

207771

LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

April 30, 2003



Diane P. Gerth

612-335-1463

diane.gerth@leonard.com

The Honorable Vernon Williams
Secretary, Surface Transportation Board
1925 K Street NW
Washington, DC 20423-001

**Re: Delaware & Hudson Railway Company – Abandonment of Trackage Located in
Albany County, New York
Docket No.: AB-156 (Sub No. 23X)**

Dear Secretary Williams:

Please find enclosed for filing the original and ten copies of Delaware and Hudson Railway Company's Environmental and Historic Report pursuant to 49 C.F.R. Part 1105. A 3-1/2 inch disc with the report in WordPerfect format is enclosed, along with one unbound copy of the report. I have enclosed a duplicate copy of this letter and a self-addressed, stamped envelope to be stamped with the filing date and returned to the undersigned.

By copy of this letter, the parties on the attached service list are being served via U.S. Mail.

If you have any questions regarding the above-referenced matter, please feel free to contact me.

Very truly yours,

LEONARD, STREET AND DEINARD
Professional Association

Diane P. Gerth
DPG: km

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Office of Proceedings

MAY 06 2003

Part of
Public Record

cc: Parties on the Attached Service List
Bill Tuttle
Judy Mitchell
Steve Fisk

150 SOUTH FIFTH STREET SUITE 2300 MINNEAPOLIS, MINNESOTA 55402 TEL 612-335-1500 FAX 612-335-1657

LAW OFFICES IN MINNEAPOLIS, SAINT PAUL, MANKATO, SAINT CLOUD AND WASHINGTON, D. C.

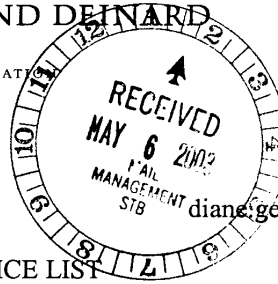
WWW.LEONARD.COM

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LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

April 30, 2003



Diane P. Gerth
612-335-1463
diane.gerth@leonard.com

TO: ALL PARTIES ON THE ATTACHED SERVICE LIST

Re: Delaware & Hudson Railway Company – Abandonment of Trackage Located in Albany County, New York
Docket No.: AB-156 (Sub No. 23X)

Dear Sir/Madam:

On May 21, 2003, we expect to be filing with the Surface Transportation Board a Notice of Exemption seeking authority to abandon a line of railroad between Milepost 10.94 +/- and Milepost 1.8 +/-, located in Albany County, New York. Attached is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis of the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington D.C. 20423, telephone 202-565-1565 and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within three weeks.

Your comments will be considered by the Board on evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned directly.

Very truly yours,
LEONARD, STREET AND DEINARD
PROFESSIONAL ASSOCIATION

DIANE P. GERTH

DPG/kaa
Enclosures

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MAY 06 2003

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Public Record

150 SOUTH FIFTH STREET SUITE 2300 MINNEAPOLIS, MINNESOTA 55402 TEL 612-335-1500 FAX 612-335-1657

LAW OFFICES IN MINNEAPOLIS, SAINT PAUL, MANKATO, SAINT CLOUD AND WASHINGTON, D. C.

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April 30, 2003
Page 2

cc: Bill Tuttle
Judy Mitchell
Steve Fisk
Parties on the Attached Service List

SERVICE LIST
ENVIRONMENTAL AND HISTORIC REPORT
Delaware & Hudson Railway Company – Abandonment of
Trackage Located in Albany County, New York
Docket No.: AB-156 (Sub No. 23X)

Appropriate Regional Office(s) of the
U.S. Environmental Protection Agency

Jane Kenny
Regional Director
US EPA
290 Broadway, Floor 26
New York, NY 10007

U.S. Environmental Protection Agency State Official

New York State
Department of Environmental Conservation
625 Broadway
Albany, NY 12233

U.S. Fish and Wildlife Service

Ms. Mamie Parker
Regional Director
U.S. Fish and Wildlife Service
300 West Gate Center Drive
Hadley, MA 01035-9589

U.S. Army Corps of Engineers

Col. John B. O'Dowd
New York District of Corp. Engineers
Attn: Executive Officer
26 Federal Plaza, Room 2113
New York, NY 10278-0090

National Park Service

National Park Service Northeast Region
US Customs House, 3rd Floor
200 Chestnut Street
Philadelphia, PA 19106

U.S. Soil and Conservation Service

Mr. Joseph R. DelVecchio
State Conservationist
USDA Natural Resources Conservation Service
The Galleries Syracuse
441 Salina Street, 5th Floor
Syracuse, NY 13202
Tel. (315) 477-6524

National Geodetic Survey

National Geodetic Survey
Director Charlie Challstrom
1315 East-West Highway
Silver Spring, MD 20910-3282
Tel. (301) 713-3425

State Department of Transportation for New York

Stephen Slavick, Intermodal Program Evaluation
Department of Transportation
5-504 Harriman State Office Campus
1220 Washington Ave.
Albany, NY 12232

State Environmental Protection Agency for New York

Department of Environmental Conservation
625 Broadway
Albany, NY 12233

State Historic Preservation Office for New York

New York State
Office of Parks, Rec. & Historic Preservation
Empire State Plaza Agency Building #1, 17th Floor
Albany, NY 12238

State Coastal Zone Management Agency

New York Department of State
Division of Coastal Resources
41 State Street
Albany, NY 12231

Albany County

Michael Breslin
County Executive
112 State Street, Room 200
Albany, NY 12207

City of Albany

Mayor Gerald Jennings
Room 102 City Hall
Albany, NY 12207

City of Voorheesville

Mayor John Stevens
P.O. Box 367
Voorheesville, NY 12186

Local and Regional Planning Agencies

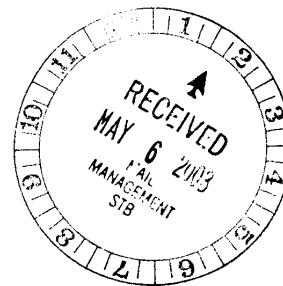
Capital District Regional Planning Commission
5 Computer Dr. West
Albany, NY 12205

Capital District Transportation Committee
5 Computer Dr. West
Albany, NY 12205

207771

BEFORE THE
SURFACE TRANSPORTATION BOARD

WASHINGTON, D.C.
Office of Proceedings



MAY 6 2003

DELAWARE AND HUDSON RAILWAY
COMPANY – ABANDONMENT OF THE
VOORHEESVILLE RUNNING TRACK,
ALSO KNOWN AS THE ALBANY MAIN,
LOCATED IN ALBANY COUNTY, NEW
YORK

) Part of
) Public Record

) DOCKET NO. AB-156
) (SUB-NO 23X)
)

PETITION FOR EXEMPTION TO ABANDON PURSUANT TO 49 C.F.R. PART 1152.60 A
9.14 +/- MILE LINE OF RAILROAD BETWEEN MILEPOST 1.8 +/- (IN ALBANY) AND
MILEPOST 10.94 +/- (IN VOORHEESVILLE) WHICH TRAVERSES THROUGH UNITED
STATES POSTAL SERVICE ZIP CODES 12202, 12077, 12054, and 12186, ALBANY
COUNTY, NEW YORK

ENVIRONMENTAL AND HISTORIC REPORTS
IN COMPLIANCE WITH
49 C.F.R. PART 105

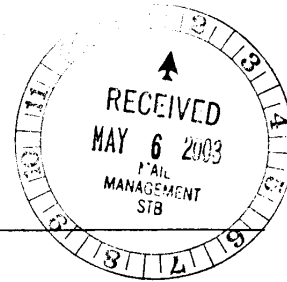
DELAWARE AND HUDSON RAILWAY
COMPANY (d/b/a Canadian Pacific Railway)

LEONARD, STREET and DEINARD
Professional Association

Diane P. Gerth, Esq.
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Tel. (612) 335-1463
Fax. (612) 335-1657

Attorney for Applicant
Service Date: April 30, 2003

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.**



DELAWARE AND HUDSON RAILWAY)
COMPANY – ABANDONMENT OF THE)
VOORHEESVILLE RUNNING TRACK,)
ALSO KNOWN AS THE ALBANY MAIN,)
LOCATED IN ALBANY COUNTY, NEW)
YORK)

DOCKET NO. AB-156
(SUB-NO 23X)

PETITION FOR EXEMPTION TO ABANDON PURSUANT TO 49 C.F.R. PART 1152.60 A
9.14 +/- MILE LINE OF RAILROAD BETWEEN MILEPOST 1.8 +/- (IN ALBANY) AND
MILEPOST 10.94 +/- (IN VOORHEESVILLE) WHICH TRAVERSES THROUGH UNITED
STATES POSTAL SERVICE ZIP CODES 12202, 12077, 12054, and 12186, ALBANY
COUNTY, NEW YORK

ENVIRONMENTAL AND HISTORIC REPORTS
IN COMPLIANCE WITH
49 C.F.R. PART 105

The following information is submitted to the Surface Transportation Board by Delaware and Hudson Railway Company ("D&H") in accordance with the Board's reporting requirements as set forth in 49 C.F.R. Section 1105.7, for the purpose of assisting the Board in its preparation of an environmental document regarding D&H's Petition for Exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the abandonment of a 9.14 +/- mile line of railroad between milepost 1.8 +/- (in Albany) and milepost 10.94 +/- (in Voorheesville) which traverses through United States Postal Service Zip Codes 12202, 12077, 12054, and 12186, in Albany County, New York.

REQUIREMENTS OF 49 C.F.R. SECTION 1105.7 (49 C.F.R. Ch. X)

Section 1105.7(b)(1) – (11) Distribution:

(b) At least 20 days prior to filing with the Board a notice of exemption, petition for exemption, or an application for abandonment or discontinuance the applicant must serve copies of the Environmental Report on:

(1) The State Clearinghouse of each State involved (or other state equivalent agency if the State has no clearinghouse);

- (2) The State Environmental Protection Agency of each State involved;
- (3) The State Coastal Zone Management Agency for any state where the proposed activity would affect land or water uses within that State's coastal zone;
- (4) The head of each county (or comparable political entity including any Indian reservation) through which the line goes;
- (5) The appropriate regional offices of the Environmental Protection Agency;
- (6) The U.S. Fish and Wildlife Service;
- (7) The U.S. Army Corps of Engineers;
- (8) The National Park Service;
- (9) The U.S. Soil Conservation Service;
- (10) The National Geodetic Survey (formerly known as the Coast and Geodetic Survey) as designated agent for the National Geodetic Survey and the U.S. Geological Survey; and;
- (11) Any other agencies that have been consulted in preparing the report.

