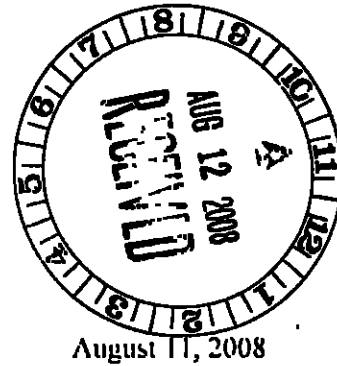




223245

Eric M. Hocky
Direct Dial 215 640 8523
Email ehocky@thorpreed.com



ATTORNEYS AT LAW SINCE 1895

VIA OVERNIGHT DELIVERY

Hon. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 L Street SW
Washington, DC 20024

Re The New York, Susquehanna and Western Railway Corporation
- Discontinuance of Service Exemption -
In Broome and Chenango Counties, NY
STB Docket No. AB-286 (Sub-N0 5X)

Dear Secretary Quinlan

Enclosed for filing please find the original and 10 copies of the Notice of Exempt Discontinuance of The New York, Susquehanna and Western Railway Corporation. Also enclosed is our check in the amount of \$3700 representing the filing fee for this Notice.

Please time stamp the extra copy of the Notice to indicate receipt and return it to me in the self-addressed stamped envelope provided for your convenience.

Please let know if there are any questions about the filing. Thank you for your assistance.

ENTERED
Office of Proceedings

AUG 12 2008

Part of
Public Record

Respectfully,

Eric M. Hocky

Pittsburgh

Philadelphia

Princeton

Washington

EMH/c

Enclosures

cc Nathan R. Fenno (by email, w/encl.)

Thorpe Reed & Armstrong LLP
One Commerce Square
2005 Market Street
Suite 1910
Philadelphia, PA 19103
215 640 8500
215 640 8501 Fax

FILED

AUG 12 2008

SURFACE
TRANSPORTATION BOARD

P0052147

FEE RECEIVED

AUG 12 2008

TRANSPORTATION BOARD

22324/8

ENTERED
Office of Proceedings

AUG 12 2008

Part of
Public Record

Before the

SURFACE TRANSPORTATION BOARD

STB Docket No AB-286 (Sub-No 5X)

THE NEW YORK, SUSQUEHANNA AND WESTERN RAILWAY CORPORATION

- DISCONTINUANCE OF SERVICE EXEMPTION -

IN BROOME AND CHENANGO COUNTIES, NY

NOTICE OF EXEMPT DISCONTINUANCE

FEE RECEIVED

AUG 12 2008

**SURFACE
TRANSPORTATION BOARD**

FILED

AUG 12 2008

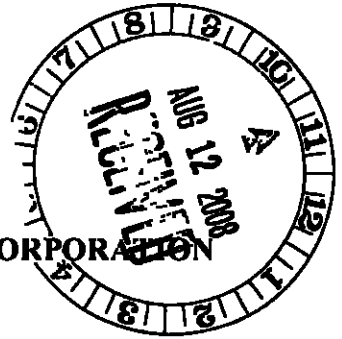
**SURFACE
TRANSPORTATION BOARD**

ERIC M HOCKY
THORP REED & ARMSTRONG, LLP
Once Commerce Square
2005 Market Street, Suite 1910
Philadelphia, PA 19103
(215) 640-5000

Attorneys for The New York, Susquehanna
and Western Railway Corporation

Dated August 11, 2008

Before the
SURFACE TRANSPORTATION BOARD
STB Docket No AB-286 (Sub-No 5X)



THE NEW YORK, SUSQUEHANNA AND WESTERN RAILWAY CORPORATION
- DISCONTINUANCE OF SERVICE EXEMPTION -
IN BROOME AND CHENANGO COUNTIES, NY

NOTICE OF EXEMPT DISCONTINUANCE

The New York, Susquehanna and Western Railway Corporation ("Applicant" or "NYS&W") is seeking an exemption to discontinue service over a portion of its Utica Main line of railroad between milepost 202 62 at or near Chenango Forks, Broome County, New York, and milepost 243 64 at or near Sherburne, Chenango County, New York (the "Line"). The last local service on the Line was over five years ago. All overhead service has been rerouted.

