



New York State Office of Parks, Recreation and Historic Preservation
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April 7, 2003

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K. Street, NW, Room 711
Washington, DC 20423

ENTERED
Office of Proceedings

APR 1 2003

Part of
Public Record

APR 14 2003

RE: New York Central Lines, LLC
Abandonment Exemption in Montgomery
and Schenectady Counties
AB 565 14 X
6.3 miles from Milepost QGW 159.6 in South Amsterdam, Montgomery County
to Milepost QGW 165.9 in Rotterdam Junction, Schenectady County

Dear Mr. Williams:

This comment should be treated as a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the New York State Office of Parks, Recreation and Historic Preservation, which is hereinafter referred to as "Commenter".

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition, as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between Milepost QGW 159.6 in South Amsterdam, Montgomery County to Milepost QGW 165.9 in Rotterdam Junction, Schenectady County.

A. Public Use Condition

Commenter requests 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 of public use on reasonable terms. The justification for this condition is that Commenter and New York State Canal Corporation are working cooperatively to complete a Statewide trail along the Erie Canal and on former railroad corridor owned by Commenter. The above referenced portion of the CSX line would become a critical link within that trailway. This section of the trail would have to utilize highway shoulders as the former Delaware and Hudson Rail line was sold to private individuals and is not available for public trail use. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time in order to begin discussions with CSX as to the options available for gaining public access to the property.

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. Interim Trail Use

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

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. Subsection 1247(d), and 49 C.F.R. Subsection 1152.29, the New York State Office of Parks, Recreation and Historic Preservation is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of the right-of-way owned by New York Central Lines, LLC.

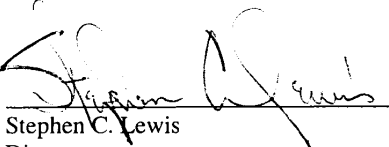
The property, known as the New York Central Lines, LLC Abandonment Exemption extends from railroad Milepost QGW 159.6 in South Amsterdam, Montgomery County to railroad Milepost QGW 165.9 in Rotterdam Junction, Schenectady County, a distance of 6.3 miles in Montgomery and Schenectady Counties. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB 565 14 X.

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

The New York State Office of Parks, Recreation and Historic Preservation 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.

By my signature below, I certify service upon New York Central Lines, LLC, by U.S. Mail, postage prepaid, first class, this 7th day of April 2003.

Respectfully submitted,


Stephen C. Lewis
Director
Real Property Bureau