(See attached List of Parties Consulted and Certificate of Service - Exhibit No. 1)

Section 1105.7(c) Certification of Service of Environmental Report:

(c) Certification. In its Environmental Report, the applicant must certify that it has sent copies of the Environmental Report to the agencies listed and within the time specified in paragraph (b) of this section and that it has consulted with all appropriate agencies in preparing the report. These consultations should be made far enough in advance to afford those agencies a reasonable opportunity to provide meaningful input.

(See attached List of Parties Consulted and Certificate of Service - Exhibit No. 1)

Section 1105.7(c) Publication of Newspaper Notice of Intent to Abandon:

Finally, in every abandonment exemption case, applicant shall certify that it has published in a newspaper of general circulation in each county through which the line passes a notice that alerts the public to the proposed abandonment, to available reuse alternatives, and to how it may participate in the STB proceeding.

The Notice for Publication specified at 49 C.F.R. Part 1105.12 was published on March 28, 2003, in the Albany Union Times. (See Exhibit No. 2, copy of newspaper notice, Certificate of Counsel, and Affidavit of Publication.)

Section 1105.7(d) Documentation:

(d) Documentation. Any written responses received from agencies that were contacted in preparing the Environmental Report shall be attached to the report. Oral responses from such agencies shall be briefly summarized in the report and the names, titles, and telephone numbers of the persons contacted shall be supplied. A copy of, or appropriate citation to, any reference materials relied upon also shall be provided.

All of the agencies referenced at 49 C.F.R. Part 1105.7(b) (1)-(10) were contacted by letters dated March 11, or April 8, 2003, to solicit comments (See Exhibits Nos. 1 and 4). Input received as of this date has been incorporated along with Soo Line's analysis, and copies of responses are included in Exhibit No. 3. Subsequent written comments may be received by SEA and D&H.

Status of written and oral comments received:

1105.7(b)(1) State Clearinghouse:

The State of New York has no designated clearinghouse. The State of New York Department of Transportation, the Department of Environmental Quality, the State Water Quality Official, and the Historic Preservation Officer have all been solicited for comments.

1105.7(b)(2) State Environmental Protection Agency:

The New York Department of Environmental Conservation was contacted by letter on March 11, 2003. Its response is included in Exhibit No. 3.

1105.7(b)(3) State Coastal Zone Management Agency for New York:

The New York Department of State Division of Coastal Zone Management was contacted by letter on March 11, 2003, but no response has been received to date.

1105.7(b)(4) Head of Each County Through Which The Line Goes:

The head of each county and city executives which the tracks run through were contacted by letter on March 11, 2003. Responses have been received from the county of Albany and from the representatives from the Village of Voorheesville. These responses are included in Exhibit No. 3.

1105.7(b)(5) Appropriated Regional Offices of the Environmental Protection Agency:

The Regional Director of the Regional Environmental Protection Agency was contacted by letter on March 11, 2003, but no response has been received to date.

1105.7(b)(6) U.S. Fish and Wildlife Services:

The Regional Direction of U.S. Fish and Wildlife Service of New York was contacted by letter on March 11, 2003. Its response is included in Exhibit No. 3.

1105.7(b)(7) U.S. Army Corps of Engineers:

The New York District Corps of Engineers was contacted by letter on March 11, 2003, but no response has been received to date.

1105.7(b)(8) National Park Service:

The Northeast Region of the National Park Service was contacted by letter on March 11, 2003, but no response has been received to date.

1105.7(b)(9) U.S. Soil Conservation Service:

The USDA Soil Conservation Service was contacted by letter on March 11, 2003, but no response has been received to date.

1105.7(b)(10) National Geodetic Survey:

The National Oceanic and Atmospheric Administration National Geodetic Survey was contacted by letter on March 11, 2003, but no response has been received to date.

1105.7(d)(3) Local and Regional Planning Activities:

The Capital District Regional Planning Committee and the Capital District Transportation Committee were contacted by letter on April 8, 2003. Their responses are included in Exhibit No. 3.

1105.7(b)(10) U.S. Geological Survey:

The National Oceanic and Atmospheric Administration National Geodetic Survey was contacted by letter on March 11, 2003, but no response has been received to date.

Other Comments Received:

Village of Voorheesville, New York:

Mayor John J. Stevens, Jr. forwarded to railroad counsel letters from Alan M. Parsons, the Conservation Advisory Council Chairperson and Thomas Coates, the Zoning Board of Appeals Chairperson. Those letters are included at Exhibit No. 3.

Upper Hudson Railroad:

John C. Riegel, President, Upper Hudson River Railroad, wrote to express interest in the possible purchase of the line.

Section 1105.7(e) Content:

(e) Content. The Environmental Report shall include all of the information specified in this paragraph, except to the extent that applicant explains why any portion(s) are inapplicable. If an historic report is required under Section 1105.8, the Environmental Report should also include the Historic Report required by that section.

A Historic Report pursuant to 49 C.F.R. Section 1105.8 is included and attached to this Report (See Exhibit No. 5).

(1) ALTERNATIVES

Section 1105.7(e)(1) Proposed Action and Alternatives:

(1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

The proposed action is the abandonment of a 9.14 mile length of track located within Albany County. The track is out of service and no traffic has been moved over the line for at least two years. Any overhead trackage has already been rerouted over other lines. Following abandonment, ties and rails will be removed. Ties and rail will be either recycled or disposed of in an appropriate manner.

(2) TRANSPORTATION SYSTEMS

Section 1105.7(e)(2) Transportation System:

(2) Transportation system. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

No effects are anticipated by the abandonment of this out-of-service line of railroad.

(3) LAND USE

Section 1105.7(d)(3) Land Use: Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state

whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

Comments were solicited from the following regional planning agencies, and responses are included in Exhibit No. 3.

Capital District Transportation Committee
5 Computer Drive West
Albany, NY 12205-1606

Capital District Regional Planning Commission
5 Computer Drive West, Second Floor
Albany, NY 12205

Section 1105.7(e)(3)(ii): Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

The proposed action will not have an effect on any prime agricultural land.

Section 1105.7(e)(3)(iii): If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

Not Applicable.

Section 1105.7(e)(iv): If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

The line is suitable for public use.

(4) ENERGY

Section 1105.7(c)(4) Energy:

Section 1105.7(e)(4)(i): Describe the effect of the proposed action on transportation of energy resources.

The proposed abandonment will have no effect on the development and transportation of energy resources, or on the movement and/or recovery of recyclable commodities as no such energy resources or recyclable commodities are presently transported over this line.

Section 1105.7(e)(4)(ii): Describe the effect of the proposed action on recyclable commodities.

No impact is anticipated.

Section 1105.7(e)(4)(iii): State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

No impact is anticipated.

Section 1105.7(e)(4)(iv): If the proposed action will cause diversions from rail to motor carriage of more than:

- A. 1,000 rail carloads a year; or
- B. An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in § 1105.7(e)(4)(iii) need not be supplied if the more detailed information § 1105.7(e)(4)(iv) is required.

The proposed action will not cause diversions from rail to truck of more than 1,000 rail carloads per year or more than 50 rail cars per mile per year.

(5) AIR

Section 1105.7(e)(5)(i) Air: If the proposed action will result in either:

- A. An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal; or
- B. An increase in rail yard activity of at least 100 percent (measured by carload activity); or
- C. An average increase in truck traffic or more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

The proposed abandonment:

- A. Will not result in an increase in rail traffic of at least 100% or an increase of at least 8 trains per day on any segment of rail line affected by the proposed abandonment.
- B. Will not result in an increase in rail yard activity of at least 100% (measured by carload activity).
- C. Will not result in an increase in total traffic by 10% or 50 - vehicles per day for any affected road segment. This is based on the current traffic level on the line.

Section 1105.7(e)(5)(ii): If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either:

- A. An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line;
- B. An increase in rail yard activity of at least 20 percent (measured by carload activity); or
- C. An average increase in truck traffic or more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment:

- A. Will not result in an increase in rail traffic of at least 50% or an increase of at least 3 trains per day on any segment of rail line affected by the proposed abandonment.
- B. Will not result in an increase in rail yard activity of at least 20% (measured by carload activity).
- C. Will not result in an increase in total traffic by 10% or 50 vehicles per day for any affected road segment.

Section 1105.7(e)(5)(iii): If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency or service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Transportation of ozone depleting materials are not involved.

(6) NOISE

Section 1105.7(e)(6) Noise: If any of the thresholds identified in item (5)(I) of this section are surpassed, state whether the proposed action will cause:

- (i) An incremental increase in noise levels of three decibels Ldn or more; or

(ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

No threshold in No. 5 will be surpassed.

(7) SAFETY

Section 1105.7(e)(7)(i): Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Public health and safety will be improved by the elimination of all at-grade crossing along the line.

Section 1105.7(e)(7)(ii): If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Not applicable since hazardous materials will no longer be transported over this line segment.

Section 1105.7(e)(7)(iii): If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste sites and there are no known hazardous material spills on the right of way. A Phase I Environmental Site Assessment was completed in February, 2003, and revealed no Recognized Environmental Conditions (RECs) at the site.

(8) BIOLOGICAL RESOURCES

Section 1105.7(e)(8)(i) Wildlife: Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

Based upon consultation with the U.S. Fish and Wildlife Service, it does not appear that any such species are located on the right-of-way or that any long term adverse effects on endangered species or critical habitats would result. Temporary displacement of wildlife along the right of way may occur during short periods when salvage operations are conducted. However, this will be a minor and short-lived effect. (See Exhibit No. 3.)

Section 1105.7(e)(8)(ii): State whether wildlife sanctuaries or refuges National or State parks or forests be affected and describe any effects.

No sanctuaries, state parks, or refuges will be adversely affected by the proposed abandonment as none exist along the right-of-way. The New York State Department of Environmental Conservation letter of April 21, 2003, makes reference to Black Creek Marsh Wildlife Management Area, but that area is located on a different segment of this rail line.

(9) WATER

Section 1105.7(e)(9)(i) Water: Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The Proposed abandonment does not appear to be inconsistent with applicable federal, state, and/or local water quality standards. As long as proper care is taken during salvage activities, there will be no impact on water quality.

Section 1105.7(e)(9)(ii) and (iii): (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the State Environmental Protection or Equivalent Agency if they are unsure whether such permits are required).

Permits under Section 404 of the Clean Water Act are not required for the proposed action. No designated wetlands or 100 year flood plains will be adversely affected. The U.S. Army Corps of Engineers has been notified of the proposed abandonment. Permits under Section 402 of the Clean Water Act (NPDES permit requirements) are not required for this action as no in-stream salvage activities are contemplated. (See Exhibit No. 3)

Section 1105.7(e)(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

No adverse environmental impacts are anticipated. Other than using appropriate care in conducting salvage operations, no mitigation will be necessary.