This Notice of Exempt Discontinuance is being filed pursuant to the requirements of 49 C.F.R. §1152.50. In accordance with such requirements, Applicant hereby states as follows:

1. The exact name of Applicant is The New York, Susquehanna and Western Railway Corporation.

2. Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105. Applicant acquired the Line from Conrail in 1982.

3. The relief sought is an exemption for the discontinuance of service over a portion of Applicant's line of railroad which runs between milepost 202 62 at or near Chenango Forks, Broome County, New York, and milepost 243 64 at or near Sherburne, Chenango County, New York.

4. A detailed map of the Line is attached hereto as Exhibit A.

5 The representative of Applicant to whom correspondence should be sent is

Eric M Hocky, Esquire
THORP REED & ARMSTRONG, LLP
Once Commerce Square
2005 Market Street, Suite 1910
Philadelphia, PA 19103
(215) 640-5000

6 The Line to be discontinued traverses United States Postal Service ZIP Codes 13746, 13778, 13830, 13815, 13814 and 13460

7 Because this is a discontinuance, trail use / rail banking and other public use conditions are not appropriate.¹ Further, Applicant intends to use the discontinued Line for car storage and other private uses. Title to the property is currently held by the Broome and Chenango County Industrial Development Authorities

8 Applicant proposes to consummate the discontinuance on or after October 1, 2008

9 Applicant certifies that

(a) No local traffic has moved over the Line for at least two years. (The last local service was over five years ago.) Overhead traffic ceased in June 2006 due to significant flood damage on the Line, all overhead service has been successfully rerouted

(b) No formal complaint by a user of rail service on the Line, or a state or local government entity acting on behalf of such user, regarding cessation of service over the Line either is pending with the Board or any U S District Court or has been decided in favor of the complainant within the two year period

¹ See *Norfolk Southern Railway Company – Discontinuance of Service Exemption – In St. Joseph and LaPorte Counties, IN*, STB Docket No. AB-290 (Sub-No. 307X) (served June 18, 2008); *Livertt Railroad Company – Discontinuance of Service Exemption – In Blair County, PA*, STB Docket No. AB-721X (served November 16, 2007); *Columbus and Greenville Railway Company – Discontinuance of Service Exemption – In Greenwood, MS*, STB Docket No. AB-297 (Sub-No. 103X) (served July 2, 2007)

10 Although no employees of Applicant will be affected by the proposed discontinuance, Applicant recognizes that this discontinuance will be made subject to the employee protective conditions in *Oregon Short Line Railroad Co -- abandonment--Goshen*. 360 I C C 91 (1979)

11 Because this is a discontinuance, no environmental or historic report is required ²

12 Applicant has complied with the notice requirements of 49 C F R §1105.11. Notices were published on July 31, 2008, in the *Binghamton Press & Sun Bulletin* and in the *Norwich Evening Sun*. A proof of publication for the *Binghamton Press & Sun Bulletin* is attached as Exhibit B. Applicant has not yet received a proof of publication from the *Norwich Evening Sun*, and will provide a copy once it has been received. (The same form of notice was used for each publication.)

13 Applicant has complied with the notice requirements of 49 C F R §1152.50(d)(1). Copies of the notices dated July 29, 2008, sent to governmental agencies are attached hereto as Exhibit C.

² See the decisions cited in footnote 1.

For the reasons set forth above, the Board should find that Applicant's proposed discontinuance satisfies the exemption requirements of 49 C.F.R. §1152, and should issue the appropriate notice

Respectfully submitted,



ERIC M. HOCKY
THORP REED & ARMSTRONG, LLP
Once Commerce Square
2005 Market Street, Suite 1910
Philadelphia, PA 19103
(215) 640-5000

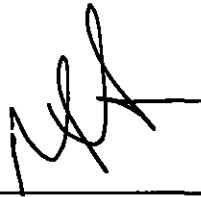
Attorneys for The New York, Susquehanna
and Western Railway Corporation

