

221258



NEW YORK STATE
OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

FILING FEE WAIVED

CAROL ASH
Commissioner

ELIOT SPITZER
Governor

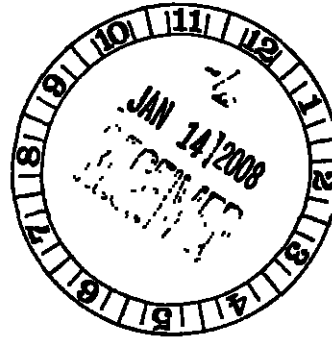
January 8, 2008

ENTERED
Office of Proceedings

Mr Vernon A Williams, Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

JAN 14 2008

Part of
Public Record



**RE: Norfolk Southern Rail Road - Abandonment Exemption- Wyoming and
Genesee Counties, NY Docket No. AB-290 (Sub-No. 271-X)**

Dear Mr Williams

This request is filed on behalf of the New York State Office of Parks, Recreation and Historic Preservation (Proponent) which is a government agency interested in natural resources, recreation, historic preservation and the conservation of open space. While not taking a position on the merits of this abandonment, Proponent requests issuance of a Public Use Condition as well as a Certificate of Notice of Interim Trail Use rather than an outright abandonment of the rail line known as the Groveland Industrial Track extending 4.5 miles between milepost UG 360 20 in the Village of Alexander, Town of Alexander, Genesee County and milepost 364 70 in the Village of Attica, Town of Attica, Wyoming County, New York.

A Request for Public Use Condition

Proponent 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 for public use on reasonable terms. The justification for this condition is that the rail corridor in question would make an excellent recreational trail and conversion of the property to trail use is in accordance with a regional trail plan prepared by the Genesee Transportation Council and consistent with the policies within the Statewide Comprehensive Outdoor Recreation Plan (SCORP). The Genesee Transportation Council is responsible for transportation planning in a nine county area which includes Genesee and Wyoming Counties. OPRHP is aware that snowmobile clubs that maintain portions of trail that are located on formally abandoned rail corridors at either end of this proposed abandonment and Parks and Trails New York, also support use of this corridor as a trail. The time period sought is 180 days from the effective date of abandonment authorization. Proponent requires this much time to fully evaluate the rail corridor and to commence negotiations with the carrier.

Empire State Plaza • Agency Building 1 • Albany, New York 12238
518-474-0463 • Fax 518-474-1365

cc James R Paschall

Mr Vernon A Williams
January 8, 2008
Page 2

- 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 abandonment authorization for the same reasons as listed above.

B Request for 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, Proponent 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 §1247 (d), and 49 C F R §1152.29, the New York State Office of Parks, Recreation and Historic Preservation is willing, to the extent permitted by law, to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by Norfolk Southern Railway Company. The property known as the Groveland Industrial Track extends for a distance of approximately 4.5 miles between milepost UG 360.20 in the Village of Alexander, Town of Alexander, Genesee County and milepost UG 364.70 in the Village of Attica, Town of Attica, Wyoming County, New York. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB – 290 (Sub No. 271X). A map depicting the right-of-way is attached.

The NYS 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.

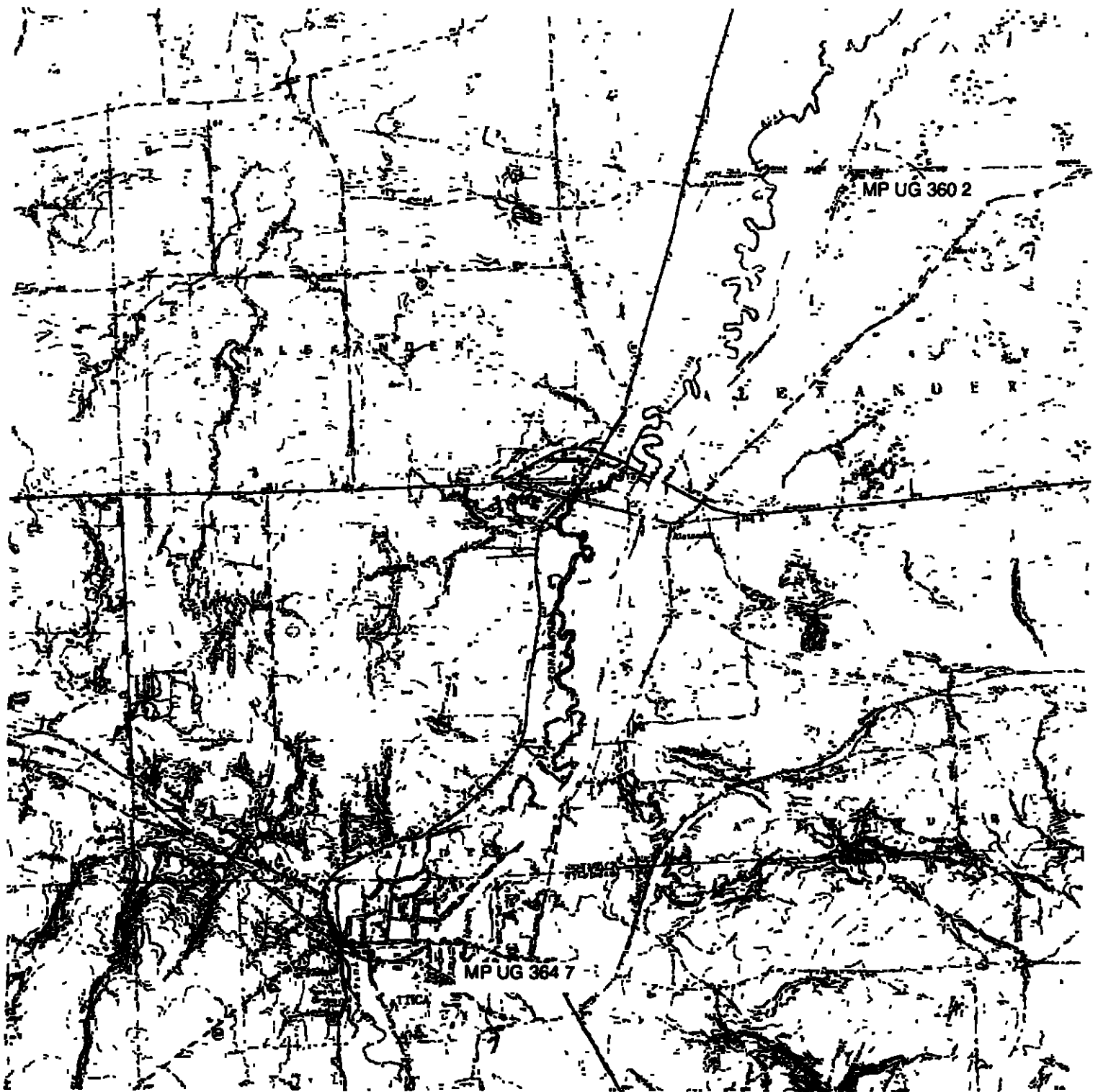
By my signature below, I certify service upon Norfolk Southern Railway Company, James R. Paschall, Senior General Attorney, Three Commercial Place, Norfolk, Virginia 23510, by U.S. Mail, postage prepaid, first class, on January 3, 2008.

Respectfully submitted,



Erik Kulleseid
Deputy Commissioner for Open Space Protection

cc James R. Paschall



Norfolk Southern
Proposed Abandonment
MP UG 360.2 (Alexander)-
MP UG 364.7 (Attica)
Genesee and Wyoming Counties
New York

Decision ID
38604
AB-290 (Sub-No. 271X)