



STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
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233197

October 15, 2012

Ms. Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423-0001

ENTERED  
Office of Proceedings  
October 16, 2012  
Part of  
Public Record

RE: Finance Docket No. 35675, *National Railroad Passenger Corporation and CSX Transportation, Inc.—Petition for Declaratory Order*

Dear Ms. Brown:

The New York State Department of Transportation (“NYSDOT”) supports the Petition for Declaratory Order (the “Petition”) filed by the National Railroad Passenger Corporation (“Amtrak”) and CSX Transportation, Inc. (“CSXT”), requesting the Surface Transportation Board (the “Board”) to confirm that the Board does not have regulatory authority over the lease to Amtrak of CSXT’s (1) line between the westbound signal at Hoffmans, NY, milepost 169.77, and Poughkeepsie, NY, milepost 75.7, and (2) facilities that are used in the operation of the Amtrak-owned “Post Road” line of railroad between approximately milepost 187.4 in Niverville, NY and milepost 199.5 in Rensselaer, NY (the “Hudson Line”), as more specifically described in the Petition. NYSDOT also supports the request for expedited handling of the Petition. Indeed, NYSDOT believes that a decision by the Board that will permit Amtrak and CSXT to complete an orderly closing by **November 3, 2012**, is essential to meeting the goal of completing work on the Hudson Line in 2013.

CSXT operates approximately 2-5 trains per day over the Hudson Line. Amtrak currently operates 26 weekday, 22 Saturday and 23 Sunday, intercity passenger trains on all or portions of the Hudson Line, plus two trains daily on the “Post Road.” NYSDOT plans to use federal funds obtained pursuant to the Passenger Rail Investment and Improvement Act of 2008 and other public funds to improve intercity passenger rail service over the Hudson Line.

CSXT, Amtrak, and NYSDOT decided that a lease of the Hudson Line to Amtrak from CSXT, as long as CSXT retained all freight common carrier rights, would benefit all

involved and would allow for the improvement of the facilities on the Hudson Line for continued and improved rail passenger service and continued rail freight service. Under the Hudson Line Operating, Management and Land and Track Lease Agreement (the "Lease Agreement"), Amtrak would be the responsible party – the entity in "control" – on the Hudson Line and would enter into a service outcomes agreement with NYSDOT to provide for improved intercity passenger rail service on the Hudson Line, and CSXT would retain the freight common carrier responsibility. CSXT, Amtrak, and NYSDOT have negotiated a series of transactions including the Lease Agreement that will enable Amtrak to make certain improvements on the Hudson Line using funds provided by the Federal Railroad Administration ("FRA") and NYSDOT. Under the agreement, Amtrak, not CSXT, will be the entity in "control" and assume any and all responsibility for FRA-required service outcomes associated with federal rail passenger funding.

NYSDOT urges the Board to expeditiously grant the Petition. Major construction must begin and parts of it be completed during the 2013 construction season in upstate New York to meet our aggressive statutory deadlines. In order to have time to prepare plans and timetables for 2013 construction, and after further consultation with Amtrak and concurrence from CSXT, NYSDOT urges the Board to serve a decision that allows Amtrak and CSXT to consummate the Lease Agreement by **November 3, 2012**. Delay will jeopardize the ability of the parties to complete the planning necessary to allow for major construction during 2013.

Therefore, NYSDOT respectfully urges the Board to expeditiously grant the Petition so that Amtrak and CSXT can consummate the Lease Agreement by **November 3, 2012**.

NYSDOT is e-filing this letter. If you have any questions, please contact me at 518 485 5025 or [marie.corrado@dot.ny.gov](mailto:marie.corrado@dot.ny.gov).

Sincerely yours,



Marie A. Corrado, Esq.  
Director  
Major Projects Office

cc: Mr. Shutz  
Mr. Roberts