Dated August 11, 2008

VERIFICATION

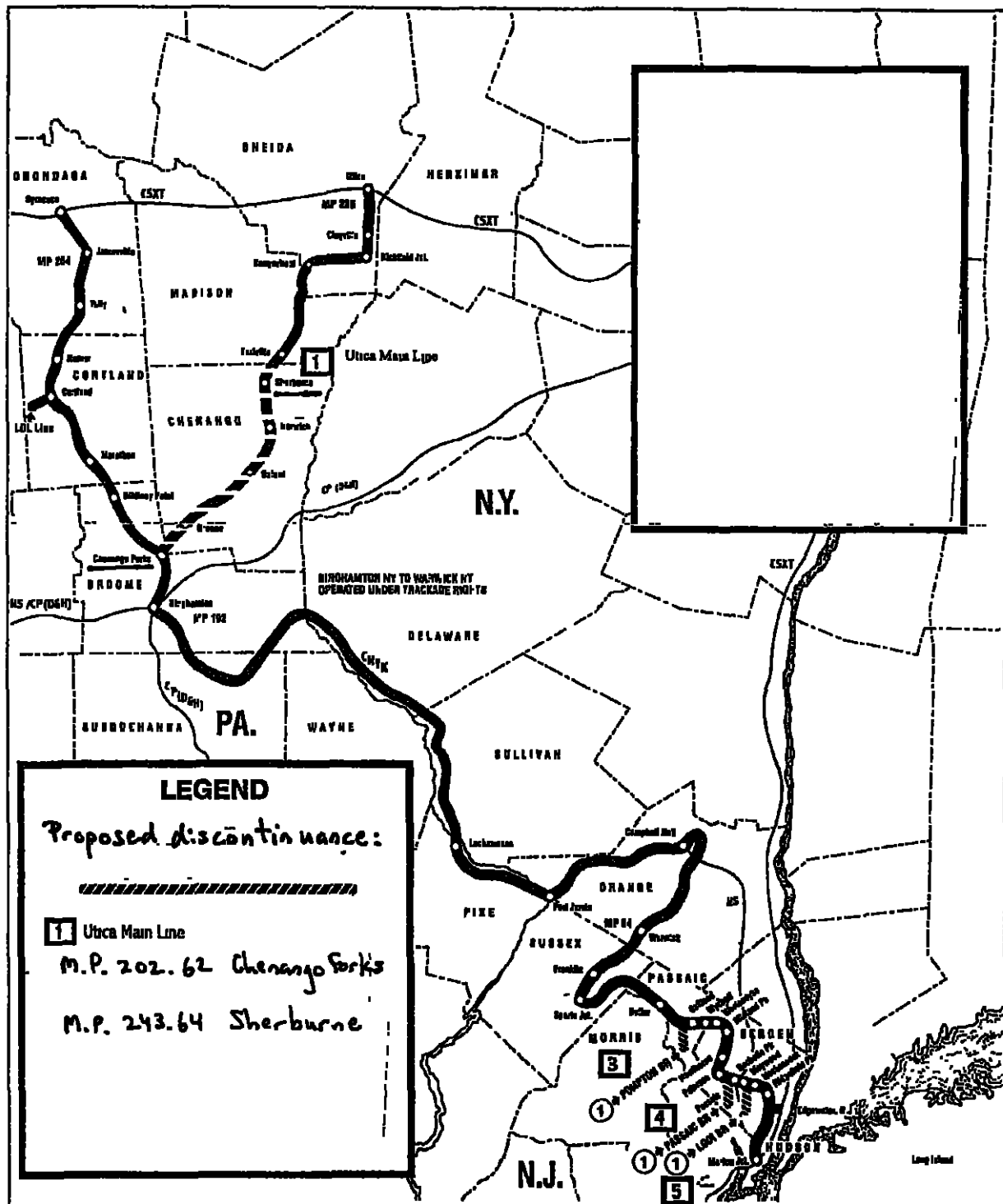
I hereby verify on behalf of The New York, Susquchanna and Western Railway Corporation, under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on August 11, 2008

A handwritten signature in black ink, appearing to read 'N. Fenno', is written above a horizontal line.

