



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

March 4, 2021

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

ENTERED
Office of Proceedings
March 5, 2021
Part of
Public Record

Re: *New York State Department of Environmental
Conservation – Adverse Abandonment – Saratoga and
North Creek Railway in Town of Johnsburg, NY*
STB Docket No. AB 1261

Dear Ms. Brown:

I write in response to the December 14, 2020 letter of the Chapter 11 Trustee for the bankruptcy estate of both the parent of Saratoga and North Creek Railway (SNCR) and SNCR itself. The Trustee seeks a third abeyance in the pending matter of New York State Department of Environmental Conservation seeking adverse abandonment of the Tahawus Line, which is located entirely within New York's Adirondack Park. The Department of Environmental Conservation (Department) does not object to the pending request but will likely oppose any request for a further abeyance.

As background, on September 10, 2018, the Department filed an abandonment application against SNCR with respect to the Tahawus Line, which was then being used to store obsolete railcars in the constitutionally protected Adirondack wilderness. By letter dated October 18, 2019, SNCR "irrevocably represent[ed]" that it did not and would not oppose the Department's abandonment application, and affirmatively stated that "the public convenience and necessity favor abandonment" of the Tahawus Line.

The Trustee has opposed the abandonment proceeding and seeks to sell the Tahawus Line as an "operating railroad." The Trustee has neither finalized a sale

nor represented that such a sale is likely. The Trustee also fails to identify the two potential purchasers of SNCR's assets, or explain what economic conditions will allow them to return their "attention and resources" to the putative sale.

Nearly one year ago, the Trustee sought an abeyance to which the Department did not object. The Surface Transportation Board also previously held this matter in abeyance for approximately a year while SNCR searched for a buyer. The Trustee now seeks another abeyance, due to the impacts of the COVID-19 pandemic. The Department urges the Surface Transportation Board to resolve the abandonment proceeding promptly after April 30, 2021.

Sincerely,

/s/ Nicholas Buttino

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cc: service list