Section 1105.7(e)(11) Additional Information for Rail Constructions: The following additional information should be included for rail construction proposals (including connecting track construction).

Not applicable.

Section 1105.8 Historic Reports: (a) An applicant proposing an action identified in Section 1105.6(a) or (b)), or an action in Section 1105.6(c) that will result in the lease, transfer, or sale of a railroad's line, sites or structures, must submit (with its application, petition or notice) the Historic Report described in paragraph (d) of this section, unless excepted under paragraph (b) of this section. This report should be combined with the Environmental Report where one is required. The purpose of the Historic Report is to provide the Board with sufficient information to conduct the consultation process required by the National Historic Preservation Act.

The Historic Report is attached hereto. (See Exhibit No. 5.)

Section 1105.9 Coastal Zone Management Act Requirements: If the proposed action affects land or water uses within a State coastal zone designated pursuant to the Coastal Zone Management Act (16 U.S.C. 1451 et seq.) applicant must comply with the following procedures.

Not applicable.

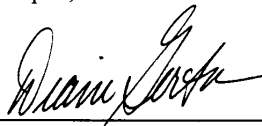
END OF REPORT

EXHIBIT NO. 1
(List of Parties Consulted and
Certificate of Service of Environmental and Historic Report)

CERTIFICATE OF SERVICE OF ENVIRONMENTAL AND HISTORIC REPORTS

I hereby certify that on April 30, 2003, I served the Environmental Report and Historic Report relative to S.T.B. Docket No. AB-156 (Sub No. 23X) pursuant to C.F.R. Parts 1152.50, 1105.7(b)(c) and 1105.11 by First Class U.S. Mail properly addressed and with postage prepaid upon the parties listed on the attached List of Parties Consulted.

Dated at Minneapolis, Minnesota this 30th day of April, 2003.

A handwritten signature in cursive script, appearing to read "Diane Gerth", written over a horizontal line.

Diane P. Gerth

ENVIRONMENTAL & HISTORICAL REPORT

LIST OF PARTIES CONSULTED

Parties consulted in preparing Environmental and Historical Reports - Soo Line Railroad Company (d/b/a Canadian Pacific Railway) - Abandonment of Line of Railroad running from Mile Post 1.8 +/- (in Albany) and Mile Post 10.94 +/- (in Voorheesville) in Albany County, State of New York which traverses through United States Postal Service Zip Codes 12202, 12077, 12054, and 12186 (total mileage: approximately 9.14 +/- miles) -- S.T.B. Docket No. AB-156 (Sub-No. 23X)

FEDERAL AGENCIES CONSULTED

Appropriate Regional Office(s) of the U.S. Environmental Protection Agency

Jane Kenny
Regional Director
US EPA
290 Broadway, Floor 26
New York, NY 10007

U.S. Environmental Protection Agency State Official

New York State
Department of Environmental Conservation
625 Broadway
Albany, NY 12233

U.S. Fish and Wildlife Service

Ms. Mamie Parker
Regional Director
U.S. Fish and Wildlife Service
300 West Gate Center Drive
Hadley, MA 01035-9589

U.S. Army Corps of Engineers

Col. John B. O'Dowd
New York District of Corp. Engineers
Attn: Executive Officer

26 Federal Plaza, Room 2113
New York, NY 10278-0090

National Park Service

National Park Service Northeast Region
US Customs House, 3rd Floor
200 Chestnut Street
Philadelphia, PA 19106

U.S. Soil and Conservation Service

Mr. Joseph R. DelVecchio
State Conservationist
USDA Natural Resources Conservation Service
The Galleries Syracuse
441 Salina Street, 5th Floor
Syracuse, NY 13202
Tel. (315) 477-6524

National Geodetic Survey

National Geodetic Survey
Director Charlie Challstrom
1315 East-West Highway
Silver Spring, MD 20910-3282
Tel. (301) 713-3425

STATE AGENCIES CONSULTED

State Clearinghouse

The State of New York has no designated clearinghouse

State Department of Transportation for New York

Stephen Slavick, Intermodal Program Evaluation
Department of Transportation
5-504 Harriman State Office Campus
1220 Washington Ave.
Albany, NY 12232

State Environmental Protection Agency for New York

Department of Environmental Conservation
625 Broadway
Albany, NY 12233

State Historic Preservation Office for New York

New York State
Office of Parks, Rec. & Historic Preservation
Empire State Plaza Agency Building #1, 17th Floor
Albany, NY 12238

State Coastal Zone Management Agency

New York Department of State
Division of Coastal Resources
41 State Street
Albany, NY 12231

Other Political Entities and/or Indian Reservations through which the line runs

Albany County

Michael Breslin
County Executive
112 State Street, Room 200
Albany, NY 12207

City of Albany

Mayor Gerald Jennings
Room 102 City Hall
Albany, NY 12207

City of Voorheesville

Mayor John Stevens
P.O. Box 367
Voorheesville, NY 12186

Local and Regional Planning Agencies

Capital District Regional Planning Commission
5 Computer Dr. West

Albany, NY 12205

Capital District Transportation Committee
5 Computer Dr. West
Albany, NY 12205

EXHIBIT NO. 2

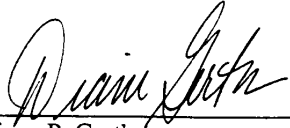
(Certification of Diane P. Gerth Publication of Newspaper Notice in Newspaper
of General Circulation in Counties where Line is Situated and Affidavits of Publication)

(49 C.F.R. Part 1105.12)

CERTIFICATE OF PUBLICATION OF PUBLIC NOTICE
IN NEWSPAPER OF GENERAL CIRCULATION IN ALBANY COUNTY, NEW YORK

I hereby certify that relative to S.T.B. Docket No. AB-156 (Sub-No. 23X) pursuant to C.F.R. Parts 1152.50 and 1105.12, on March 28, 2002, a public legal notice was published in the Albany Times Union, a newspaper of general circulation in Albany County, New York, the county in which the Voorheesville Running Track is located.

Dated at Minneapolis, Minnesota this 30th day of April, 2003.



Diane P. Gerth

ALBANY TIMES UNION
News Plaza
Box 15000
Albany, New York 12212

STATE OF NEW YORK
COUNTY OF ALBANY

C. Fleming / A. Cooper of the City of Albany, being duly sworn, says that he/she is Principal Clerk of THE TIMES UNION, a daily newspaper printed in the County of Albany, Town of Colonie and Published in the County of Albany, Town of Colonie and the City of Albany, aforesaid and that notice of which a printed copy is annexed has been regularly published in the said ALBANY TIMES UNION on the following dates:

03-28-2003

C. Fleming

Sworn to before me, this 28th day of March 2003

NOTICE

Delaware and Hudson Railway Company, Inc., (d/b/a Canadian Pacific Railway) gives notice that on or about April 15, 2003, it intends to file with the Surface Transportation Board, Washington, DC 20423, a Notice of Exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the abandonment of a 9.14 +/- mile line of railroad between milepost 1.8 +/- (in Albany) and milepost 10.94 +/- (in Voorheesville) which traverses through United States Postal Service Zip Codes 12202, 12077, 12054, and 12186, in Albany County, New York. The proceeding will be docketed as No. AB-156 (Sub No. 23X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the Notice of Exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the SEA, Surface Transportation Board, 1925 K Street NW, Washington, DC 20423-0001, or by calling SEA at 202-565-1674.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street NW, 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, public use or trails use may be directed to the Board's Office of Public Services at 202-927-7597. Copies of any comments or requests for conditions should be served on the applicant's representative, Diane P. Gerth at Leonard, Treut and Deindard, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402, 12-335-1500.

Delaware & Hudson Railway
Company, Inc.
(d/b/a Canadian Pacific Railway)
Minneapolis, Minnesota

TU-11 March 28 (8900)

MABEEL SHOHATEE
Notary Public, State of New York
Qualified in Schoenectady County
Reg. No. 01SH8051635
Commission Expires November 6, 2005

[Signature]
Notary Public
Albany County

EXHIBIT NO. 3

(Responses to Environmental Scoping Correspondence Sent March 11, 2003 and April 8, 2003)

**New York State Department of Environmental Conservation
Division of Environmental Permits, Region 4**

1150 North Westcott Road, Schenectady, New York 12306-2014
Phone: (518) 357-2069 • **FAX:** (518) 357-2460
Website: www.dec.state.ny.us



April 21, 2003

Section of Environmental Analysis
Surface Transportation Board
1925 K Street NW
Washington, DC 20423-0001

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APR 23 2003

Re: JURISDICTIONAL INQUIRY
Abandonment of D & H Rail Line
Between Mile Posts 1.8 in Albany and 10.94
in Voorheesville, Albany County
STB Docket No. AB-156 (Sub No. 23ZX)

Gentlemen:

This letter is in response to a letter we received from Diane P. Gerth, of Leonard, Street and Deinard, dated March 11, 2003. In her letter, Ms. Gerth informed us that freight rail operations will be discontinued and the rails, ties, spikes, plates, signaling devices and other railroad-related utilities will be removed (with ballast, bridges and public and private crossing to remain in place to facilitate transit use). She requested information regarding the environmental impact of this abandonment on the natural resources located along this 9.14 ± mile section of rail line. Based on the information provided, we have consulted our maps and have the following comments to offer.

Streams - There are three stream crossings along this portion of the D & H Railway line. One of these streams, Vly Creek, is a protected stream and therefore, a permit from our Department will be required if there will be any disturbance of the bed or banks of this stream. While permits would not be required for disturbances to the beds or banks of the other two streams, water quality standards in these waters must be maintained at all times during the project. This means that no turbidity, sedimentation or other pollutants shall be allowed to enter these streams or any other waters of the State of New York. Care should be taken to ensure that ties, in particular, are removed from the areas surrounding these waters so that creosote and/or other chemicals will not leach into these waters.

Wetlands - There are no wetlands regulated by New York State located along this section of the rail line. However, there may be federally-regulated wetlands along this stretch of track. We suggest that the U. S. Army Corps of Engineers (USACOE) be contacted to determine their interest, if any, in this project. They may be contacted by phone at (518) 270-0588 or by mail at U. S. Army Corps of Engineers, Albany Field Office, One Bond Street, Troy, NY 12180.

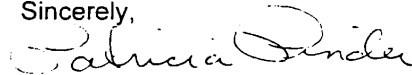
Historical/Archeological - Our maps indicated that the track crosses an area which has the potential to contain historical and/or archeological resources. If the proposed work will impact any areas of land not previously disturbed, consultation with the New York State Office of Parks, Recreation and Historic Preservation should take place to determine their interest in this project. You may contact the New York State Office of Parks, Recreation and Historic Preservation at (518) 237-8643.

