



BEFORE THE SURFACE TRANSPORTATION BOARD

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THE LONG ISLAND RAIL ROAD COMPANY :  
ABANDONMENT :  
IN QUEENS COUNTY, NEW YORK :

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Docket No.  
AB-837(1X), ~~AB-837(2X)~~

239367  
ENTERED  
Office of Proceedings  
October 13, 2015  
Part of  
Public Record

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**PETITION FOR EXEMPTION**

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Brian K. Saltz  
Assistant Deputy General Counsel  
The Long Island Rail Road Company  
Law Dept. – 1143  
Jamaica Station  
Jamaica, New York 11435  
Tel. 718-558-8277

FEE RECEIVED  
October 13, 2015  
SURFACE  
TRANSPORTATION BOARD

FILED  
October 13, 2015  
SURFACE  
TRANSPORTATION BOARD

Service Date: October 7, 2015

The Long Island Rail Road Company ("LIRR"), pursuant to 49 USC § 10502(a) and 49 CFR § 1152.60, petitions the Surface Transportation Board ("STB") to exempt from the prior approval requirements of 49 USC § 10903 LIRR's abandonment of two segments of railroad line located in Queens County, New York. A map of the project area is attached as **Exhibit A**.

### **PROPOSED ABANDONMENT**

The first segment of rail line (which is a portion of the "Montauk Cutoff") to be abandoned is approximately 0.69 miles (3643 feet) in length, and is located between Milepost 0.0 (Exhibit A, Item I) and Milepost 0.69 (Exhibit A, Item A). That segment, located in Long Island City, runs through United States Postal Zip Code 11101. Pursuant to a Transfer Agreement between New York & Atlantic Railway Company ("NYA") and LIRR, NYA has the exclusive right to use the Montauk Cutoff for freight purposes. NYA does not currently operate over the Montauk Cutoff, and there are no longer any active shippers on the line. The freight traffic formerly operating over that segment now operates over the LIRR's Lower Montauk/C Secondary line. NYA has advised LIRR that it is filing a petition for discontinuance over the Montauk Cutoff.

The second segment of rail line (the "Main Line Cutoff") to be abandoned is approximately 0.38 miles (2006 feet) in length, and is located between Milepost 0.82 (Exhibit A, Item K) and Milepost 1.2 (Exhibit A, Item J). That segment is also located in Long Island City and runs through United State Postal Zip Code 11101. LIRR does not currently operate over the Main Line Cutoff, and neither NYA nor any other freight carrier has used it.

Following the planned abandonment, LIRR will maintain ownership of both segments of rail line that it seeks to abandon. It intends, no earlier than the summer to 2016, to remove a portion of the Montauk Cutoff that is approximately 0.04 miles (235 feet) in length and is located

between Milepost 0.24 (Exhibit A, Item O) and Milepost 0.28 (Exhibit A, Item P). That portion is part of what is known as the "Montauk Cutoff Viaduct."<sup>1</sup> The removal of that portion of the Montauk Cutoff will allow a more economical construction of tracks that will be necessary for storage facilities related to the East Side Access ("ESA") project that will bring LIRR passenger trains into Manhattan's Grand Central Terminal.

LIRR does not intend, for the foreseeable future, to remove any other portions of the rail lines (including culverts, ballasts and bridges) that it seeks to abandon, although it intends to cut the rails at the Cabin M Bridge (Exhibit A, Item A) and lift the bridge to a vertical position, where it will be welded in place so that it will not be an impediment to navigation on Newtown Creek's Dutch Kills tributary. It will continue to maintain these remaining portions, although the maintenance required is expected to decrease due to the absence of train movements.

With regard to the Montauk Cutoff, the Metropolitan Transportation Authority, LIRR's parent company, will be providing the public with a Request for Expressions of Interest to determine possible future uses.

Based on information in LIRR's possession, neither of the segments described above contain federally granted rights of way. Any documentation in LIRR's possession will be made available promptly to those requesting it.

