the following	Date	Libr	Page	Acres	Paid
Bush	160.00-1-35.310	01/20/1998	989	718	1.20	\$416.00
Roe	160.00-1-35.100	12/23/1997	988	663	2.30	\$736.00
Roe Corr Deed	160.00-1-35.320	05/21/1998	995	534	3.70	
Rundt	131.09-2-45.100	01/13/1998	988	666	0.60	\$150.00
Phalen	131.00-1-34.110	01/13/1998	988	670	5.40	\$1721.00
Whitwood	145.00-1-17.100	01/13/1997	988	668	1.60	\$480.00
Christensen	159.00-1-16.000	02/02/1998	990	396	1.00	\$320.00
Correction Deed	" "	05/21/1998	995	538		
Seminis Veg Seeds	146.00-1-41.000	03/12/1998	992	213	0.85	?
Empire Bean&Seed	131.09-2-63.100	03/03/1999	1011	603	0.63	\$300.00
Roe	160.00-1-35.320	12/01/1997	663	988	1.70	?

Town of Benton

Roe Acres	8.01-1-9	06/20/1994	383	195	4.58	\$2105.00
Dan Martin	7.02-1-9	09/02/1994	383	041	2.69	\$900.00

Farm Tile Drainage
Trenching
Drainage Materials



Bulldozing
Excavating
Trucking

Jensen Bros.

612 Rte. 14
Penn Yan, N.Y. 14527
Shop Ph. 315-531-8840

Scott C. Jensen
536-5601

GARY LILYEA
1320 PreEmption Rd.
Penn Yan, NY 14527

Kevin K. Jensen
536-4597

MAY 16 2007

59.5 Hrs. with 215 excavator @\$85.00 - - - - - \$5,057.50

Apr	3 - 6 Hrs.	215	Moses ditch
	4 - 6 Hrs.	"	"
	3½ Hrs.	"	Laurence ditch
	5 - 4 Hrs.	"	"
	3 Hrs.	"	Garys ditch
	6 - 7 Hrs.	"	"
	7 - 10½ Hrs.	"	"
	9 - 4½ Hrs.	"	"
	5½ Hrs.	"	spreading spoil
	12 - 8½ Hrs.	"	Mikes farm
	13 - 1 Hr.	"	"

paid 5-18-07 CK #4317









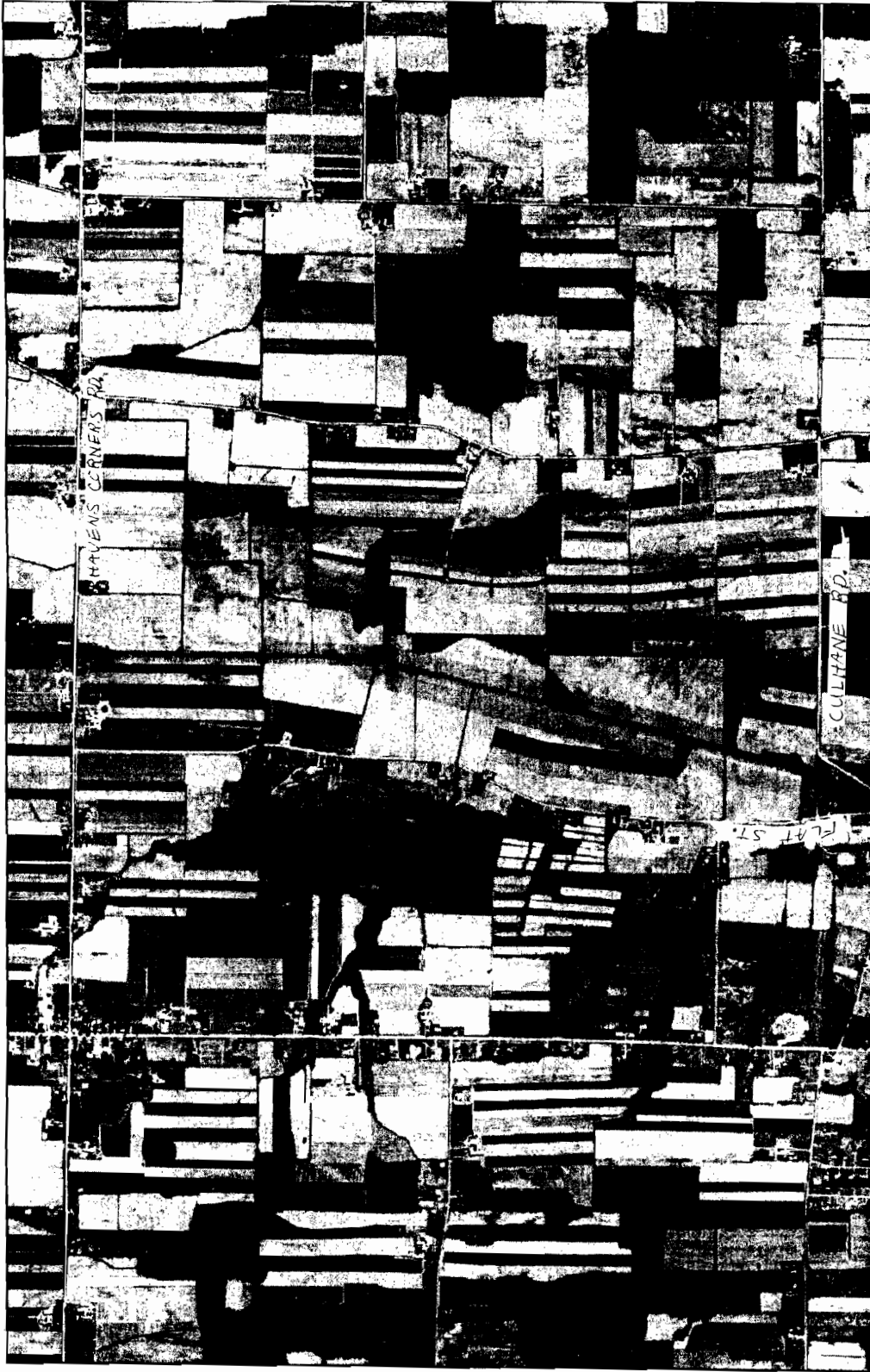




United States Department of Agriculture
Farm Service Agency

INDICATES LAND
(OWNED OR RENTED)
BY LILYDA FARMS
INDICATES FLRR - 2002

Farm #: Tract #:
Total Cropland Acres:



June 6, 2007

Not To Scale
Program Year 2007

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.