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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**STB Docket No. AB 55 (Sub No. 811X)**

**ENTERED**  
Office of Proceedings  
May 10, 2023  
Part of  
Public Record

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**CSX TRANSPORTATION, INC – ABANDONMENT EXEMPTION  
BRONX COUNTY, NEW YORK**

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**PETITION OF THE CITY OF NEW YORK FOR NOTICE OF INTERIM TRAIL USE  
49 C.F.R. § 1152.29**

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Communications with respect to this document should be addressed to:

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*Counsel for the City of New York*

May 10, 2023

**FILING FEE WAIVED**

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SURFACE TRANSPORTATION BOARD**

**STB Docket No. AB 55 (Sub No. 811X)**

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BRONX COUNTY, NEW YORK**

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USE  
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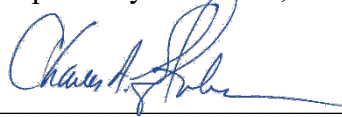
On April 11, 2023, CSX Transportation, Inc. (“CSXT”) filed a Notice of Exemption with the Surface Transportation Board (“Board”) to abandon an approximately 0.77-mile of a rail line that runs between Milepost Q##3.79 and Milepost Q##4.5 on CSXT’s Albany Division, New York Terminal, Putnam Branch in Bronx County, New York (the “Line”), a map of which is attached hereto as **Exhibit A**. The Notice was published in the Federal Register on May 1, 2023 (88 F.R. 26639). CSXT’s Exemption will become effective on May 31, 2023. CSXT intends to sell the Line to the City of New York (“City”) upon issuance of the abandonment exemption and has agreed that it will consent to a Notice of Interim Trail Use in this proceeding for use of the rail line as a trail under the National Trails System Act, 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29. The City respectfully petitions the Board to issue a Notice of Interim Trail Use for the Line.

The City acknowledges that the use of the Line for trail use is subject to meeting its responsibilities to manage the right-of-way, assume any legal liability arising out of the transfer or use of the right-of-way, and the payment of any and all taxes that may be levied or assessed against the right-of-way. It also acknowledges that the public trail will be subject to the potential future restoration of rail service over the Line. The City has executed a Statement of Willingness to

Assume Financial Responsibility pursuant to 49 C.F.R. § 1152.29 for the Line, a copy of which is attached hereto as **Exhibit B**. The City will also execute a Trail Use Agreement for the Line.

A copy of this Petition for Notice of Interim Trail Use along with the City's Statement of Willingness to Assume Financial Responsibility is being served on CSXT on the same date it is being served on the Board.

Respectfully submitted,



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Dated: May 10, 2023

## CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May 2023, I caused the foregoing Petition for Notice of Interim Trail Use to be served on the following parties by email:

