

Broome County Department of Public Works

Barbara J. Fiala, Broome County Executive • Patrick J. Brennan, Commissioner

EI-18029

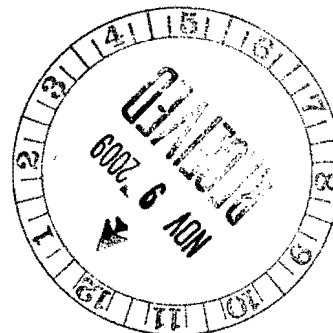
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Broome County Office Building • 60 Hawley Street • P.O. Box 1766 • Binghamton, New York 13902
(607) 778-2909 • Fax (607) 778-6051 • Website: www.gobroomecounty.com

November 4, 2009

Anne K. Quinlan, Acting Secretary
Surface Transportation Board
The Mercury Bldg.
395 E Street SW
Washington, DC 20423-0001



RE: Docket No. AB-167 (Sub-No. 1093X)

Secretary Quinlan:

This letter is submitted as a petition by the County of Broome for removal of the conditions contained in the August 28, 1989 Decision in the above-referenced proceeding which requires the bridge over Vestal Road (the "Vestal Road Bridge") be left in place.

On August 28, 1989 a Decision was issued in the above matter in which Consolidated Rail Corporation ("Conrail") was granted abandonment authority over a 3.1 mile line of railroad in Broome County New York. A copy of that Decision is attached hereto as Exhibit A. Conrail subsequently exercised that abandonment authority.

At the request of the Town of Vestal New York and Conrail, a condition to Conrail's salvage of the line was that the railroad bridge over Vestal Road be left in place. Conrail subsequently conveyed ownership of the railroad bridge. The current owner is Central New York Railroad Corporation.

Due to changes in circumstances in the ensuing twenty years, it is my understanding the Town of Vestal requests the railroad bridge over Vestal Road no longer remains in existence. As noted in the letter of support attached hereto as Exhibit B, the current owner of the bridge has joined in that request.

Accordingly, the County of Broome supports the request that the STB reopen the above docket for the purpose of removing the conditions requiring the continued existence of the Vestal Road Bridge.

Respectfully,

A handwritten signature in cursive script that reads "Patrick J. Brennan".

Patrick Brennan
Deputy County Executive of Physical Services
Commissioner of Public Works

I hereby verify under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this letter petition.

Executed on November 4, 2009

enc.

cc w/o enc. John Fitzgerald, NYSDOT Region 9

EXHIBIT A

SERVICE DATE

AUG 31 1989

DO

INTERSTATE COMMERCE COMMISSION

DECISION

Docket No. AB-167 (Sub-No. 1093X)

CONSOLIDATED RAIL CORPORATION--ABANDONMENT EXEMPTION--
IN BROOME COUNTY, NY

Decided: August 28, 1989

Consolidated Rail Corporation (Conrail) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon its 3.1-mile line of railroad between milepost 196.6 and milepost 199.7, in Broome County, NY. A notice of exemption was served and published in the Federal Register on July 31, 1989 (54 FR 31589). The exemption is scheduled to become effective on August 30, 1989.

The Commission's Section of Energy and Environment (SEE) has been informed that the town of Vestal, NY, and Conrail agreed to condition Conrail's salvage operations as follows: (1) the bridge over Vestal Road shall be left in place; and (2) Conrail shall keep the roadbed at a height not less than that currently existing. SEE recommends that these conditions be imposed. I will impose both conditions.

As conditioned, this action will not significantly affect either the quality of the human environment or conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment by Consolidated Rail Corporation of the line described above is subject to the following salvage conditions: (1) Conrail must leave in place the bridge over Vestal Road; and (2) Conrail must keep the roadbed at a height not less than that currently existing.
3. This decision is effective on its date of service.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

(SEAL)

Noreta R. McGee
Secretary

EXHIBIT B

THE NEW YORK, SUSQUEHANNA AND WESTERN RAILWAY CORPORATION

**1 Railroad Avenue
Cooperstown, NY 13326**

607-547-2555 ph.

607-547-5658 fax

www.nysw.com

**Nathan R. Fenno
President
nfenno@nysw.com**

October 7, 2009

Anne K. Quinlan, Acting Secretary
Surface Transportation Board
The Mercury Bldg.
395 E Street SW
Washington, DC 20423-0001

RE: Docket No. AB-167 (Sub-No. 1093X)

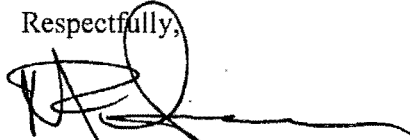
Dear Secretary Quinlan:

This letter is submitted in support of the request by the Town of Vestal for removal of the conditions contained in the August 28, 1989 Decision which require that the bridge over Vestal Road (the "Vestal Road Bridge") be left in place.

By Deed dated February 25, 1998, Consolidated Rail Corporation conveyed to Newco Services Inc. certain real property which included the Vestal Road Bridge. Such conveyance was subject to the conditions set forth in the August 28, 1989 Decision. By Deed dated May 21, 2002, Newco Services, Inc. conveyed certain property, including the Vestal Road Bridge, to Central New York Railroad Corporation ("CNYK"). CNYK remains the owner of the Vestal Road Bridge. CNYK has never sought authority to commence railroad operations over the Vestal Road Bridge and has never conducted any railroad operations over the Vestal Road Bridge.

CNYK joins in the petition of the Town of Vestal to reopen the above docket for the purpose of removing the conditions requiring the continued existence of the Vestal Road Bridge.

Respectfully,

A handwritten signature in black ink, appearing to be 'N. Fenno', written over a horizontal line.

Nathan R. Fenno
President

NRF:ksp