Nathan R. Fenno, President

EXHIBIT A - MAP



The New York, Susquehanna and Western Railway Corporation
 Discontinuance of Service Exemption
 STB Docket No. AB-286 (Sub-No. 5X)

EXHIBIT B – NEWSPAPER NOTICES

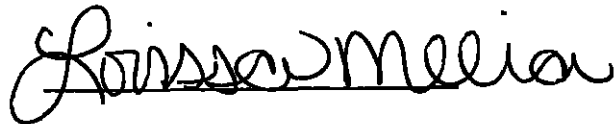
AFFIDAVIT OF PUBLICATION

State of New York
Town of Vestal
County of Broome, ss

Lovissa Melia being duly sworn, deposes and says that she is the Principal Clerk of the Binghamton Press Company Inc. publisher of the following newspaper printed in Johnson City published in the Town of Vestal New York and of general circulation in the Counties of Broome, Chenango, Delaware, Tioga State of New York and Susquehanna County State of Pennsylvania PRESS & SUN BULLETIN

A notice of which the annexed is a printed copy, was published on the following dates
7/31/2008

Sworn to before me this 31st
day of July, 2008



Notary Public

JANET LESKO
Notary Public, State of New York
County of Tioga, 4727796
Commission Expires 7/31/10

**NOTICE OF INTENT TO
DISCONTINUE
RAIL SERVICE**

The New York, Susquehanna & Western Railway Corporation gives notice that on or about August 11, 2008, it intends to file with the Surface Transportation Board ("STB"), Washington, DC 20423; a notice of exemption pursuant to the provisions of 49 CFR 1152 Subpart F - Exempt Abandonments permitting the discontinuance of service over 41.02 miles of the line of railroad between milepost 202.62 at or near Chenango Forks Broome County, New York, and milepost 243.64 at or near Sherburne, Chenango County, New York. The line traverses through United States ZIP Codes 13746, 13778, 13830, 13815, 13814 and 13460. The proceeding will be docketed as STB Docket No. AB 286 (Sub-No. 5X).

Because the proposed action entails the discontinuance, and not the abandonment, of service over the line, no environmental or historic documentation is required, and the STB will not prepare an environmental assessment.

Appropriate offers of financial assistance to subsidize continued rail service can be filed with the STB. Because this is a discontinuance proceeding, trail use / rail banking and public use conditions are not appropriate. An original and 10 copies of

any proceeding that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the STB's Office of the Secretary, Surface Transportation Board, 395 E Street, SW, Washington DC 20423-0001 (see 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicants' representative (see 49 CFR 1104.12(a)). Questions regarding offers of financial assistance may be directed to the STB's Office of Congressional and Public Services at 202-245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative Eric M. Hocky, Esquire, Thorp, Reed & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1910, Philadelphia, PA 19103
7/31/08

EXHIBIT C – 10 DAY NOTICES



Eric M. Hocky
Direct Dial 215 640 8523
Email ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

Office of the Commissioner
New York State Department of Transportation
50 Wolf Road
Albany, NY 12205

July 29, 2008

RE The New York Susquehanna & Western Railway Corporation
- Discontinuance of Service Exemption -
In Broome and Chenango Counties, NY
STB Docket No AB-286 (Sub-No 5X)

Dear Sir or Madam

This letter is being sent to you pursuant to the requirements of 49 CFR §1152.50(d), to advise you that The New York Susquehanna & Western Railway Corporation ("NYS&W") plans to seek authorization from the Surface Transportation Board ("STB") for its proposed discontinuance of service of the line of railroad described below, by filing a verified notice of exemption pursuant to the provisions of 49 CFR 1152 Subpart F. NYS&W expects to file the notice of exemption with the STB on or about August 12, 2008, under STB Docket No AB-286 (Sub-No 5X).

NYS&W will be seeking an exemption to discontinue service of the line of railroad between milepost 202.62 at or near Chenango Forks, Broome County, New York, and milepost 243.64 at or near Sherburne, Chenango County, New York (collectively "the Line"). The Line traverses through United States ZIP Codes 13746, 13778, 13830, 13815, 13814 and 13460. A map of the line is enclosed with this letter.