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Melanie B. Yasbin, Esq.  
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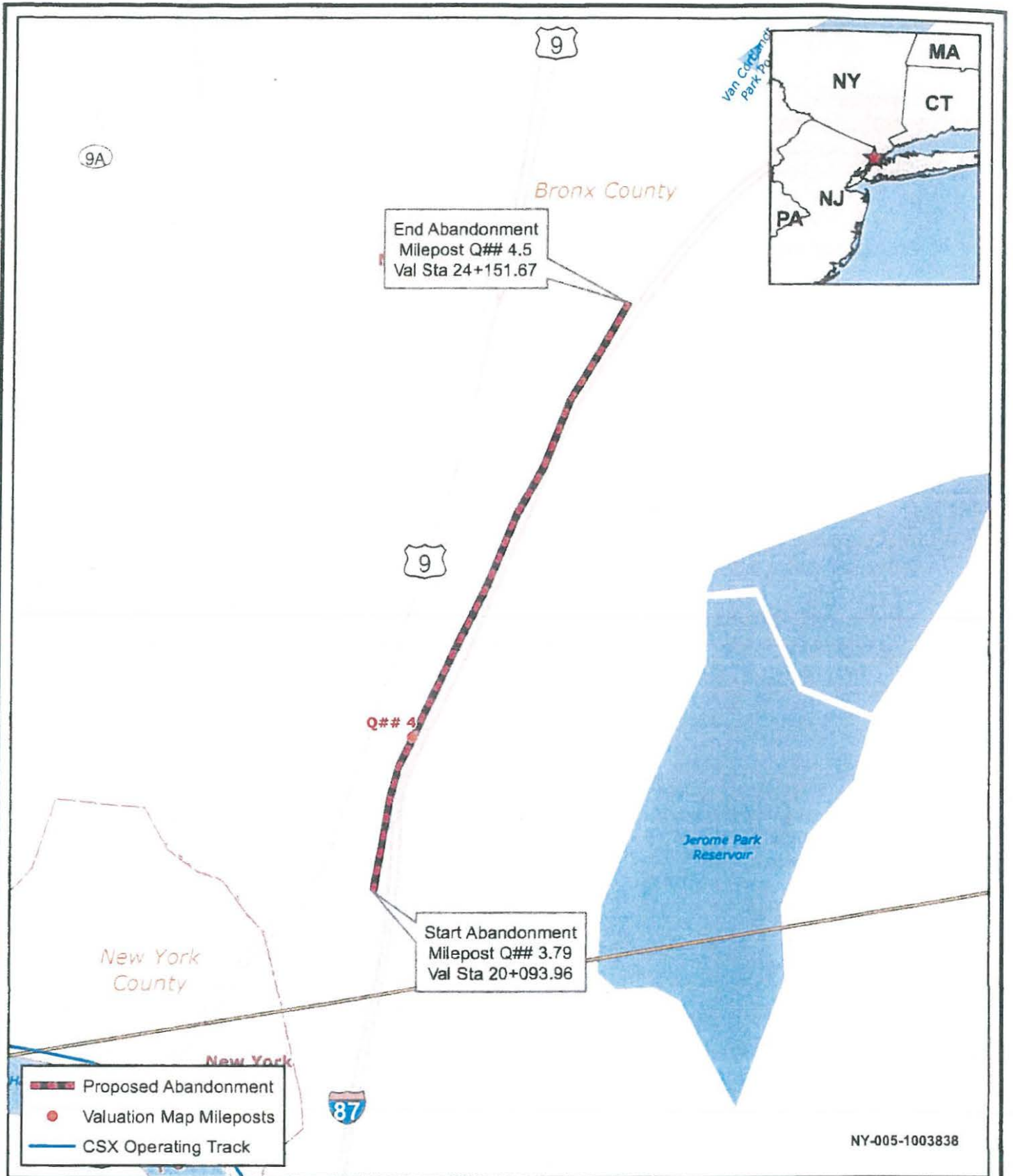


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Charles A. Spitulnik

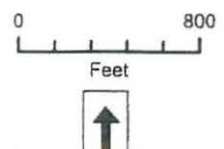
**Exhibit A**

**Map of the Line**



**CSX Transportation, Inc.  
Proposed Abandonment  
Bronx County - New York, NY  
Offline Sub**

Milepost Q## 3.79 - 4.5  
Val Station 20+093.96 to 24+151.67  
Total Distance of approx. 0.77 Miles  
STB Docket No. AB 55 (Sub-No. 811X)



## **Exhibit B**

### **Statement of Willingness to Assume Financial Responsibility**

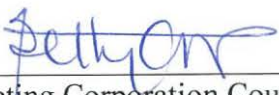
*Statement of Willingness To Assume Financial Responsibility*

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned and operated by CSX Transportation, Inc., the City of New York, a municipal corporation, is willing to assume full responsibility for: (1) Managing the right-of-way; (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way. The property, known as Putnam Branch, extends from railroad milepost 3.79 near West 230<sup>th</sup> Street and runs northerly to railroad milepost 4.5, near Van Cortlandt Park South, a distance of approximately .77 miles in Bronx County, City and State of New York. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-55 (Sub No. 811X). A map of the property depicting the right-of-way is attached.

The City of New York acknowledges that use of the right-of-way is subject to the sponsor's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

**THE CITY OF NEW YORK**

Approved as to form:

By:   
Acting Corporation Counsel  
(sc-H)

By:   
Name: Laura Ringelheim  
Title: Executive Deputy Commissioner