

WARREN COUNTY ATTORNEY'S OFFICE

MARY ELIZABETH KISSANE
COUNTY ATTORNEY

ROBERT W. TERWILLIGER
ASSISTANT COUNTY ATTORNEY

RYAN J. DICKEY
ASSISTANT COUNTY ATTORNEY

WARREN COUNTY MUNICIPAL CENTER
1340 STATE ROUTE 9
LAKE GEORGE, NEW YORK 12845

TELEPHONE NO.
(518)761-6463

FAX NO.
(518)761-6377

300557

April 23, 2020

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

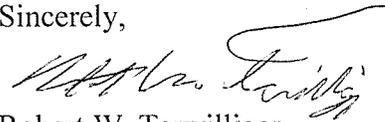
ENTERED
Office of Proceedings
April 23, 2020
Part of
Public Record

Re: New York State Department of Environmental Conservation - Adverse
Abandonment - Saratoga and North Creek Railway in Town of Johnsbury, NY
STB Docket Number AB 1261

Dear Ms. Brown:

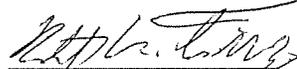
The County of Warren, represented by the Office of the Warren County Attorney, files the accompanying letter and resolution from the Warren County Board of Supervisors.

Sincerely,



Robert W. Terwilliger,
Assistant Warren County Attorney
Office of the County Attorney
1340 State Route 9
Lake George, NY 12845
518-761-6463
terwilligerr@warrencountyny.gov

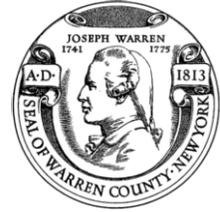
I certify that I have this day served copies of this document upon all parties of record in this proceeding by regular United States Mail.


Robert W. Terwilliger

Date: April 23, 2020

Warren County Board of Supervisors

WARREN COUNTY MUNICIPAL CENTER
1340 STATE ROUTE 9
LAKE GEORGE, NEW YORK 12845-9803



Telephone 518-761-6535
Fax 518-761-7652

Frank E. Thomas, Chairman

Amanda Allen, Clerk of the Board

April 22, 2020

Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

Dear Sir or Madam:

The Warren County Board of Supervisors wishes to go on the record regarding comments made in correspondence dated April 17, 2020, and entered into the Public Record on the same date by William A. Brandt, Jr., the Chapter 11 Trustee for the bankruptcy estate of the San Luis & Rio Grande Railroad, Inc. ("SLRG"), the parent of Saratoga and North Creek Railway, LLC.

In his letter, in which he argues for the current adverse abandonment proceeding (Docket No. AB 1261) to be placed in abeyance until the end of the year, Mr. Brandt states the following:

"The Trustee is opposed to the application to abandon the SNCR railway. He filed the SNCR bankruptcy petition in order to explore a potential sale of SNCR's assets as an operating railroad. The Trustee has been and is currently having negotiations and discussions with Essex County, Warren County, the Town of Corinth, the Town of Newcomb, the Surface Transportation Board, potential bidders in such a sale, and others as to whether such a sale is possible and the parameters of such a sale process"

Warren County is in no way, shape or form currently negotiating with these parties regarding a sale of our railroad assets. As such, Mr. Brandt's statement constitutes a false representation to the Surface Transportation Board. We respectfully ask Mr. Brandt to withdraw his mischaracterization of Warren County's position.

Warren County's position regarding our railroad assets has been and continues to be that we will commence abandonment proceedings on those assets. Our Board of Supervisors unanimously adopted Resolution Number 585 of 2019, attached hereto, on December 20, 2019, and this remains our official position. It has been our intention to commence said abandonment proceedings when we deem it appropriate to do so. We look in part to the resolution of the current adverse abandonment proceeding (Docket No. AB 1261) to better inform our decision.

Sincerely,

Frank E. Thomas, Chairman
Warren County Board of Supervisors

Warren County Board of Supervisors

RESOLUTION NO. 585 OF 2019

RESOLUTION INTRODUCED BY SUPERVISORS SIMPSON, MERLINO, FRASIER, DICKINSON, DIAMOND, LOEB, HYDE, MAGOWAN, WILD, HOGAN AND GERAGHTY

AUTHORIZING THE COMMENCEMENT OF ABANDONMENT PROCEEDINGS WITH THE SERVICE TRANSPORTATION BOARD (STB) FOR THE COUNTY OWNED RAILROAD TRACKS

WHEREAS, Warren County owns approximately forty (40) miles of railroad running from North Creek in the Town of Johnsbury to the Town of Corinth together with certain real property, supporting facilities, and buildings, and

WHEREAS, as a result of a Request for Proposals the County entered into a contract with Saratoga and North Creek Railroad, LLC (hereinafter "SNCR") in 2011, to operate passenger and freight trains, and

WHEREAS, the contract with SNCR was extended in 2016 and then subsequently terminated on June 25, 2018, and

WHEREAS, the County issued a further Requests for Proposals (RFP) for the sale or lease of the railroad, and

WHEREAS, the county participated in negotiations with certain rail operators as a result of this RFP, without success, and

WHEREAS, the County finds it appropriate to commence with abandonment proceedings which will initiate a Surface Transportation Board (STB) review of any remaining freight proposals for viability and, if no viable freight proposals exist, abandonment proceedings will allow the County to move forward with alternative uses of the rail corridor which may include recreational uses, and

WHEREAS, abandonment proceedings do not obligate the County to remove tracks or other railroad infrastructure, now, therefore, be it

RESOLVED, that the Board of Supervisors authorizes the County Administrator to commence abandonment proceedings with the STB.