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LEONARD, STREET AND DEINARD

June 18, 2003

ENTERED
Proceedings

PROFESSIONAL ASSOCIATION

JUN 18 2003

Via Facsimile and ~~Public~~ Mail
The Honorable Vernon Williams
Secretary, Surface Transportation Board
1925 K Street NW, Room 711
Washington D.C. 20423-00001



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

Re: Delaware & Hudson Railroad Company, Inc. – Abandonment of Trackage Located in Albany County, New York (U.S. Postal Zip Codes 12202, 12077, 12054, and 12186) STB Docket No. AB-156 (Sub. No. 23X)

Dear Mr. Williams:

This letter is in response to the recent request of Albany County for the imposition of a public use condition on the abandonment of the Delaware & Hudson Albany Main/Voorheesville running track.

Please be advised that Delaware & Hudson has no objection to the imposition of the public use condition, but would respectfully request that it be allowed to dispose of rail materials located along the corridor. In its request for a public use condition, Albany County indicated that it would have no objection to removal of the tracks, ties, and signal equipment. Delaware & Hudson has no intention of removing any of the bridges or culverts on the line, but the track, ties and other rail related structures are valuable recyclable commodities. A public use condition that allows CPR to engage in limited salvage activities would allow the removal and reuse of materials in an expedient manner.

If there are any questions relating to this request, please do not hesitate to contact me.

Very truly yours,

LEONARD, STREET AND DEINARD
PROFESSIONAL ASSOCIATION

DIANE P. GERTH
DPG/kaw

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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June 18, 2003

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cc: Steve Fisk
Julie Mitchell
Bill Tuttle
Jim Habermehl
Todd Dragland
Mark Fitzsimmons

FROM LEONARD STREET & DEINARD

(WED) 6.18'03 13:33/ST. 13:32/NO. 4261040301 P 1

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COMMENTS: Please see attached.

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