Significant Habitats - Our maps also indicated that several significant plant and bird habitats exist along the railway. We have consulted with our Natural Heritage and Wildlife programs and have determined that the removal of the track and the cessation of rail traffic should not have a significant impact on these resources.

Ms. Gerth's letter did not give any indication as to what would become of the section of track between Mile Post 10.94 and Meadowdale Road. Should this portion of the rail line be abandoned in the future, our Real Property Unit would like to be notified. Since this section of track runs through our Black Creek Marsh Wildlife Management Area, we have a definite interest in what occurs in this area. The State may be interested in purchasing this parcel of land from the railroad in the event there is a decision to abandonment the rail line.

If you have any further questions, please do not hesitate to contact me.

Sincerely,



Patricia Pinder
Agency Program Aide

cc: K. Parker, Wildlife
P. Haskins/D. Haller, RP
✓ D. Gerth, Leonard, Street & Deinard, 150 S. Fifth Street, Suite 2300, Minneapolis, MN 55402
USACOE
NYSOPRHP
File



MICHAEL G. BRESLIN
COUNTY EXECUTIVE

MARK FITZSIMMONS
DIRECTOR

COUNTY OF ALBANY
DEPARTMENT OF ECONOMIC DEVELOPMENT
CONSERVATION & PLANNING
112 STATE STREET - ROOM 1006
ALBANY, NEW YORK 12207-2021
(518) 447-5660 - FAX (518) 447-5662
<http://www.albanycounty.com>

April 16, 2003

Ms. Diane P. Gerth
Leonard, Street and Deinard, Professional Assoc.
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55403

Re: Request for comments on potential environmental impacts of proposed line abandonment located between mile post 1.8 (in Albany) and mile post 10.94 (in Voorheesville), in Albany County, State of New York - STB Docket No.: AB-156 (Sub-No. 23X)

Dear Ms. Gerth:

Albany County Executive Michael G. Breslin requested that our staff conduct a review of pertinent environmental consequences associated with the proposed abandonment by Canadian Pacific Railway of the subject line. Following our evaluation of the proposed abandonment, with particular attention to the areas of concern identified in your Request for Comments, it is our finding that the proposed action will not result in significant adverse environmental impacts, and in fact, may result in an opportunity for conversion of this currently underutilized line into a viable, alternative transportation or recreational use.

On behalf of the Albany County Executive, we thank you for the opportunity to comment on this action. Should you have any further questions regarding the County's position on any aspect of the proposed abandonment, please feel free to contact me at your convenience.

Sincerely,

Mark Fitzsimmons
Director

Copy to: US DOT Surface Transportation Board, SEA
Hon. Michael G. Breslin, Albany County Executive

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APR 25 2003



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



March 28, 2003

Ms. Diane P. Gerth
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402

Dear Ms. Gerth:

This responds to your letter of March 11, 2003, requesting information on the presence of endangered or threatened species in the vicinity of the proposed abandonment of the Delaware and Hudson Railway Company, Inc. (d/b/a Canadian Pacific Railway) rail line between Milepost 1.8± and Milepost 10.94± in the City of Albany and Towns of Bethlehem and New Scotland, Albany County, New York.

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. In addition, no habitat in the project impact area is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Therefore, no further Endangered Species Act coordination or consultation with the U.S. Fish and Wildlife Service (Service) is required. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of Federally listed and proposed endangered and threatened species in New York* is available for your information.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the Endangered Species Act. This response does not preclude additional Service comments under other legislation.

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate New York State Department of Environmental Conservation regional office(s),* and:

New York State Department of Environmental Conservation
New York Natural Heritage Program Information Services
625 Broadway
Albany, NY 12233
(518) 402-8935

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Since wetlands may be present, you are advised that National Wetlands Inventory (NWI) maps may or may not be available for the project area. However, while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Copies of specific NWI maps can be obtained from:

Cornell Institute for Resource Information Systems
302 Rice Hall
Cornell University
Ithaca, NY 14853
(607) 255-4864

Work in certain waters of the United States, including wetlands, may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act, the Service may concur, with or without recommending additional permit conditions, or recommend denial of the permit depending upon potential adverse impacts on fish and wildlife resources associated with project construction or implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s).*

If you require additional information or assistance please contact Michael Stoll at (607) 753-9334.

Sincerely,

Acting For

David A. Stilwell
Field Supervisor

*Additional information referred to above may be found on our website at:
<http://nyfo.fws.gov/es/esdesc.htm>.

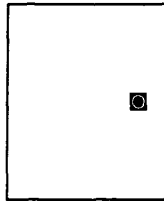
cc: NYSDEC, Schenectady, NY (Environmental Permits)
NYSDEC, Albany, NY (Natural Heritage Program)
COE, New York, NY

U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, NY 13045

To provide a timely response to future requests for endangered species comments in New York, please include the following in future inquiries:

1. A concise brief description of the project/action.
2. Name of the hamlet/village/city/town/county where the project/action occurs.
3. The latitude and longitude of the project/action, i.e.: 42° 13' 28" / 76° 56' 30". If the project/action is linear, you may provide coordinates for both ends or just one near center.
4. A map showing the project/action location. Preferrably the map should be a U.S. Geological Survey quadrangle map (USGS Quad). You need only provide a copy of that portion where the project/action occurs. Please provide the name(s) of the USGS quadrangle.

If providing only a portion, indicate where the portion would be located on the full quadrangle, i.e.



Providing the information above will assist us in responding to your needs.

If you require additional information please contact Michael Stoll at (607) 753-9334.

VILLAGE OF VOORHEESVILLE



JOHN J. STEVENS JR.
MAYOR

WILLIAM F. HOTALING
DEPUTY MAYOR

RICHARD A. BERGER
CAMILLE S. JOBIN-DAVIS
THOMAS P. RUANE
TRUSTEES

KENNETH CONNOLLY
JUSTICE

April 1, 2003

Leonard, Street, and Deinard
Attn: Diane P. Gerth
150 South Fifth Street
Suite 2300
Minneapolis, Minnesota 55402

**RE: Request for Comments on Potential Environmental Impacts of
Proposed Line Abandonment Located in between Albany and
Voorheesville, County of Albany, State of New York, 12186
STB Docket No. : AB-156 (Sub-No.23X)**

Dear Ms. Gerth:

Thank you for your letter dated March 11th, 2003, requesting input from the Village of Voorheesville in regard to the aforementioned project.

Enclosed you will find two letters commenting on this project. One letter is from Alan M. Parsons, our Conservation Advisory Council Chairperson and the other letter is from Thomas Coates, our Zoning Board of Appeals Chairperson.

If there is any way I can be of further assistance to you, please don't hesitate to call me at 518-765-2692.

Sincerely,

A handwritten signature in cursive script that reads 'John J. Stevens, Jr.'.

John J. Stevens, Jr.
Mayor
Village of Voorheesville

/dvt
Enclosures

63 Severson Hill Road
Voorheesville, NY 12186
28. March 2003

John J. Stevens, Mayor
Village of Voorheesville
29 Voorheesville Avenue
Voorheesville, NY 12186

Dear Jack:

I am told that we have been asked to provide a SEQR determination in regard to the removal of rails by the Canadian Pacific Railway. The railroad company has yet to apply to the Surface Transportation Board for abandonment of the line East of the junction in Voorheesville. The environmental scope of this is not just removing rails, but the dismantling of a natural asset. The public needs to have some say in this as the impact for the future on this action could remove an existing asset forever.

A railroad and its right of way is a natural resource and much like a river or canal can be an asset to moving people and goods. Railroads in many parts of the country have been brought back to life by changes in travel requirements for people and goods. Railroads can provide an alternative to the demands for widening a highway and its negative impact on adjacent property owners that may soon be required of Route 85 in New Scotland.

The State of New York has abandoned its concept of moving office workers to campus complexes and is now moving people workers once again into the center cities like Albany. Once again there will be increases in the demand for transportation alternatives to downtown Albany.

In the April 29, 1962 timetable issued by the D&H Railroad, Train 208 left Albany at 4:15 pm, made a station stop in Delmar at 4:26 pm, and stopped in Voorheesville at 4:34 pm, just 18 minutes out of Albany using old equipment and a speed limit of 40 MPH. Compare that with the auto driving time to downtown Albany today during peak travel periods or the bus which takes over 45 minutes.

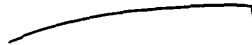
Today, using a limited morning and afternoon reverse commute rail alternative could take the people that must travel downtown daily off our roads and provide them faster transportation to and from work. At the same time, this would remove the cars these people would otherwise use from the roadways and free up space for the person traveling the same streets, but to locations that are not accessible by rail. Thus, permitting both to travel faster and without the major highway capacity increases, heartaches to owners and their related costs that otherwise would be deemed necessary.

The State of New Jersey lost a railroad in western NJ about 26 miles in length that it has just spent over \$10 million in legal fees and over \$100 million just to retrieve the right of way. It no longer can afford to widen Route 80 in this area and is going to relay the tracks at another cost of over \$100 million. This is of course an extreme case, but points up the value of such a natural resource! In the 1980's NJ could not envision why it would ever need it!

Please let the community have input on this subject and don't let this existing resource and potential asset slip away. Once it is gone, it is virtually impossible to retrieve!

Sincerely,

Thom Coates

A handwritten signature in cursive script, appearing to read "Thom", written in dark ink.A single, slightly wavy horizontal line drawn in dark ink, likely serving as a decorative flourish or a placeholder for a printed name.

March 30, 2003

Jack Stevens, Mayor
Village of Voorheesville
Village Hall
Voorheesville, NY 12186

Re: Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment Located between Mile Post 1.8 +/- (in Albany) and Mile Post 10.94 +/- (in Voorheesville), in Albany County, State of New York (U.S. Postal Zip Codes 12202, 12077, 12054, and 12186)-STB Docket No.: AB-156 (Sub-No. 23X)

Dear Jack,

By now, Jerry Gordinier has no doubt spoken to you about the D & H Railway Co. Inc.'s pending action to formally abandon the above noted segment of track, a portion of which is located within the Voorheesville village limits. You have probably also reviewed the letter, dated March 11, 2003, that was forwarded to former Mayor Ed Clark, inviting comments regarding any environmental impacts the action might have. Due to the rather large zone of impact and inter-municipal nature of the abandonment, the Surface Transportation Board (STB) is charged with an overall project review that will be informed by an Environmental and Historic Report to be prepared by Diane Gerth, of Leonard, Street and Deinard (see March 11 letter). She is receiving comments prior to April 10, 2003, to assist in the preparation of the document.