#### **STANDARDS FOR EXEMPTION**

49 USC § 10502 (a) provides as follows:

"In a matter related to a rail carrier providing transportation subject to the jurisdiction of the Board under this part, the Board, to the maximum extent consistent with this part, shall exempt a person, class of persons, or a transaction or service whenever the Board finds that the application in whole or in part of a

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<sup>1</sup> Moreover, if additional funding becomes available, LIRR intends to remove an additional portion of the Montauk Cutoff Viaduct through the Skillman Avenue Bridge at Milepost 0.35 (Exhibit A, Item F).

provision of this part - (1) is not necessary to carry out the transportation policy of section 10101 of this title; and (2) either -- (A) the transaction or service is of limited scope; or (B) the application in whole or in part of the provision is not needed to protect shippers from the abuse of market power.

This provision “favors exemptions from regulation whenever appropriate, and directs [the STB] to grant exemptions to the maximum extent consistent with the [Interstate Commerce] Act” (*see Northwestern Pacific Railroad Company – Change in Operators Exemption – North Coast Railroad Authority, Sonoma-Marín Area Rail Transit District*, 2008 STB LEXIS 59, STB Finance Docket No. 35073 [Service Date: Feb 1, 2008]).

As shown below, the LIRR’s proposed abandonment satisfies the standards for exemption.

**A. The Application of 49 USC § 10903 Is Not Necessary To Carry Out The Rail Transportation Policy Of 49 USC § 10101.**

Detailed scrutiny of LIRR’s proposed abandonment under 49 USC § 10903 is not necessary to carry out the rail transportation policy of 49 USC § 10101. Neither LIRR nor NYA, the freight operator with the exclusive right to use the Montauk Cutoff for freight purposes, currently operate on either segment of rail line to be abandoned. As the freight traffic formerly operating over the first segment of rail line now operates over the LIRR’s Lower Montauk/C Secondary, and freight traffic has not operated over the second segment of rail line, shippers are not likely to oppose the proposed abandonment or be adversely affected by it (*see Norfolk Southern Railway Company – Discontinuance of Service Exemption - in Clermont, Brown, and Adams Counties, Ohio*, 2015 STB LEXIS 11, Docket No AB 290 (Sub-No 370X) [Service Date: Jan 15, 2015]).

Abandoning these portions will also reduce the LIRR’s (and NYA’s) maintenance costs over lines that do not carry any traffic (*see CSX Transportation – Abandonment and*

*Discontinuance of Service Exemption – in the City of Richmond and Henrico County, VA*, 2013 STB LEXIS 166, Docket No AB 55 (Sub-No 726X) [Service Date: June 6, 2013]). Moreover, the removal, following the abandonment, of the portion of the Montauk Cutoff described above will allow a more economical construction of tracks that will be necessary for storage facilities related to the ESA project that will bring LIRR passenger trains into Manhattan’s Grand Central Terminal (see *Norfolk Southern Railway Company – Discontinuance Exemption – In Hudson County, NJ*, 2002 STB LEXIS 64, STB Docket No. AB-290 (Sub-No 212X) [Service Date: Jan 28, 2002] [STB allowed discontinuance to facilitate construction of light rail line]).

An exemption in this case would minimize the administrative expenses of the application process, expedite regulatory decisions, reduce regulatory barriers to exit, and provide for the expeditious handling and resolution of proceedings (see 49 USC §10101 [2], [7], [15]). It would also foster sound economic conditions and encourage effective management by more quickly permitting LIRR to abandon service and proceed with the construction of tracks necessary for the ESA project (see 49 USC §10101 [5], [9]). Finally, other aspects of rail transportation policy would not be affected by the use of the exemption process.

**B. The Transaction Is Of Limited Scope And/Or Will Not Result In An Abuse Of Market Power.**

**1. The Transaction Is Of Limited Scope.**

In determining whether a proposed exemption is of limited scope, the Interstate Commerce Commission (now the Surface Transportation Board) has looked at “factors such as a small or declining market share, limited movement, limited geography, and length of haul, although none of these is a prerequisite to demonstrating limited scope” (see *Exemption from Regulation – Poultry, Meat and Dairy Products*, 1 ICC2d 173 [June 22, 1984]; see also *GSX Transportation, Inc. – Abandonment Exemption – In Bell County, KY*, 1996 STB LEXIS 117,

Docket No AB-55 (Sub-No 517X) [Service Date: Apr 16, 1996] [transaction of limited scope because it involved 5.22 miles of rail line in one county]).

