

309138

January 24, 2025

ENTERED
Office of Proceedings
January 27, 2025
Part of
Public Record

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

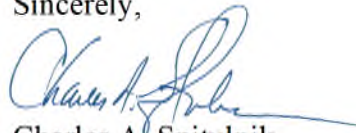
Re: *Metro-North Commuter Railroad Company – Abandonment Exemption – In Dutchess and Putnam Counties, New York*, STB AB 1311 (Sub-No. 1X)

Dear Ms. Brown:

I am attaching for e-filing Metro-North Commuter Railroad Company's Request for Extension of Interim Trail Use Negotiation Period in the above-captioned proceeding.

Please do not hesitate to contact me with any questions.

Sincerely,



Charles A. Spitulnik

Attachment

FILED
January 27, 2025
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
January 27, 2025
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB 1311 (Sub-No. 1X)

**METRO-NORTH COMMUTER RAILROAD COMPANY – ABANDONMENT
EXEMPTION – IN DUTCHESS AND PUTNAM COUNTIES, NEW YORK**

**REQUEST FOR EXTENSION OF
INTERIM TRAIL USE NEGOTIATION PERIOD**

Communications with respect to this document should be addressed to:

Charles A. Spitulnik
Kaplan Kirsch LLP
1634 I (Eye) Street NW
Suite 300
Washington, DC 20006
(202) 955-5600
cspitulnik@kaplankirsch.com

*Counsel for Metro-North Commuter
Railroad Company*

January 24, 2025

**BEFORE THE
SURFACE TRANSPORTATION BOARD
STB Docket No. AB 1311 (Sub-No. 1X)**

**METRO-NORTH COMMUTER RAILROAD COMPANY – ABANDONMENT
EXEMPTION – IN DUTCHESS AND PUTNAM COUNTIES, NEW YORK**

**REQUEST FOR EXTENSION OF
INTERIM TRAIL USE NEGOTIATION PERIOD**

Metro-North Commuter Railroad Company (“MNR”), pursuant to 49 C.F.R. § 1152.29(d)(1)(ii), hereby requests that the Surface Transportation Board order a one-year extension of the trail use negotiation period applicable to the subject rail line in this proceeding.

On February 8, 2024, the Board issued a NITU for a 41.1-mile line known as the “Beacon Line” that runs between Milepost 0.0 and Milepost 71.2 in Dutchess and Putnam Counties, New York (the “Line”). MNR both owned the Line and proposed to be the trail sponsor, so the Board noted that “the negotiations that normally take place to reach a trail use agreement as contemplated under 49 C.F.R. § 1152.29 may not be needed.” *Metro North Commuter R.R. Co.—Abandonment Exemption—In Dutchess and Putnam Cntys., N.Y.*, AB 1311 (Sub-No. 1X), slip op. at 2 (STB served Feb. 8, 2024) (corrected decision). Nonetheless, the Board applied the standard one-year negotiation period to the NITU and directed MNR to, by February 8, 2025, file a notice with the Board in order to implement interim trail use on the Line or a portion thereof. *Id.* at 3.

MNR is proceeding on two fronts. It is attempting to negotiate agreements with third parties to assume the responsibilities of trail user. Those negotiations are continuing, and may involve division of responsibilities between or among more than one trail user. At the same time, MNR is pursuing implementation of trail use with MNR as trail sponsor in the event that those

negotiations are not successful. Although MNR does not need to negotiate with a separate trail sponsor if it assumes those responsibilities itself, it cannot implement trail use immediately. There are internal processes and other work with third parties that MNR must undertake to ensure that it is equipped to assume full responsibility for the trail use. MNR has not completed these processes and is still determining how best to fulfill its responsibilities as a trail sponsor. MNR therefore requests that the Board grant an extension of the trail use negotiation period until February 8, 2026. Just as the Board applied the negotiation period to this proceeding despite the likelihood that MNR will act as the proposed trail sponsor and railroad, the Board should allow MNR up to three one-year extensions under 49 C.F.R. § 1152.29(d)(1)(ii), as the Board routinely does.

Pursuant to 49 C.F.R. § 1002.2(e)(1), MNR is requesting a waiver of the \$650 filing fee. See 49 C.F.R. § 1002.2(f)(27)(ii).

WHEREFORE, and in light of all the foregoing, MNR respectfully requests the Board to grant this Request for Extension of Trail Use Negotiating Period and grant a one-year extension until February 8, 2026.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Charles A. Spitulnik", is written over a horizontal line.

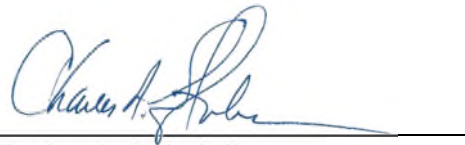
Charles A. Spitulnik
Kaplan Kirsch LLP
1634 I (Eye) Street NW
Suite 300
Washington, DC 20006
(202) 955-5600
cspitulnik@kaplankirsch.com

Dated: January 24, 2025

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of January 2025, I caused the foregoing Request for Extension of Interim Trail Use Negotiation Period to be served on the following parties by email:

Edward J. Rodriguez
Vice President and General Counsel
Housatonic Railroad Company
4 Huntley Road
P.O. Box 687
Old Lyme, Connecticut 06371-1448
e.rodiguez@hrrc.com



Charles A. Spitulnik