Although I and the Village's CAC did not see this letter until the night of our last regularly scheduled meeting, Tuesday March 25, 2003, due to the time-sensitive nature of the request, members decided to quickly review the material anyway, including the project's map, and provide you with input at this time. Although we had a rather lengthy discussion about the project, the bottom line was that we did not feel, from what we could discern from the project's description, that there would be any significant, negative environmental impacts. That being said, I want to offer a few points that were identified and discussed, as we talked over the project:

- Although the letter indicates that this will be the case, members wanted to express their strong feeling that all items removed from the existing rail lines, be carried away from the track bed, and that nothing be left along the rail lines or rail bed that could cause injury to any person, either walking on the abandoned rail bed, or along it's edges
- Members were curious as to who takes on the responsibilities for upkeep and maintenance on remaining bridge structures, once the rail line is abandoned?
- It is of obvious interest to us, as to what the future use of the abandoned areas will be; will motorized vehicles, such as ATVs or snow mobiles be allowed to use the rail bed, once the track is removed, and if so, who is liable for any accidents or incidents along the bed within the village limits?
- Will rail lines be paved over within the village limits, once track is removed?
- Future uses, whatever they are, may produce increased noise along the rail bed (obviously less distracting we assume than the trains that used to run there!), and

also increase the potential for people using the rail beds to throw items off the existing bridges, a potentially dangerous possibility on the segment of rail bed that travels over RT 155. Will barriers or additional fencing be required on these structures, IF future use includes hiking, walking, cycling, or using motorized vehicles?

- Although this line runs through our wellhead protection area, we could not foresee any activities associated with the abandonment that might cause problems in that regard.
- We would hope the abandonment will also include removal of any items that have either been previously discarded or that may have fallen off passing trains, although members felt most of these items might have already been removed by curious individuals walking the tracks.
- We could see no obvious negative impacts on any of our waterways, the aquifer, or any of our village or state-designated wetlands.

Most "concerns" voiced had more to do with what the future uses of the abandoned line might be, and what kinds of liabilities or other implications those might have on the village's government and/or quality of life. Please give me a call at 765 3124, if you have any further questions regarding our comments.

Sincerely,


Alan M. Parsons
CAC Chair

Cc Jerry Gordinier
CAC File



FTZ #121

CAPITAL DISTRICT REGIONAL PLANNING COMMISSION

5 COMPUTER DRIVE WEST, 2ND FLOOR, ALBANY, NY 12205

WEB SITE AT <http://www.cdrpc.org>

TEL: 518/453-0850

FAX: 518/453-0856

E-MAIL: cdrpc@cdrpc.org

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David Vincent

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Lucille M. McKnight

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Fred Acunto

Executive Director
Chungchin Chen

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Henry E. Dennis, Jr.
John Graziano, Jr.
Lucille M. McKnight
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Jayne Regan Harris
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Michael Stammel

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J. Christopher Callaghan
Sally Herrick
Kathleen A. Marchione
Jean Raymond

Schenectady County
Michael Iacobucci
Albert P. Jurczynski
Peter Polsinelli
David Vincent
Robert Wall

April 15, 2003

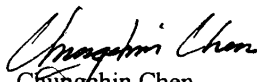
Diane P. Gerth
Leonard, Street, and Deinard
150 South Fifth Street
Suite 2300
Minneapolis, Minnesota 55402

Dear Ms. Gerth:

Thank you for requesting comments from the Capital District Regional Planning Commission on the potential Environmental Impacts of the Delaware and Hudson Railway Company, Inc.'s proposed abandonment of the "Voorheesville Running Track".

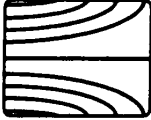
Though we have no comment about the environmental impact of the proposed specified action, we believe that the 9 +/- mile corridor will serve as an excellent recreational trail resource between the City of Albany and the Village of Voorheesville. As such, upon its likely abandonment, we support the effort to establish an uninterrupted trail system within the existing Right of Way along the entire length of the abandoned rail corridor.

Sincerely,


Chungchin Chen
Executive Director

cc: Andy Labruzzo, AICP
Albany County Dept. of Economic Development,
Conservation & Planning

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APR 21 2003



CAPITAL DISTRICT TRANSPORTATION COMMITTEE

5 Computer Drive West • Albany, NY 12205-1606
e-mail: cdtc@crisny.org

Phone: (518) 458-2161
Fax: (518) 459-2155

Chairman
Mayor John T. McDonald

Staff Director
John P. Poorman

Albany County
Michael G. Breslin
Charles E. Houghtaling

Rensselaer County
Kathleen Jimino
Neil J. Kelleher

Saratoga County
Robert Stokes
Robert L. Phillips

Schenectady County
Peter Guidarelli

City of Albany
Mayor Gerald D. Jennings

City of Cohoes
Mayor John T. McDonald

City of Mechanicville
Mayor Thomas J. Higgins

City of Rensselaer
Mayor Mark Pratt

City of Saratoga Springs
Mayor Kenneth Klotz

City of Schenectady
Mayor Albert P. Jurczynski

City of Troy
Mayor Mark P. Patison

City of Watervliet
Mayor Robert D. Carlson

Towns and Villages
Anita Daly, Clifton Park
Luke Smith, Niskayuna
Alternates
Paul Tazbir, North Greenbush
Ken Runion, Guilderland

Albany County
Airport Authority
John O'Donnell

Albany Port
District Commission
Terrence P. Hurley

Capital District Regional
Planning Commission
Michael Stammel

Capital District
Transportation Authority
Stephen G. Bland

New York State Dept. of
Transportation
Joseph H. Boardman

New York State
Thruway Authority
Donald Bell

Non-Voting Members
Thomas C. Werner
NYSDOT Reg. 1

Letitia Thompson, FTA
Robert E. Arnold, FHWA

April 16, 2003

Diane P. Gerth
Leonard, Street and Deinard
150 South Street Suite 2300
Minneapolis, MN 55402

Dear Ms. Gerth:

Thank you for the opportunity for the Capital District Transportation Committee (CDTC) to comment on the proposed rail line abandonment between Albany and Voorheesville, New York. CDTC is the designated Metropolitan Planning Organization (MPO) carrying out federal requirements for cooperative transportation planning and programming within the metropolitan area surrounding the Albany-Schenectady-Troy urbanized area.

We do not have any specific comments on the environmental impacts of the abandonment. We do however feel that the 9+/- mile corridor should be kept intact as an opportunity exists to create a seamless recreational trail between Albany and Voorheesville. Preserving the corridor for transportation purposes should be an important consideration in the abandonment process.

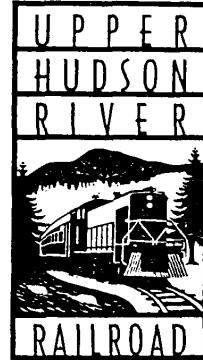
Sincerely,

John P. Poorman
Staff Director

CC: Mark Fitzsimmons, Director Albany County Department of
Economic Development, Conservation and Planning

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APR - 7 2003



April 4, 2003

Delaware & Hudson Railway Co. Inc.
(d/b/a Canadian Pacific Railway)
Leonard Street and Deinard
150 South Fifth Street
Suite 2300
Mineapolis, MN 55402

Attention: Diana P. Gerth

Reference: Abandonment of 9.14 +/- Mile Line of
Railroad between MP 1.8 (Albany) and MP 10.94 (Voorheesville)

Dear Diana,

We are responding to your public notice in the Albany Times Union
on March 28, 2003 per the above referenced rail line.

The Upper Hudson River Railroad operates a Scenic Train in Warren
County on the former Adirondack Branch of the Delaware and Hudson Rail-
road.

We are very much interested in this branch. Please advise. All
correspondence should be directed to:

W. J. Riegel & Sons Inc.
P. O. Box 240
46 Bridge Street
Selkirk, New York 12158
(518) 767-3027

Thanking you in advance.

Very truly yours,

John C. Riegel
John C. Riegel
President

JCR:cgm

cc: Mr. Tim Record, General Manager

3 Railroad Place • PO Box 424, North Creek, NY 12853

Phone: 518/251-5334 • Fax: 518/251-5332 • Website: www.UpperHudsonRiverRR.com • E-mail:
info@UpperHudsonRiverRR.com

EXHIBIT NO. 4

Environmental Scoping Correspondence Required By 49 C.F.R. § 1105.7(b)(1)-(6)(10)
For Which Responses Were Not Received

LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

March 11, 2003

Diane P. Gerth
612-335-1463
diane.gerth@leonard.com

Mr. George R. Stafford, Director
New York Dept. of State Division of Coastal Resources
41 State Street
Albany, NY 12231

Re: Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment Located between Mile Post 1.8 +/- (in Albany) and Mile Post 10.94 +/-, (in Voorheesville), in Albany County, State of New York (U.S. Postal Zip Codes 12202, 12077, 12054, and 12186) — STB Docket No.: AB-156 (Sub-No. 23X)

Dear Mr. Stafford:

Delaware and Hudson Railway Co., Inc. (d/b/a Canadian Pacific Railway) on or about April 30, 2003, anticipates filing a Petition for Exemption to Abandon pursuant to 49 U.S.C. Section 10502 with the United States Department of Transportation – Surface Transportation Board (STB) to discontinue and abandon all freight rail operations over approximately 9.14 +/- miles of rail line located in Albany County, New York. A map of the proposed abandonment is enclosed.

This proposed petition for rail line abandonment exemption requires review by the Surface Transportation Board (STB). I will be preparing an Environmental and Historic Report that will provide the basis of the environmental review that the STB's Section of Environmental Analysis (SEA) will conduct for this proceeding. In preparing this report, consultation with agencies or organizations that may have specific interest in or knowledge of the potential environmental impacts is essential. This letter is, therefore, intended to solicit your comments regarding potential environmental impacts, if any, of the proposed rail line abandonment.

Your comments on the potential impacts of this abandonment will be incorporated into our Environmental Report to be filed on or about April 10, 2003. A copy of this report will be provided to you, after which additional comments can be submitted directly to the STB's Section of Environmental Analysis (SEA).

As shown on the attached maps, the line that is proposed to be abandoned is known as the Voorheesville Running Track and is located between Mile Post 1.8 +/- (in Albany) and Mile Post 10.94 +/- (in Voorheesville), a distance of approximately 9.14 miles, in Albany County, New York. It traverses through U.S. Postal Zip Codes 12202, 12077, 12054, and 12186.

150 SOUTH FIFTH STREET SUITE 2300 MINNEAPOLIS, MINNESOTA 55402 TEL 612-335-1500 FAX 612-335-1657

2292617v1 LAW OFFICES IN MINNEAPOLIS, SAINT PAUL, MANKATO, SAINT CLOUD AND WASHINGTON, D. C.