The two segments to be abandoned are of limited scope. The first segment is only 0.69 miles and the second segment is only 0.38 miles. Both segments are located entirely within one zip code of one county. There is currently no movement on either segment, there are no active shippers on either segment, and neither NYA nor any other freight carrier has operated over the second segment.

**2. The Transaction Will Not Result In An Abuse Of Market Power.**

There are currently no shippers on either of the two segments to be abandoned. The freight traffic formerly operating over the first segment now operates over the LIRR's Lower Montauk/C Secondary line, and there has been no freight on the second segment. As noted above, shippers are not likely to oppose the proposed abandonment or be adversely affected by it. Accordingly, the transaction will not result in an abuse of market power.

**ENVIRONMENTAL AND HISTORIC REPORTS**

The environmental report and the historic report containing the information required by 49 CFR §§ 1105.7 and 1105.8 were forwarded to the STB on September 8, 2015. Certificates of service of those reports are attached as **Exhibit B**. Responses to those reports that were received by LIRR are attached as **Exhibit C**.

**CERTIFICATE OF PUBLICATION**

On September 20, 2015, LIRR published a notice in the Daily News, a newspaper of general circulation in the county where the segments to be abandoned are located. A copy of that notice is attached as **Exhibit D**. An affidavit of publication is attached as **Exhibit E**.

## EMPLOYEE PROTECTION

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protection conditions set forth in *Oregon Short Line Railroad – Abandonment – Goshen Branch*, 360 ICC 91 [1979].

## FEDERAL REGISTER NOTICE

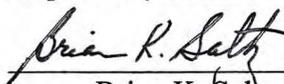
A draft federal register notice is attached as **Exhibit F**.

## CONCLUSION

For the foregoing reasons, the STB should grant the LIRR's petition.

Dated: Jamaica, New York  
October 7, 2015

Respectfully submitted,



\_\_\_\_\_  
Brian K. Salz

Assistant Deputy General Counsel  
The Long Island Rail Road Company  
Law Department - 1143  
Jamaica Station  
Jamaica, New York 11435  
(718) 558-8277

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of the foregoing Petition in STB Docket Numbers AB-837(1X) and ~~AB-837(2X)~~ for the two segments of rail line located in Queens County, New York were served by first class mail on October 7, 2015 on the following:

Cynthia T. Brown, Chief  
Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

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The Clearing House  
1114 Avenue of the Americas  
17<sup>th</sup> Floor  
New York, NY 10036

NYS GIS Clearinghouse  
NYSITS GIS Program Office  
1220 Washington Avenue  
State Office Campus, Bldg. 7A, 4<sup>th</sup> Floor  
Albany, NY 12242

NYS Department of Transportation  
50 Wolf Road  
Albany, NY 12232

NYSDOT, Region 11 (New York City)  
Attn: Regional Director  
Hunters Point Plaza  
47-20 21<sup>st</sup> Street  
Long Island City, NY 11101

Dated: Jamaica, NY  
October 7, 2015

  
\_\_\_\_\_  
Brian K. Saltz

SDDCTEA  
Railroads for National Defense  
1 Soldier Way  
Scott AFB, IL 62225

Mike Caldwell, Regional Director  
Northeast Regional Office  
National Park Service, US Custom House  
200 Chestnut Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19106

Rick Potts, Chief  
National Park Service  
Rivers, Trails and Conservation Assistance  
Program  
1849 C Street, NW (Org Code 2220)  
Washington, DC 20240-0001