NYS&W understands that the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

NYS&W intends to leave the Line in place following the Line's discontinuance.

Pittsburgh

Philadelphia

Princeton

Wheating

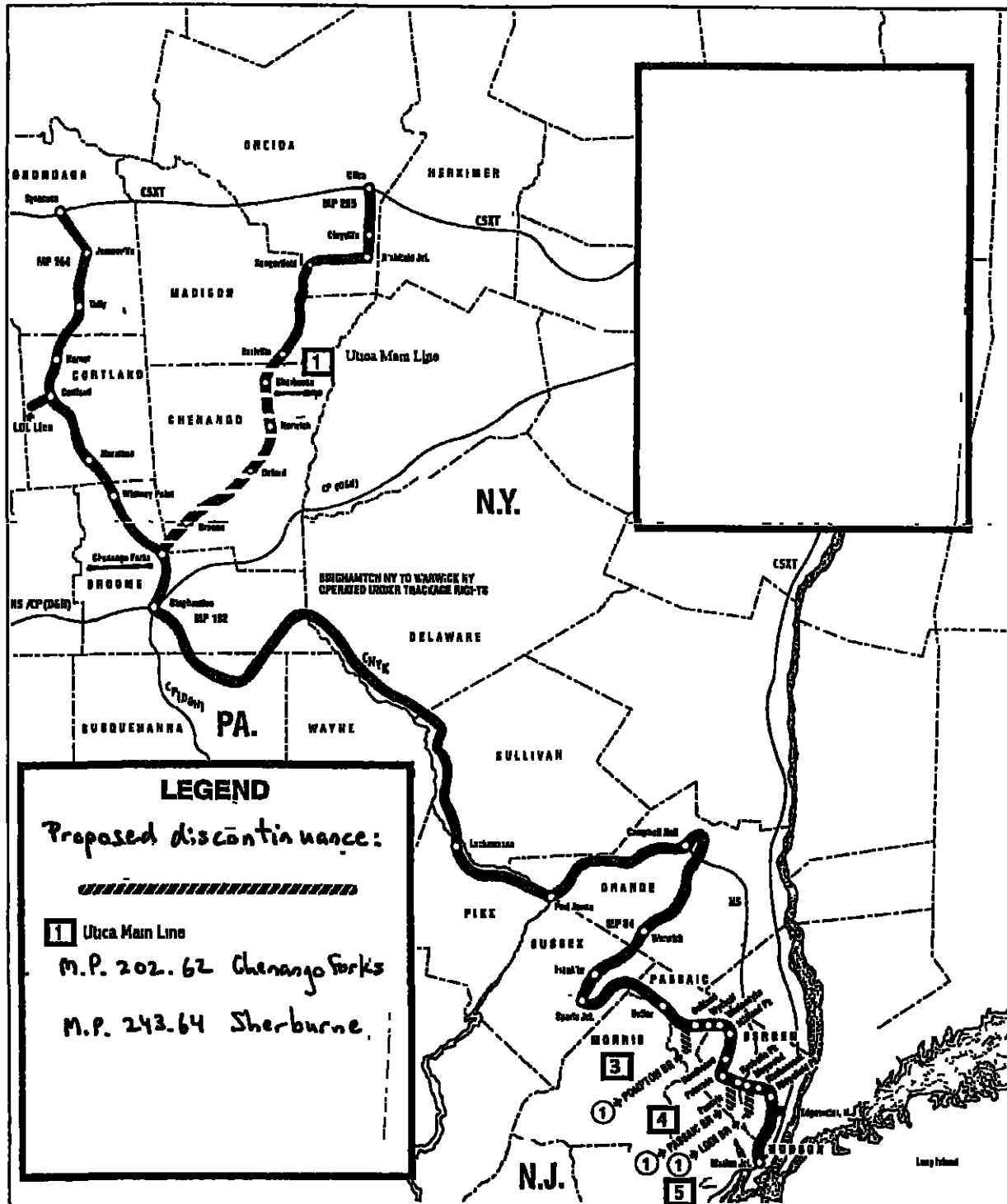
Very truly yours,

Eric M. Hocky

EMH/c

Enclosure
cc NYS&W

Thorpe Reed & Armstrong LLP
One Commerce Square
2005 Market Street
Suite 1910
Philadelphia, PA 19103
215 640 8500
215 640 8501 Fax