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Most of the line consists of double and single track with an average right-of-way width of 66 - 100 feet. The right-of-way exists in fee ownership. In addition to the right-of-way, the rail line includes 4 overhead highway bridges, 5 at-grade public road crossings, 3 private crossings, 5 railroad bridges over public roads, 1 railroad bridge over farm crossing, 2 bridges over creeks, and no buildings. To facilitate transit use, all of these structures would remain in place. The proposed action includes the removal of all rails, ties, spikes, plates, railroad-related utilities, and signaling devices. The ballast would remain in place. All equipment and materials that are removed from the line would either be reused, sold as scrap, or disposed of in accordance with applicable environmental regulations.

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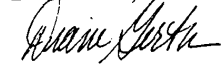
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Any written comments should be submitted to the undersigned at the address on this letterhead. They will be appended to the Environmental Report being submitted to the Board if received prior to April 5, 2003. Thereafter, please submit them directly to: SEA, Surface Transportation Board, 1925 K Street NW, Washington D.C. 20423-0001, or by calling that office at (202) 565-1526, and forward a copy to the undersigned.

Any comments or information that you provide will be included in Soo's Environmental Report and will be considered by the STB in the preparation of the draft environmental document and in its evaluation of the overall environmental and energy impacts of the proposed action. Your cooperation will help ensure that all environmental concerns are thoroughly addressed.

Thank you very much for your assistance.

Very truly yours,
LEONARD, STREET AND DEINARD


Diane P. Gerth

Enclosures

March 11, 2003

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cc: Victoria Routsen
William Tuttle
Judy Mitchell
John Bergene

LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

March 11, 2003

Diane P. Gerth
612-335-1463
diane.gerth@leonard.com

Ms. Jane Kenny
Regional Director
290 Broadway, Floor 26
New York, NY 10007

Re: Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment Located between Mile Post 1.8 +/- (in Albany) and Mile Post 10.94 +/-, (in Voorheesville), in Albany County, State of New York (U.S. Postal Zip Codes 12202, 12077, 12054, and 12186) — STB Docket No.: AB-156 (Sub-No. 23X)

Dear Ms. Kenny:

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LEONARD, STREET AND DEINARD



Diane P. Gerth

Enclosures

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LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

March 11, 2003

Diane P. Gerth
612-335-1463
diane.gerth@leonard.com

Col. John B. O'Dowd
New York District Corp of Engineers
Attn: Executive Office
26 Federal Plaza, Rm 2113
New York, NY 10278-0090

Re: Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment Located between Mile Post 1.8 +/- (in Albany) and Mile Post 10.94 +/-, (in Voorheesville), in Albany County, State of New York (U.S. Postal Zip Codes 12202, 12077, 12054, and 12186) — STB Docket No.: AB-156 (Sub-No. 23X)

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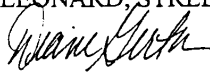
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March 11, 2003

Diane P. Gerth
612-335-1463
diane.gerth@leonard.com

Mr. Thomas Ross
Division Chief
National Recreation and Conservation Assistance Division
National Park Service
800 N. Capitol Street NE, Rm. 490
Washington, DC 20002

Re: Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment Located between Mile Post 1.8 +/- (in Albany) and Mile Post 10.94 +/-, (in Voorheesville), in Albany County, State of New York (U.S. Postal Zip Codes 12202, 12077, 12054, and 12186) — STB Docket No.: AB-156 (Sub-No. 23X)

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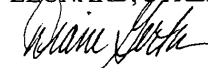
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LEONARD, STREET AND DEINARD


Diane P. Gerth

Enclosures

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John Bergene

LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

March 11, 2003

Diane P. Gerth
612-335-1463
diane.gerth@leonard.com

Mr. Joseph R. DelVecchio
State Conservationist
National Resources Conservation Service
USDA Natural Resource Conservation Service
The Galleries Syracuse
441 Salina Street, 5th Floor
Syracuse, NY 13202

Re: Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment Located between Mile Post 1.8 +/- (in Albany) and Mile Post 10.94 +/-, (in Voorheesville), in Albany County, State of New York (U.S. Postal Zip Codes 12202, 12077, 12054, and 12186) — STB Docket No.: AB-156 (Sub-No. 23X)

Dear Mr. DelVecchio:

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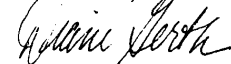
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Mr. Charlie Challstrom, Director
National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway, Sta. 8657
Silver Springs, MD 20910-3282

Re: Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment Located between Mile Post 1.8 +/- (in Albany) and Mile Post 10.94 +/-, (in Voorheesville), in Albany County, State of New York (U.S. Postal Zip Codes 12202, 12077, 12054, and 12186) — STB Docket No.: AB-156 (Sub-No. 23X)

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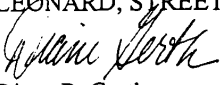
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Mr. Slavick Stephen
Intermodal Program Evaluation &
Service Development Bureau Director
New York State Dept. of Transportation
Bldg. 7A, Room 303
1220 Washington Avenue
Albany, NY 12232

Re: Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment Located between Mile Post 1.8 +/- (in Albany) and Mile Post 10.94 +/-, (in Voorheesville), in Albany County, State of New York (U.S. Postal Zip Codes 12202, 12077, 12054, and 12186) — STB Docket No.: AB-156 (Sub-No. 23X)

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Mr. Stephen C. Lewis
Acting Director
Real Property Bureau
NYS Office of Parks, Rec & Historic Preservation
Empire State Plaza Agency Building #1, 17th Floor
Albany, NY 12238

Re: Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment Located between Mile Post 1.8 +/- (in Albany) and Mile Post 10.94 +/-, (in Voorheesville), in Albany County, State of New York (U.S. Postal Zip Codes 12202, 12077, 12054, and 12186) — STB Docket No.: AB-156 (Sub-No. 23X)

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Delaware and Hudson Railway Co., Inc. (d/b/a Canadian Pacific Railway) on or about April 30, 2003, anticipates filing a Petition for Exemption to Abandon pursuant to 49 U.S.C. Section 10502 with the United States Department of Transportation – Surface Transportation Board (STB) to discontinue and abandon all freight rail operations over approximately 9.14 +/- miles of rail line located in Albany County, New York. A map of the proposed abandonment is enclosed.

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150 SOUTH FIFTH STREET, SUITE 2300 MINNEAPOLIS, MINNESOTA 55402 TEL 612-335-1500 FAX 612-335-1657

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LEONARD, STREET AND DEINARD


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LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

March 11, 2003

Diane P. Gerth
612-335-1463
diane.gerth@leonard.com

Mr. Gerald D. Jennings
Mayor
Room 102, City Hall
Albany, NY 12207

Re: Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment Located between Mile Post 1.8 +/- (in Albany) and Mile Post 10.94 +/-, (in Voorheesville), in Albany County, State of New York (U.S. Postal Zip Codes 12202, 12077, 12054, and 12186) — STB Docket No.: AB-156 (Sub-No. 23X)

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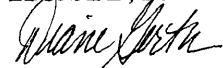
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Diane P. Gerth

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March 11, 2003

Diane P. Gerth
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Mr. Jack Ward Thomas
Chief, Forest Service
U.S. Department of Agriculture
201 14th Street SW
Washington, DC 20250

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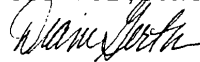
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Diane P. Gerth
612-335-1463
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Mr. John B. Smolinsky, Chief
Transmission Facilities Section
NYS Public Service Commission
The Empire State Plaza Agency Building, #3
Albany, NY 12223

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(ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act."

"49 C.F.R. Part 1105.7(e)(6)(ii) Noise:

(ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed."

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"49 C.F.R. Part 1105.7(e)(7)(iii) Safety:

(iii) If there are known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved."

"49 C.F.R. Part 1105.7(e)(9)(i), (ii), & (iii) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

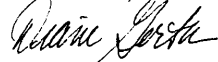
(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)" (emphasis added)

Any written comments should be submitted to the undersigned at the address on this letterhead. They will be appended to the Environmental Report being submitted to the Board if received prior to April 5, 2003. Thereafter, please submit them directly to: SEA, Surface Transportation Board, 1925 K Street NW, Washington D.C. 20423-0001, or by calling that office at (202) 565-1526, and forward a copy to the undersigned.

Any comments or information that you provide will be included in Soo's Environmental Report and will be considered by the STB in the preparation of the draft environmental document and in its evaluation of the overall environmental and energy impacts of the proposed action. Your cooperation will help ensure that all environmental concerns are thoroughly addressed.

Thank you very much for your assistance.

Very truly yours,
LEONARD, STREET AND DEINARD



Diane P. Gerth

Enclosures

March 11, 2003

Page 5

cc: Victoria Routsen
William Tuttle
Judy Mitchell
John Bergene

LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

March 11, 2003

Diane P. Gerth
612-335-1463
diane.gerth@leonard.com

Mr. Bruce Boncke, President
New York Planning Federation
279 River Street, Suite 302
Troy, NY 12180

Re: Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment Located between Mile Post 1.8 +/- (in Albany) and Mile Post 10.94 +/-, (in Voorheesville), in Albany County, State of New York (U.S. Postal Zip Codes 12202, 12077, 12054, and 12186) — STB Docket No.: AB-156 (Sub-No. 23X)

Dear Mr. Boncke:

Delaware and Hudson Railway Co., Inc. (d/b/a Canadian Pacific Railway) on or about April 30, 2003, anticipates filing a Petition for Exemption to Abandon pursuant to 49 U.S.C. Section 10502 with the United States Department of Transportation – Surface Transportation Board (STB) to discontinue and abandon all freight rail operations over approximately 9.14 +/- miles of rail line located in Albany County, New York. A map of the proposed abandonment is enclosed.

This proposed petition for rail line abandonment exemption requires review by the Surface Transportation Board (STB). I will be preparing an Environmental and Historic Report that will provide the basis of the environmental review that the STB's Section of Environmental Analysis (SEA) will conduct for this proceeding. In preparing this report, consultation with agencies or organizations that may have specific interest in or knowledge of the potential environmental impacts is essential. This letter is, therefore, intended to solicit your comments regarding potential environmental impacts, if any, of the proposed rail line abandonment.

Your comments on the potential impacts of this abandonment will be incorporated into our Environmental Report to be filed on or about April 10, 2003. A copy of this report will be provided to you, after which additional comments can be submitted directly to the STB's Section of Environmental Analysis (SEA).

As shown on the attached maps, the line that is proposed to be abandoned is known as the Voorheesville Running Track and is located between Mile Post 1.8 +/- (in Albany) and Mile Post 10.94 +/- (in Voorheesville), a distance of approximately 9.14 miles, in Albany County, New York. It traverses through U.S. Postal Zip Codes 12202, 12077, 12054, and 12186.