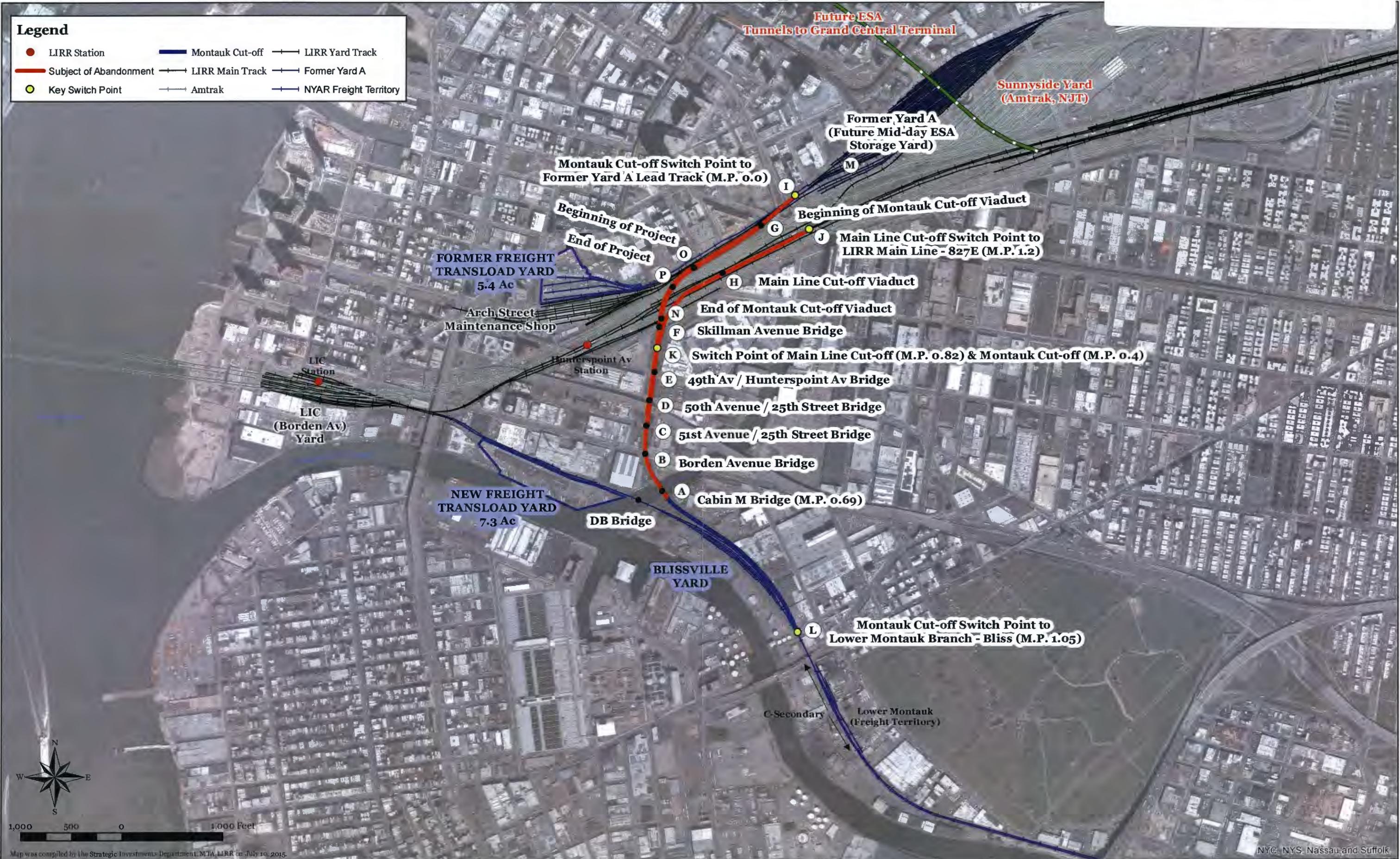
Thomas L. Tidwell, Chief  
USDA Forest Service  
1400 Independence Ave., SW  
Washington, DC 20250-1111

# Montauk Cut-off / Main Line Cut-off Abandonment Map

EXHIBIT A

**Legend**

- LIRR Station
- Montauk Cut-off
- LIRR Yard Track
- Subject of Abandonment
- LIRR Main Track
- Former Yard A
- Key Switch Point
- Amtrak
- NYAR Freight Territory



