

Glenn T. Dyer
gdyer@dyerpeterson.com
Direct: 973-928-8219

Gregory E. Peterson
gpeterson@dyerpeterson.com
Direct: 973-218-1053
NJ, NY, PA, and DC



John K. Fiorilla
jfiorilla@dyerpeterson.com
Direct: 973-419-6124

Matilda A. Carvajal
mcarvajal@dyerpeterson.com
Direct: 973-928-8208 x15

973-928-8208
(phone & fax)

www.DyerPeterson.com

Offices

Main Office (all mail)
322 US Highway 46
Suite 220E
Parsippany, NJ 07054

South Jersey Office
605 Main Street
Suite 104
Riverton, NJ 08077

Associates

Jaime R. Ackerman
jackerman@dyerpeterson.com
Direct: 973-928-8615
NJ, NY, PA, and ME

Nathan C. Orr
norr@dyerpeterson.com
Direct: 973-841-5688

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ENTERED
Office of Proceedings April 29, 2024
April 29, 2024
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
Room 1034
Washington, DC 20423-0001

RE: Docket AB-180X
Lowville & Beaver River Railroad Company (LBRR)
Abandonment Exemption
Docket AB-768X
Mohawk, Adirondack & Northern RR Corp (MAN)
Abandonment Exemption

Further revisions of Environmental and Historic Reports of the LBRR and MAN and response to filings of Bruce Krug and Dennis Bishop.

Dear Ms. Brown:

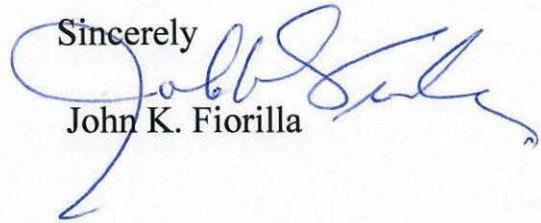
This firm represents the applicants the Lowville & Beaver River Railroad Company and the Mohawk, Adirondack & Northern RR Corp in the above captioned dockets.

Pursuant to the request of the environmental section of the Board we are filing these further revisions to the Environmental and Historic Reports of both applicants which were previously filed and revised. We are also filing a response to recent filings of Bruce Krug and Dennis Bishop.

I certify that I have today served all the parties named in both dockets with copies of this letter and the attachment by US Mail.

If you have any questions regarding this filing, please do not hesitate to call me.

Sincerely

A handwritten signature in blue ink, appearing to read "John K. Fiorilla", written over the typed name.

John K. Fiorilla

Cc: All parties to both dockets by US Mail

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO AB-768X

**MOHAWK, ADIRONDACK & NORTHERN RAILROAD CORPORATION
ABANDONMENT EXEMPTION, IN LEWIS AND JEFFERSON
COUNTIES, N.Y.**

STB DOCKET NO AB -180X

**THE LOWVILLE & BEAVER RIVER RAILROAD COMPANY-
ABANDONMENT EXEMPTION- IN LEWIS COUNTY, N.Y.**

**FURTHER REVISIONS OF ENVIRONMENTAL AND HISTORIC
REPORTS OF THE LOWVILLE & BEAVER RIVE RAILROAD
COMPANY AND THE MOHAWK, ADIRONDACK & NORTHERN
RAILROAD CORPORATION AND RESPONSE TO FILINGS BY BRUCE
KRUG AND DENNIS BISHOP**

Recently the Environmental Section of the Board contacted the above noted applicants and requested further information to the revised Environmental and Historic Reports recently filed by the above noted applicants.

As a result of these discussions and to ensure that the Board has the information it needs and requires in the revised Environmental and Historic Reports the applicants hereby provide as follows:

1. Digitized copies of original valuation maps of the Lowville & Beaver River Railroad Company (L&BR) have been provided to the Environmental Section of the Board at their request. These maps are very large and each

map is ½ to 1 megabyte in size. The Environmental Section has confirmed their receipt and the fact that these maps meet their requirements.

2. There are numerous (30 to 35) culverts on the Lowville & Beaver River Railroad's Lowville to Croghan line on the Beaver falls branch line. Many of the culverts are original construction and date from 1914 or earlier. They are of either laid up stone or concrete construction.

There are 4 bridges on the line. Proceeding from Lowville to Croghan, the first bridge is a beam bridge on piers above a Black River flood plain; the second bridge is a truss bridge that crosses the Black River; the third bridge is a beam bridge over a pond at New Bremen; and the fourth bridge is a small beam bridge outside Croghan. The bridges are original construction and date from 1914 or earlier.

All structures will be conveyed to Lewis County as part of the County's acquisition of the rail line. We have no knowledge of any plans by the County of Lewis to remove any of these structures

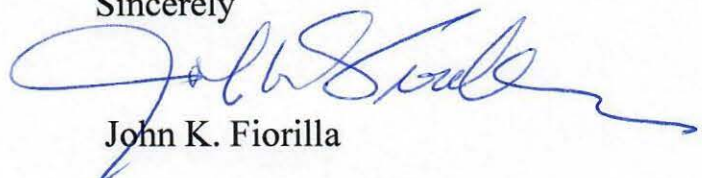
3. Without our knowledge or consent, the County of Lewis removed approximately 300 feet of track on the LBRR's Lowville to Croghan line for the purpose of accessing its site for the construction of the Highway Department's new facility. The track removal occurred on the south side of where the track crosses East Rd, Lowville, NY (about 1,250 feet from the intersection of East Rd and Route 812.) Topsoil from the construction site was dumped on the LBRR's right of way, some of which fouled the track. Upon learning of the removal in early 2022, the LBRR immediately filed a report with the New York State Police and instructed the County to cease use of our property, remove the topsoil and repair/replace the track. The County refused to do so, and we retained local counsel who filed a notice of claim (a prerequisite of filing a lawsuit against a governmental agency.) Subsequently, the LBRR and the County agreed on the terms and conditions for the County's acquisition of the Lowville to Croghan line, including the Beaver Falls Branch.

In response to the recent filings by Bruce Krug and Dennis Bishop regarding the filings of by The Lowville & Beaver River Railroad Company (hereinafter LBRR) and the Mohawk Adirondack and Northern Railroad Corporation (hereinafter the MAN). Their comments discussed:

- A.** Whether or not the land which was adjacent to the property to be abandoned were “prime agricultural land”. While the applicants believe it is not prime agricultural land and Mr. Krug and Mr. Bishop appear to think it is, abandoning the railroads will not affect that land and it certainly can remain in agriculture. The agricultural property clearly does not need nor has used rail service in more than fifteen years.

- B.** Mr. Bishop and Mr. Krug question whether or not the LBRR and MAN connect to the interstate railroad system. Both properties do continue to connect to a Class 1 carrier. The MAN connects from Lyons Falls to Utica NY where it connects with CSX. The LBRR connects in Lowville, NY to the MAN which in turn connects with the CSX in Carthage, NY. Therefore, both LBRR and MAN are railroads in interstate commerce and the STB has jurisdiction over both railroads.

Sincerely



John K. Fiorilla

Dyer & Peterson PC

Counsel for both applicants

CC All Parties on Service Lists for both dockets via first class mail.