The New York, Susquehanna and Western Railway Corporation
Discontinuance of Service Exemption
STB Docket No. AB-286 (Sub-No. 5X)

ATTORNEYS AT LAW SINCE 1895

Office of Chief of Forest Service
U S Department of Agriculture
1400 Independence Ave , SW
Washington, DC 20250-003

July 29, 2008

RE The New York Susquehanna & Western Railway Corporation
- Discontinuance of Service Exemption -
In Broome and Chenango Counties, NY
STB Docket No AB-286 (Sub-No 5X)

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NYS&W understands that the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

NYS&W intends to leave the Line in place following the Line's discontinuance.

Pittsburgh

Philadelphia

Princeton

Wheeling

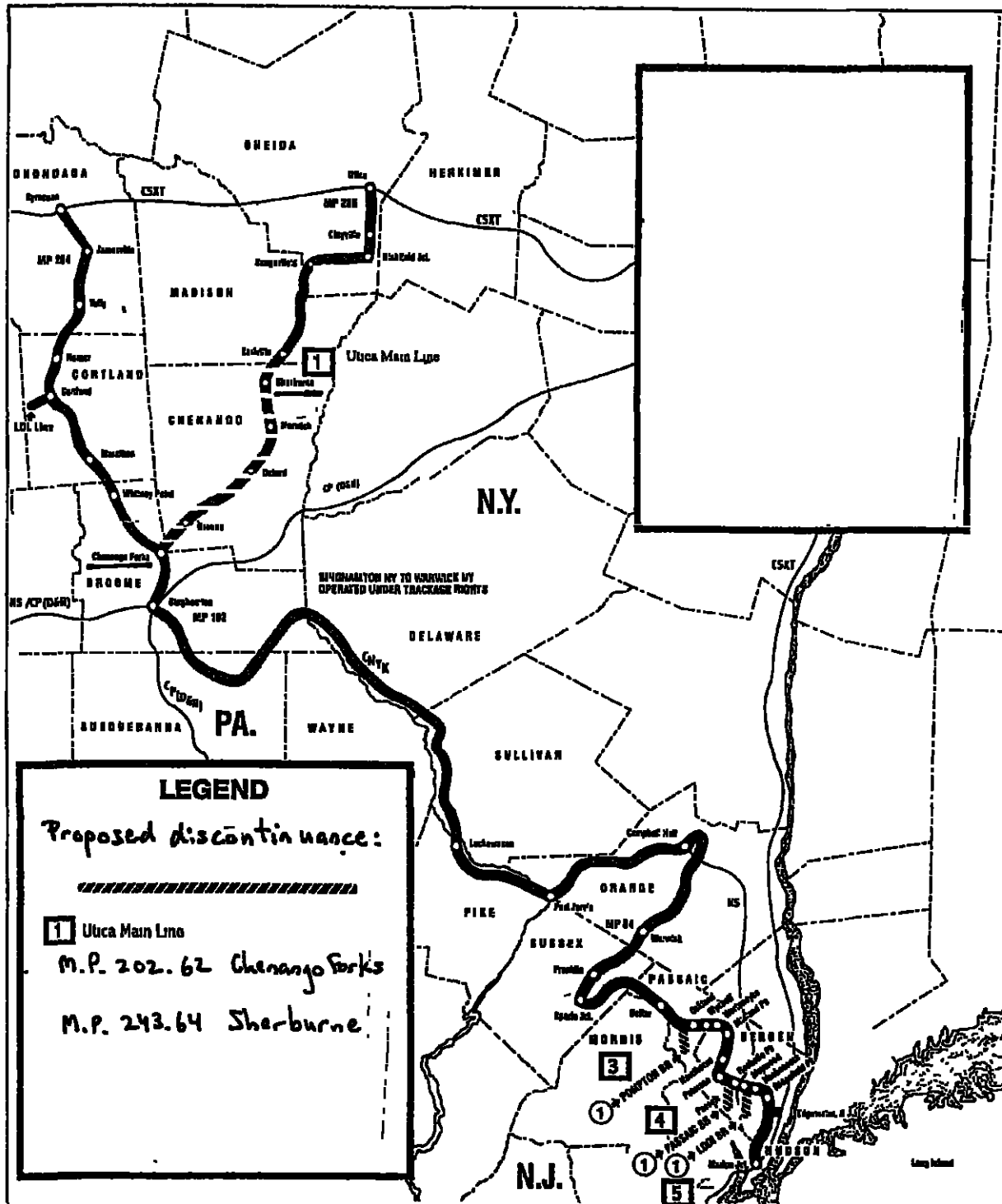
Very truly yours,


Eric M. Hocky

EMH/e

Enclosure
cc NYS&W

Thorp Reed & Armstrong LLP
One Commerce Square
2005 Market Street
Suite 1910
Philadelphia, PA 19103
215 640 8500
215 640 8501 Fax



The New York, Susquehanna and Western Railway Corporation
Discontinuance of Service Exemption
STB Docket No. AB-286 (Sub-No. 5X)



Eric M Hocky
Direct Dial 215 640 8523
Email ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

United State Department of Defense -
Military Traffic Management Command
Transportation Energy Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd , Suite 130
Newport News, VA 23606-2574

July 29, 2008

