

ELLEN M. McNULTY-RYAN
Mayor

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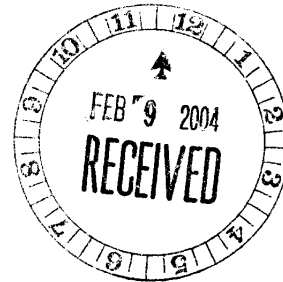
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VILLAGE OF GREEN ISLAND

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February 2, 2004



Secretary
Surface Transportation Board
1925 K Street NW
Washington, DC 20423-0001

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Office of Proceedings
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Public Record

RE: Abandonment of Trackage in the
Village of Green Island, Albany
County, New York
Docket No. AB-156
(Sub - No. 24X)

Dear Secretary:

This request is filed on behalf of the Village of Green Island, which is a political subdivision of the State of New York interested in transportation and natural resources and is hereinafter referred to as "proponent".

Proponent requests issuance of a Public Use Condition rather than an outright abandonment authorization for the railroad property located between the Village of Green Island municipal boundary southerly to the southerly intersection of Veterans Memorial Drive. See attached map.

Request for Public Use Condition

Proponent asks the Surface Transportation Board to find that this property is suitable for other public use, specifically road and highway use and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, if any, except for public use on reasonable terms. Justification for this condition is as follows:

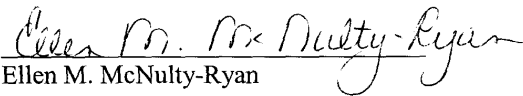
- The right of way has been identified as the necessary and essential route for traffic to enable the continued economic development of the northern portion of the Village of Green Island. The Village has entered into lease agreements with the carrier to allow for the present use of a portion of its property to provide access to a new commercial enterprise which has invested several million dollars in acquisition of land and construction of its North American headquarters. Additionally, the Village has obtained a \$2,600,000 Federal grant to fund the acquisition of the carrier's property and construct a new road, sidewalks, street lighting and water, sewer and electric infrastructure. This new road construction project is essential to the development of an additional 44 acres of land east of the carrier's line to be abandoned. Over \$50,000,000 of private investment and approximately \$10,000,000 of public funds have and will be spent on properties within one quarter of a mile of the carrier's property. Over 900 jobs have been created to date and the opportunity to increase that number is vitally dependant upon the acquisition of this land by the Village and the construction of this new roadway.

The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to finalize a purchase contract with the carrier, coordinate the Federal and State review and approval of designs and award the construction contracts. To meet this deadline, the proponent will require the active participation of the carrier.

The proponent has met and is continuing to meet with the carrier to finalize the purchase and sale agreement.

By my signature below, I certify service upon Delaware and Hudson Railway Company d/b/a Canadian Pacific Railway Company ("D&H"), 200 Clifton Corporate Park, P. O. Box 8002, Clifton Park, New York 12065 by postage pre-paid, first class, this 2nd day of February 2004.

Respectfully submitted on behalf of the Village of Green Island.


Ellen M. McNulty-Ryan
Mayor
Village of Green Island

cc: John Denison
Manager Real Estate & Industrial
Development
Delaware & Hudson Railway
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