



PAUL A. TOKASZ
Assemblyman 143rd District

MAJORITY LEADER

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

212490

ALBANY OFFICE:
Room 926
Legislative Office Building
Albany, New York 12248
(518) 455-5921
FAX (518) 455-3962

tokaszp@assembly.state.ny.us

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Office of Proceedings

NOV 10 2004

November 1, 2004

Part of
Public Record

Vernon A. Williams
Secretary
Surface Transportation Board
Washington, DC 20423



Re: Docket No. AB-156 (Sub-No. 25X), Delaware and Hudson Railway Company-
Discontinuance of Trackage Rights-in Susquehanna County, PA and Broome, Tioga,
Chemung, Steuben, Allegany, Livingston, Wyoming, Erie, and Genesee Counties, NY.

Dear Mr. Williams:

I am advised Delaware & Hudson Railway Company, (D&H), an affiliate Canadian Pacific Railway Company (CP), has filed to discontinue its operations over approximately 229.55 miles of line between Lanesboro, PA-Binghamton-Buffalo, NY. The D&H action would close its use of the so-called "SK" yard in Buffalo, and result in other changes to railroad operations in the Buffalo area.

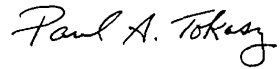
It is my understanding that the STB's October 21 order announcing this proceeding, issued by a staff member, does not provide for hearings. Rather, persons are directed to file "comments" with the STB on or before November 10, as indicated in the Federal Register, for October 21.

I ask that you re-consider the October 21 STB Staff decision not to assign the proceeding for oral hearings and hold a hearing in Buffalo. The submission of written comments is not sufficient or appropriate for many members of the public, who would prefer an oral presentation. I believe an oral hearing is necessary to fully explore the D&H discontinuance and the impact on the Buffalo area. I am advised appeals are authorized in this situation by your rules, 49 CFR 1011.7(b), and perhaps other citations.

Further, I believe the November 10 does not allow for a sufficient period of time for those wishing to file comment. I believe the due date for written comments should be extended for a minimum of 30 days, until December 20. I am advised extension of time for filing written

materials may be authorized by your rules, 49 CFR 1104.7, and perhaps other citations. Of course, this extension of time for filing written comments does not mitigate the need for oral hearings.

Very truly yours,

A handwritten signature in cursive script that reads "Paul A. Tokasz". The signature is written in dark ink and is positioned above the printed name and title.

Paul A. Tokasz
Majority Leader

Cc: Terence M. Hynes
1501 K Street, N.W.
Washington, DC 20005