RE The New York Susquehanna & Western Railway Corporation
- Discontinuance of Service Exemption -
In Broome and Chenango Counties, NY
STB Docket No AB-286 (Sub-No 5X)

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NYS&W will be seeking an exemption to discontinue service of the line of railroad between milepost 202.62 at or near Chenango Forks, Broome County, New York, and milepost 243.64 at or near Sherburne, Chenango County, New York (collectively "the Line"). The Line traverses through United States ZIP Codes 13746, 13778, 13830, 13815, 13814 and 13460. A map of the line is enclosed with this letter.

NYS&W understands that the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

NYS&W intends to leave the Line in place following the Line's discontinuance.

Very truly yours,

Eric M. Hocky

EMH/c

Enclosure
cc NYS&W

Pittsburgh

Philadelphia

Princeton

Wilmington

Thorpe Reed & Armstrong LLP
One Commerce Square
2005 Market Street
Suite 1910
Philadelphia PA 19103
215 640 8500
215 640 8501 Fax

P0051822



Eric M. Hocky
Direct Dial 215 640 8523
Email ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

U S Department of the Interior -
National Park Service
RTCA Program (Org code 2240)
1849 C Street, NW
Washington, DC 20240

July 29, 2008

RE The New York Susquehanna & Western Railway Corporation
- Discontinuance of Service Exemption -
In Broome and Chenango Counties, NY
STB Docket No AB-286 (Sub-No 5X)

