

Dutchess

**Dutchess
County
Executive**

William R. Steinhaus
County Executive

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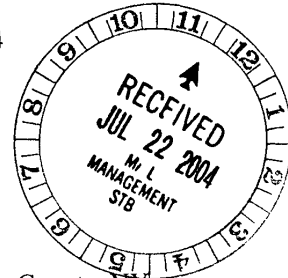
July 7, 2004

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings

JUL 23 2004

Part of
Public Record



Re: New York Central Lines, LLC Abandonment in Dutchess County, NY,
Docket No. AB-565 (Sub. No. 17X)

Dear Secretary:

This request is filed on behalf of the County of Dutchess County, which is a County Government interested in recreational and/or public use of the right-of-way, hereinafter referred to as "proponent."

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between: milepost QCO 0.0 to milepost QCO 3.2 and milepost QCK 29.5 to milepost QCK 31.0.

A. Request For Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail 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, except for public use on reasonable terms. Justification for this condition is: the rail corridor (milepost QCK 29.5 to milepost QCK 31.0) terminates at the end of an existing 11 mile corridor slated for development as a rail trail and is a vital connection into the heart of the City of Poughkeepsie, including approaches to the Hudson River waterfront, and several other planned trail networks. In addition the remaining lines offer great potential to establish a secondary trail network, which could connect a planned residential development, a local college and other neighborhoods into the greater countywide trail network. The conversion of the property to trail use is in accordance with local plans. Other public uses of the corridor include additional space around the Dutchess County Jail and planned Dutchess County Forensic Center. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to assemble and review title information and begin negotiations with the carrier.

FILING FEE WAIVED

<http://www.dutchessny.gov>

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, COUNTY OF DUTCHESS is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of [unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability], and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by New York Central Lines, LLC and operated by New York and Eastern Railway, LLC and CSX Transportation Inc.

The property, know as the "the Line" extends from railroad milepost QCO 0.0 near the Hoffman Street yards to milepost QCO 3.2 near the Smith Street yard and milepost QCK 29.5 near the intersection with Washington Street in the City of Poughkeepsie to milepost QCK 31.0 near the crossing of the Fallkill Creek, a distance of approximately 4.7 miles in Dutchess County, New York. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-565 (Sub. No. 17X).

A map depicting the right-of-way is attached.

The COUNTY OF DUTCHESS acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

We also request that any filing fee for the trails use condition be waived.

By my signature below, I certify service upon New York Central Lines, LLC, by U.S. Mail, postage pre-paid, first class, this seventh day of July 2004.

Respectfully submitted,



William R. Steinhaus
County Executive

Attachment

Copies sent to:

Mr. David Geraci, CSX Transportation
Mr. Jonathan Gold, CSX Transportation
Mr. Louis Gitomer, Esq. Ball Janik, LLP
Mr. John D. Heffner, PLLC
Mr. Robert Dennison, NYSDOT-Region 8
Mr. Richard Peters, NYSDOT-Region 8
Ms. Laura Wojtowicz, Town of Poughkeepsie
Mr. Jim Marquette, City of Poughkeepsie
Mr. George R. Stafford, NY Department of State
Mr. Gerald Barnhart NYS Department of Environmental Conservation
Mr. N.G. Kaul, NYS Department of Environmental Conservation
Mr. Joe Vietri, US Army Corps of Engineers
Ms. Jane M. Kenny, Environmental Protection Agency
Mr. Jack Earl, NYDSOT –Freight & Economic Development Division
Mr. Frank Maida, DCO/NOAA
Regional Director, Northeast Region-National Park Service
USDA-NRCS – Millbrook Service Center