**CERTIFICATE OF SERVICE  
ENVIRONMENTAL AND HISTORIC REPORTS**

The undersigned hereby certifies that copies of the foregoing Environmental and Historic Reports in STB Docket Numbers AB-837(1X) and ~~AB-837(2X)~~ for the two segments of rail line located in Queens County, New York were served by first class mail on September 8, 2015 on the following:

Victoria Rutson, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

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NYS GIS Clearinghouse  
NYSITS GIS Program Office  
1220 Washington Avenue  
State Office Campus, Bldg. 7A, 4<sup>th</sup> Floor  
Albany, NY 12242

The Clearing House  
1114 Avenue of the Americas  
17<sup>th</sup> Floor  
New York, NY 10036

Greater Astoria Historical Society  
Quinn Building  
35-20 Broadway, 4<sup>th</sup> Floor  
Long Island City, NY 11106

Jimmy Van Bramer  
District 26 Representative  
New York City Council  
47-01 Queens Blvd, Suite 205  
Sunnyside, NY 11104

Mayor Bill de Blasio  
City Hall  
New York, NY 10007

Venetia Lannon, Regional Director  
Environmental Protection Agency, Region 2  
1 Hunter's Point Plaza  
47-40 21<sup>st</sup> Street  
Long Island City, NY 11101-5407

Roberta D'Amico  
Assistant Director of Communications  
National Park Service  
1849 C Street NW  
Washington, DC 20240

Christopher Allen  
US Fish and Wildlife Service  
340 Smith Road  
Shirley, NY 11967

Mike Caldwell, Regional Director  
Northeast Regional Office  
National Park Service, US Custom House  
200 Chestnut Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19106

Wendi Weber, Regional Director  
Regional Office (5)  
US Fish and Wildlife Service  
300 Westgate Center Drive  
Hadley, MA 01035-9589

Greg Kist, State Conservationist  
Natural Resources Conservation Service  
The Galleries of Syracuse  
441 Salina Street, Suite 354  
Syracuse, NY 13202

Daniel J. Martin  
Northeast Regional Geodetic Advisor  
NOAA, National Geodetic Survey  
NOAA/NOS/National Geodetic Survey  
[Dan.martin@noaa.gov](mailto:Dan.martin@noaa.gov)

Nicole Garcia  
Queens Borough Commissioner  
NYC Department of Transportation  
55 Water Street, 9<sup>th</sup> Floor  
New York, NY 10041

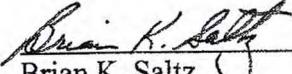
Philip A. Perazio, Archeology Unit  
NYS Division of Historic Preservation  
Peebles Island State Park  
PO Box 189  
Waterford, NY 12188-0189

Daria Merwin, CLG Unit  
NYS Division of Historic Preservation  
Peebles Island State Park  
PO Box 189  
Waterford, NY 12188-0189

Ruth L. Pierpont  
Deputy Commissioner, Historic Preservation  
NYS Division of Historic Preservation  
Peebles Island State Park  
PO Box 189  
Waterford, NY 12188-0189

George R. Stafford, Director  
Division of Coastal Resources  
New York State Department of State  
41 State Street

Dated: Jamaica, New York  
September 8, 2015

  
\_\_\_\_\_  
Brian K. Saltz

Albany, NY 12231

NYS Dept of Environmental Conservation  
625 Broadway  
Albany, NY 12233-0001

NYS Department of Transportation  
50 Wolf Road  
Albany, NY 12232

Melinda Katz, Queens Borough President  
Queens Borough Hall  
120-55 Queens Blvd  
Kew Gardens, NY 11424

Queens Historical Society  
143-35 37<sup>th</sup> Avenue  
Flushing, NY 11354

Col. David A. Caldwell  
Commander, New York District  
US Army Corps of Engineers  
Jacob K. Javits Federal Office Bldg  
26 Federal Plaza, Room 2109  
New York, NY 10278-0090

**From:** Simon Monroe <simon.monroe@noaa.gov>  
**Sent:** Wednesday, September 09, 2015 12:36 PM  
**To:** Saltz, Brian  
**Cc:** Surface Transportation Board; Lucy Hall; Simon Monroe  
**Subject:** NGS Response, STB Docket AB-837 (SUB NO. 001X & 002X)

Thank you for sharing your railroad abandonment environmental report for  
 LONG ISLAND CITY, Queens County, NEW YORK.