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Eric M. Hocky

Pittsburgh

Philadelphia

Princeton

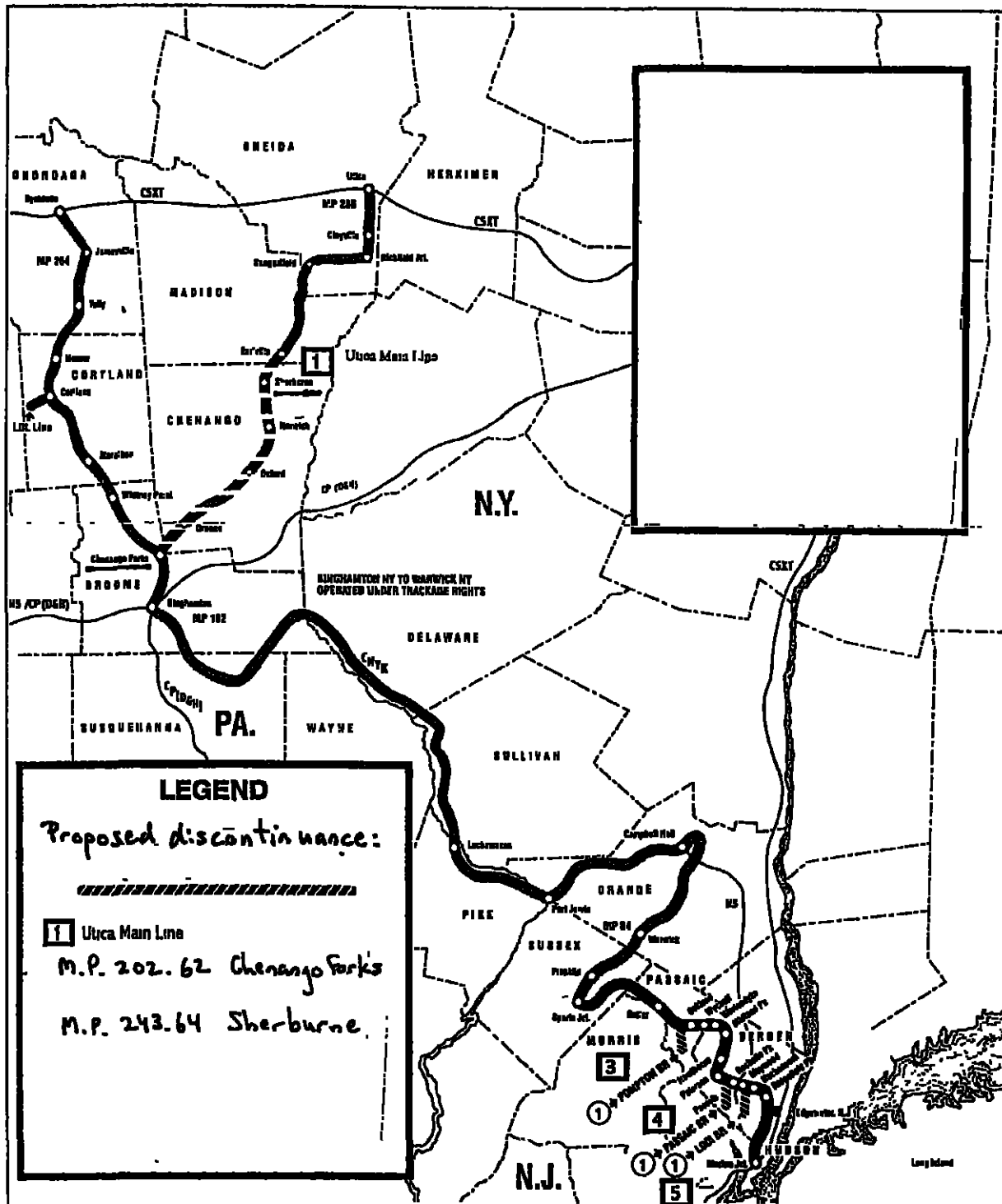
Washington

Thorpe Reed & Armstrong LLP
One Commerce Square
2705 Market Street
Suite 1910
Philadelphia, PA 19103
215 640 8500
215 640 8501 Fax

LMH/e

Enclosure
cc NYS&W

P0051921



The New York, Susquehanna and Western Railway Corporation
 Discontinuance of Service Exemption
 STB Docket No. AB-286 (Sub-No. 5X)

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Notice of Abandonment was served on the persons shown on the attached list by first class mail, postage prepaid



ERIC M HOCKY

Dated August 11, 2008

Service List for STB Docket No. AB-286 (Sub-No. 5X)

Office of Chief of Forest Service
U S Department of Agriculture
1400 Independence Ave , SW
Washington, DC 20250-003

Office of the Commissioner
New York State Department of Transportation
50 Wolf Road
Albany, NY 12205

U S Department of the Interior -
National Park Service
RTCA Program
1849 C Street. NW
(Orig code 2240)
Washington, DC 20240

United State Department of Defense -
Military Traffic Management Command
Transportation Energy Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd , Suite 130
Newport News, VA 23606-2574