150 SOUTH FIFTH STREET SUITE 2300 MINNEAPOLIS, MINNESOTA 55402 TEL 612-335-1500 FAX 612-335-1657

2292617v1 LAW OFFICES IN MINNEAPOLIS, SAINT PAUL, MANKATO, SAINT CLOUD AND WASHINGTON, D. C.

WWW.LEONARD.COM

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For purposes of evaluating the environmental impacts that would result from abandonment of the line, the proposed action includes discontinuing freight service and salvaging equipment and materials that are present on the line.

Most of the line consists of double and single track with an average right-of-way width of 66 - 100 feet. The right-of-way exists in fee ownership. In addition to the right-of-way, the rail line includes 4 overhead highway bridges, 5 at-grade public road crossings, 3 private crossings, 5 railroad bridges over public roads, 1 railroad bridge over farm crossing, 2 bridges over creeks, and no buildings. To facilitate transit use, all of these structures would remain in place. The proposed action includes the removal of all rails, ties, spikes, plates, railroad-related utilities, and signaling devices. The ballast would remain in place. All equipment and materials that are removed from the line would either be reused, sold as scrap, or disposed of in accordance with applicable environmental regulations.

The Environmental Report for the proposed abandonment is being prepared pursuant to STB regulations (49 C.F.R. Chapter X, Part 1105) (copy of which is enclosed), the National Environmental Policy Act, 42 U.S.C. 4332; the Energy Policy and Conservation Act, 42 U.S.C. 6362(b); and related laws including the National Historic Preservation Act, 16 U.S.C. 470f, the Coastal Zone Management Act, 16 U.S.C. 1451, and the Endangered Species Act, 16 U.S.C. 1531. Areas of concern that you and other interested parties are invited to address in your comments include potential impacts of the proposed action on the following:

- Local land use
- Existing local and regional transportation systems
- Energy use
- Air emissions and ambient air quality conditions
- Water quality and wetlands
- Biological resources including threatened or endangered species
- Ambient noise levels
- Public health safety
- Historic, cultural, or archaeological sites listed or eligible for inclusion on the National Register of Historic Places
- Socioeconomics, including local and regional employment

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We are soliciting your comments with regard to: (1) any permitting/approval authority which your agency has over the proposed action, and (2) any specific concerns which you feel should be addressed in the STB environmental document prepared after our Report is submitted. As required by applicable STB regulations (49 C.F.R., Chapter X, Part 1105.7(e)(9)(iii)) and Part 1105.7(c), we also request that you comment on and describe the effects, if any, of our proposed action on those resources or areas of concern within the authority of your agency.

Specifically, the Board's regulations state that, with respect to the area of concern within the jurisdiction of your agency. You must address the following:

"49 C.F.R. Part 1105.7(e)(4)(i)-(iv) Energy:

(i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in Section 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Section 1105.7(e)(4)(iv) is required."

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(iii) If there are known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved."

"49 C.F.R. Part 1105.7(e)(9)(i), (ii), & (iii) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)" (emphasis added)

Any written comments should be submitted to the undersigned at the address on this letterhead. They will be appended to the Environmental Report being submitted to the Board if received prior to April 5, 2003. Thereafter, please submit them directly to: SEA, Surface Transportation Board, 1925 K Street NW, Washington D.C. 20423-0001, or by calling that office at (202) 565-1526, and forward a copy to the undersigned.

Any comments or information that you provide will be included in Soo's Environmental Report and will be considered by the STB in the preparation of the draft environmental document and in its evaluation of the overall environmental and energy impacts of the proposed action. Your cooperation will help ensure that all environmental concerns are thoroughly addressed.

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Very truly yours,
LEONARD, STREET AND DEINARD



Diane P. Gerth

Enclosures

2292617v1

March 11, 2003

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cc: Victoria Routsen
William Tuttle
Judy Mitchell
John Bergene

EXHIBIT NO. 5

Historic Report

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

DELAWARE AND HUDSON RAILWAY	)	
COMPANY – ABANDONMENT OF THE	)	
VOORHEESVILLE RUNNING TRACK,	)	
ALSO KNOWN AS THE ALBANY MAIN,	)	DOCKET NO. AB-156
LOCATED IN ALBANY COUNTY, NEW	)	(SUB-NO 23X)
YORK	)	

PETITION FOR EXEMPTION TO ABANDON PURSUANT TO 49 C.F.R. PART 1152.60 A
9.14 +/- MILE LINE OF RAILROAD BETWEEN MILEPOST 1.8 +/- (IN ALBANY) AND
MILEPOST 10.94 +/- (IN VOORHEESVILLE) WHICH TRAVERSES THROUGH UNITED
STATES POSTAL SERVICE ZIP CODES 12202, 12077, 12054, and 12186, ALBANY
COUNTY, NEW YORK

HISTORIC REPORT
IN COMPLIANCE WITH
49 C.F.R. PART 1105.8

**DELAWARE AND HUDSON RAILWAY
COMPANY d/b/a Canadian Pacific Railway)**

LEONARD, STREET and DEINARD
Professional Association
Diane P. Gerth, Esq.
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Tel. (612) 335-1463
Fax. (612) 335-1657

Attorney for Applicant
Service Date: April 30, 2003

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.**

DELAWARE AND HUDSON RAILWAY	)	
COMPANY – ABANDONMENT OF THE	)	
VOORHEESVILLE RUNNING TRACK,	)	
ALSO KNOWN AS THE ALBANY MAIN,	)	DOCKET NO. AB-156
LOCATED IN ALBANY COUNTY, NEW	)	(SUB-NO 23X)
YORK	)	

HISTORIC REPORT

Pursuant to 49 C.F.R. Part 1105.7(e) and 1105.8, Delaware and Hudson Railway Company, Inc. hereby submits the following Historical Report regarding the Petition for Exemption to Abandon a 9.14 +/- mile line of railroad between milepost 1.8 +/- (in Albany) and milepost 10.94 +/- (in Voorheesville) which traverses through United States Postal Service Zip Codes 12202, 12077, 12054, and 12186 in Albany County, New York,-- STB Docket No.: AB-156 (Sub-No. 23X)

Section 1105.8(c) Distribution: The applicant must send the Historic Report to the appropriate State Historic Preservation Officer(s), preferably at least 60 days in advance of filing the application, petition, or notice, but not later than 20 days prior to filing with the Board.

(See Certificate of Service effecting service on April, 30, 2003, Attached as Exhibit 1 to Environmental Report.)

Section 1105.8(d)(1)-(8) Content: The Historic Report should contain the information required by Section 1105.7(e)(1) (Environmental Report - See Preceding Report) and the following additional historic information:

Section 1105.8(d)(1) U.S.G.S. Topographic Maps: A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

(See Appendix A)

Section 1105.8(d)(2) Right-of-Way: A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The right of way is between 66 and 100 feet wide, is primarily single-tracked for its length. The line runs primarily through an urban industrial area in the city limits of Albany, then primarily through rural areas and several small towns.

Section 1105.8(d)(3) Photographs: Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

See Appendix B

Section 1105.8(d)(4): The dates of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

The following bridge structures on the line are the only structures on the line.

Structure Number	Mile Post	Location	Over	Number of Spans	Length in feet	Type of Bridge	Year Built
VR 2.19	2.19	Albany	New York Route 32	1	92	Ballasted Through Plate Girder	1932
VR 2.92	2.92	Delmar	Normanskill Creek	1	188	Pin Truss	1884
VR 4.21	4.21	Delmar	Farm Road	1	18	Deck Plate Girder	1916
VR 4.87	4.87	Delmar	Elsmere Ave./ Route. 335	1	45	Ballasted Through Plate Girder	1932
VR 5.08	5.08	Delmar	New York Route 443/ Delaware Trpk	3	138	Ballasted Through Plate Girder	1928
VR 7.10	7.1	Slingerlands	New York Route 85/ New Scotland Ave	3	65	Ballasted Through Plate Girder	1913
VR 10.36	10.36	Voorheesville	New York Route 310	1	38	Ballasted Through Plate Girder	1934
VR 10.55	10.55	Voorheesville	Vly Creek	1	46	Deck Plate Girder	1942

Section 1105.8(d)(5) History: A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

The line is one originally constructed by the Albany and Susquehanna Railroad Company between Albany and Binghamton, New York, a distance of 14.2 miles. Construction on

this segment of line began in 1853, but was not completed until 1863, at which time operations began over this line. Following the completion of the line to Binghamton in 1869, the line was opened for operation. In 1870, all the lines of the Albany and Susquehanna were leased in perpetuity to the Delaware & Hudson. The Albany and Susquehanna was finally merged into the Delaware & Hudson in 1945.

Section 1105.8(d)(6) Documents: A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

The carrier's files consist primarily of maps and photos of the line, some engineering drawings, and recent maintenance records. Canadian Pacific purchased the assets of the Delaware and Hudson in 1991 following the bankruptcy of the former Delaware and Hudson Railway company, limiting the historic documentation in the possession of the Carrier.

Section 1105.8 (d)(7) Opinion: An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

It is the opinion of the railroad that this line would not meet the criteria for listing in the National Register of Historic Places.

Section 1105.8(d)(8) Archaeological Resources: A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

There are no known ground disturbances or fills other than those which would have occurred during original construction of this line or any subsequent maintenance or rehabilitation. There are no known toxic waste areas within the right way of this line segment.

