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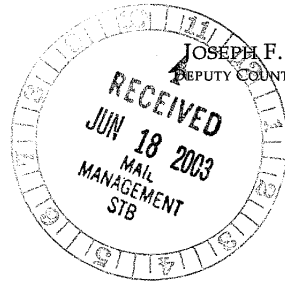


MICHAEL G. BRESLIN
COUNTY EXECUTIVE

FILED

JUN 18 2003

COUNTY OF ALBANY
OFFICE OF THE EXECUTIVE
112 STATE STREET, ROOM 200
ALBANY, NEW YORK 12207-2021
(518) 447-7040 - FAX (518) 447-5589
WWW.ALBANYCOUNTY.COM



JOSEPH F. PENNISI
DEPUTY COUNTY EXECUTIVE

SURFACE
TRANSPORTATION BOARD

June 13, 2003

ENTERED
Office of Proceedings
The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW, Rm 711
Washington, DC 20423-0001
JUN 18 2003
Part of
Public Record

FILING FEE WAIVED

Re: Delaware & Hudson Railway Company, Inc. d/b/a Canadian Pacific Railway
Abandonment-County of Albany, New York
STB Docket No. AB-156 (Sub-no. 23X)

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the County of Albany (NY) which is a political subdivision interested in transportation, recreation, and natural resources, which is hereinafter referred to as 'Commenter.'

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between mile post 10.94± in the Village of Voorheesville and mile post 1.8± in the City of Albany.

A. Public Use Condition

Commenter requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the corridor in question would make an excellent recreational trail connecting residential areas along the route, and conversion of the property to trail use is in accordance with local plans. The time period sought is 180 days from the effective date of the abandonment authorization (May 27, 2003). Commenter needs this much time because we have not had an opportunity to assemble/review title information, complete a trail plan, or commence negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

A. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, commenter also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, the County of Albany (NY) is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by the Delaware and Hudson Railway Company, Inc., d/b/a Canadian Pacific Railway.

The property, known as the Albany Main Line (has also been known as the Voorheesville Running Track) extends from railroad milepost 10.94 ± in the Village of Voorheesville to railroad milepost 1.8± near the NYS Route 32 in the City of Albany a distance of 9.14± miles in Albany County, New York. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-156 (Sub-no. 23X).

A map depicting the right-of-way is attached.

The County of Albany (NY) acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Delaware and Hudson Railway Company, Inc., d/b/a Canadian Pacific Railway, through their representative: Diane P. Gerth, Esq., Leonard, Street and Deinard Professional Association, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402, by U.S. Mail, postage prepaid, first class, this 4th day of June 2003.

Please copy all correspondence pertaining to this request to:

Mark Fitzsimmons, Director
Albany County Department of Economic Development, Conservation and Planning
112 State Street, Room 1006
Albany, NY 12207.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael G. Breslin". The signature is fluid and cursive, with a small mark above the "i" in "Breslin".

Michael G. Breslin, County Executive
on behalf of the County of Albany (NY)

Copy to: Diane Gerth, Esq., Leonard, Street and Deinard
Stephen Fisk, Canadian Pacific Railway
John Dennison, Canadian Pacific Railway
Mark Fitzsimmons, Albany County Dept. of EDCP