The following is based upon an excerpt from the former ICC Document Assessment of Environmental Impacts Associated with Railroad Abandonment Proposals in which archeological evaluations are discussed:

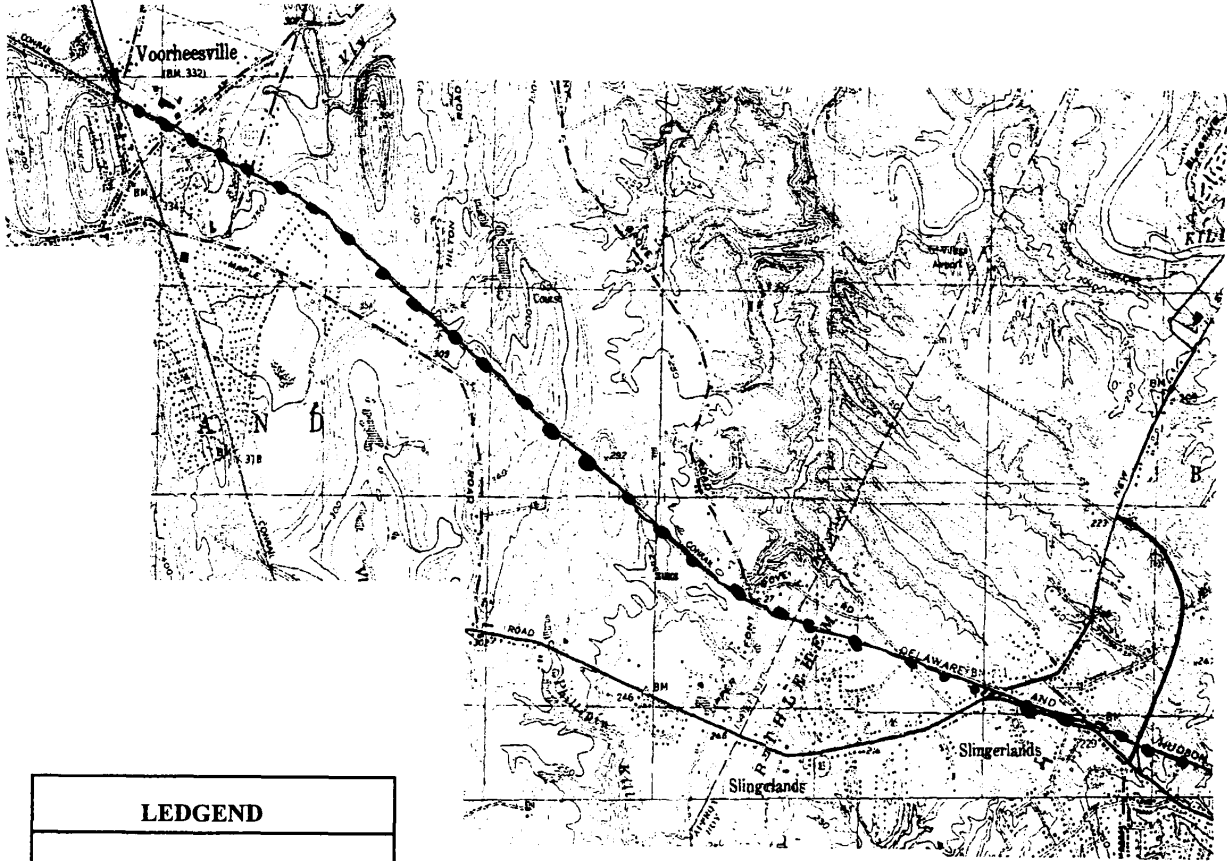
"...Salvaging an abandoned railroad line is normally confined to the limits of the right of way and rarely involves major excavation work. If the right of way is to be leveled at all, only the roadbed built up during actual construction of the line would be affected. It is unlikely that there are any historic track structures under the roadbed since old rails and ties are salvaged during maintenance and rehabilitation operations. Likewise, there is

usually neither significant damage to the vegetation found within the right of way nor any effect on land adjacent to the railroad property. By confining salvage operations of a rail line as discussed above, it is not anticipated that any archaeological sites in or immediately adjacent to the right of way, would be affected by the abandonment."

END OF REPORT

APPENDIX A
(CONSOLIDATED USGS TOPOGRAPHIC MAP)

Approximate Location of Mile Marker 10.94



LEDGEND



Site Location

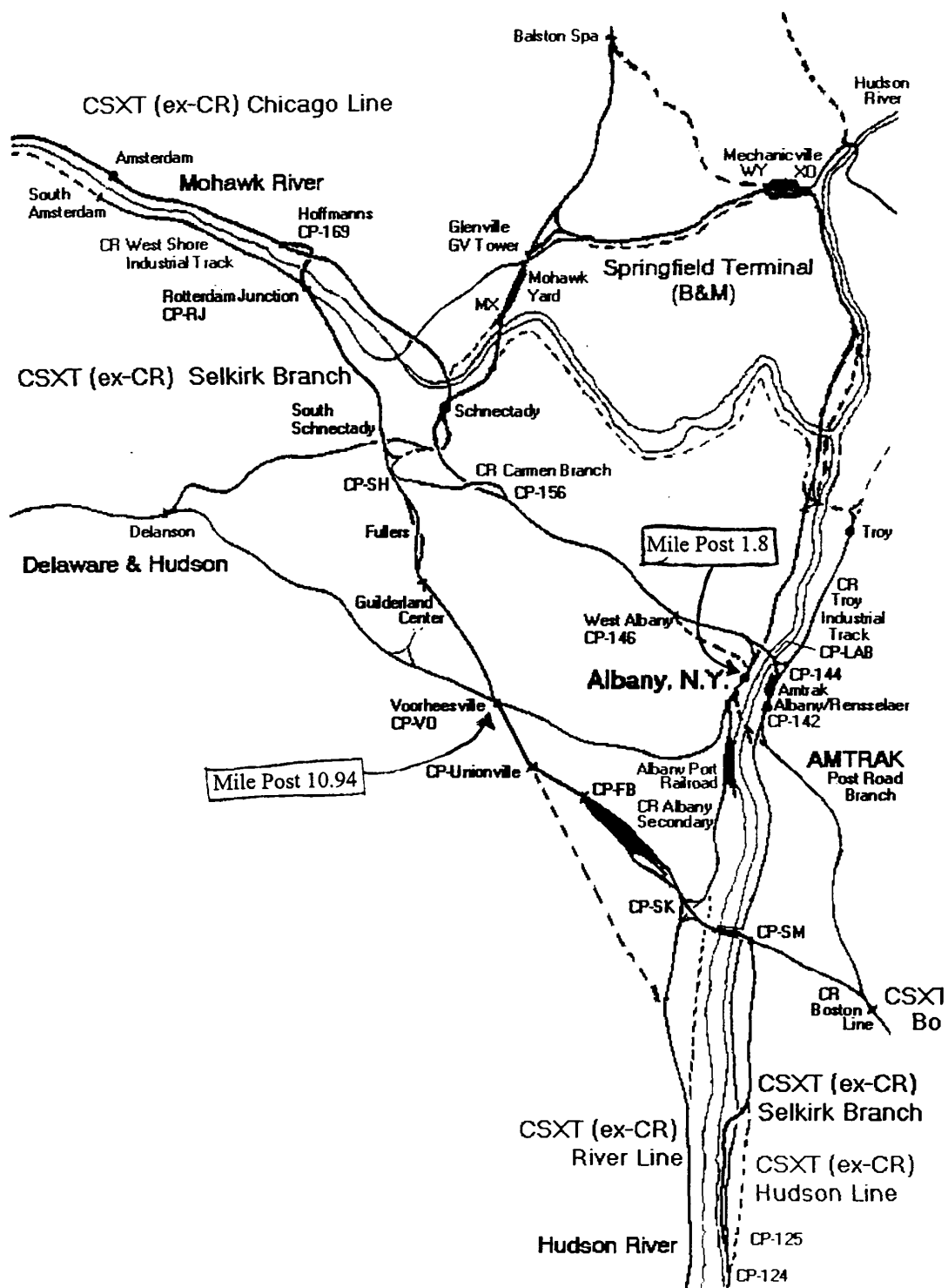
ALBANY TO VOORHEESVILLE, NEW YORK

WESTERN PORTION OF LINE



ALBANY TO VOORHEESVILLE, NEW YORK
EASTERN PORTION OF LINE

APPENDIX B
(LOCATION MAP)



APPENDIX C
(PHOTOS OF RAILROAD STRUCTURES)

PHOTOGRAPHS OF SUBJECT TRACKAGE

1. Pearl Street, Mile Post 2.19
2. UTE SW
3. Bridge at Mile Post 2.19 over New York Route 32
4. Route 32 overhead bridges at Milepost 2.55
5. Bridge over creek at Mile Post 2.92 over Normanskill Creek
6. Bridge over creek at Mile Post 2.92 over Normanskill Creek
7. Mile Post 3
8. Bridge at Mile Post 3.8
9. Bridge over Elsmere Ave. at Mile Post 4.87
10. Mile Post 5
11. Bridge over Delaware Ave. at Mile Post 5.6
12. Adam Street
13. Mile Post 6
14. Overhead highway bridge at Mile Post 6.67
15. Mile Post 7
16. Bridge at Mile Post 7.10 over New York Route 85
17. Dixons
18. Lower Font Grove Road grade crossing
19. Bridge at Mile Post 9.15
20. Hilton Road grade crossing
21. Bridge over State Farm Road at Mile Post 10.36
22. Bridge at Mile Post 10.55 over Vly Creek
23. Voorheesville Avenue grade crossing



Pearl Street, Mile Post 2.19



UTE SW



Bridge at Mile Post 2.19



Route 32 Overhead Bridges at Milepost 2.55



Bridge Over Creek at Mile Post 2.92



Bridge Over Creek at Mile Post 2.92



Mile Post 3



Bridge at Mile Post 3



Bridge Over Elsmere Ave. at Milepost 4.87



Mile Post 5



Bridge over Delaware Ave. at Mile Post 5.6



Adam Street



Mile Post 6



Bridge at Mile Post 6.67



Mile Post 7



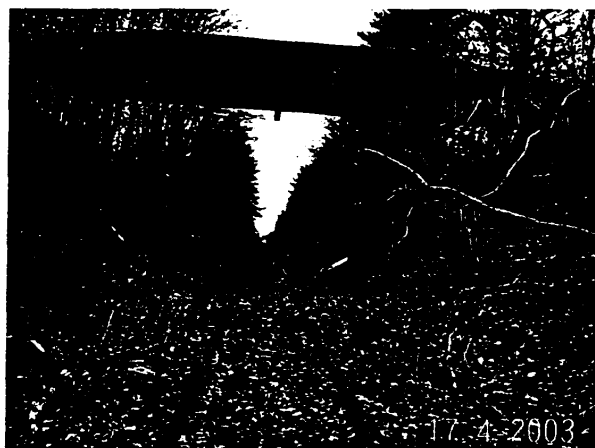
Bridge at Mile Post 7.10



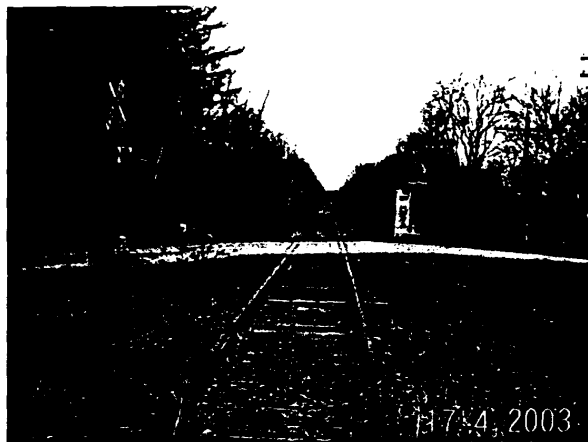
Dixons



Lower Font Grove Road Grade Crossing



Bridge at Mile Post 9.15



Hilton Road Grade Crossing



Bridge over State Farm at Mile Post 10.36



Bridge at Milepost 10.55



Voorheesville Avenue Grade Crossing