Approximately 00 geodetic survey marks may be located in the area described. These marks may or may not be disturbed.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall consult with the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities, that will disturb, or destroy any geodetic station marks that are described on the attached file.

Additional advice is provided at

<http://geodesy.noaa.gov/marks/railroads/>

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No Stations Found.



Parks, Recreation,  
and Historic Preservation

ANDREW M. CUOMO  
Governor

ROSE HARVEY  
Commissioner

September 29, 2015

Mr. Brian K. Saltz  
General Attorney  
MTA Long Island Rail Road  
Jamaica Station  
Jamaica, NY 11435

Re: MTA  
LIRR Abandonment of Two Rail Segments, Queens  
Montauk Cut Off and Main Line Cut Off, Queens, NY  
15PR04573  
Docket No. AB-837(1X0); AB-837(2X)

Dear Mr. Saltz:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the New York State Office of Parks, Recreation and Historic Preservation's opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont  
Deputy Commissioner for Historic Preservation

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Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

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### PUBLIC NOTICE THE LONG ISLAND ...

PUBLIC NOTICE The Long Island Rail Road Company ("LIRR") and New York & Atlantic Railway Company ("NYA") give notice that on or about September 30, 2015, LIRR and NYA each intend to file with the Surface Transportation Board, Washington, DC 20423, a petition for exemption under 49 USC 10502 from the prior approval requirements of 49 USC 10903, et seq. permitting, respectively, LIRR to abandon, and NYA to discontinue rail service over, two segments of rail line located in Queens County, New York. The first segment of rail line (which is a portion of the "Montauk Cut Off") is approximately 0.69 miles in length, is located between railroad milepost 0.0 and railroad milepost 0.69 in Long Island City, New York, and runs through United States Postal Zip Code 11101. The LIRR abandonment proceeding will be docketed as AB-837(1X), and the NYA discontinuance proceeding will be docketed as AB-1236X. The second segment of rail line (the "Main Line Cut Off") is approximately 0.38 miles in length, is located between railroad milepost 0.82 and railroad milepost 1.2 in Long Island City, New York, and runs through United States Postal Zip Code 11101. The LIRR abandonment proceeding will be docketed as AB-837(2X), and the NYA discontinuance proceeding will be docketed as AB-1236 (Sub-No. 1X). The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to SEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0238. Copies of any comments or requests for conditions in the abandonment proceeding should be served on LIRR's representative: Brian K. Saitz, Esq., Assistant Deputy General Counsel, MTA Long Island Rail Road, Law Dept. - 1143, Jamaica Station, Jamaica, NY 11435, tel. 718-558-8277. Copies of any comments or requests for conditions in the discontinuance proceeding should be served on NYA's representative: Rose-Michele Nardi, Transport Counsel PC, 1701 Pennsylvania Ave., NW, Suite 300, Washington DC 20006, tel. 202-349-3660.

Contact: N/A

Post Date: Sep 20

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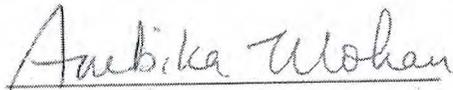
[Print](#)

**AFFIDAVIT OF PUBLICATION**

**STATE OF NEW YORK**

**COUNTY OF NEW YORK**

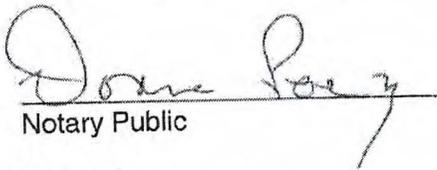
Ambika Mohan being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement in: **NY DAILY NEWS** for Miller Advertising Agency, Inc; located in New York, NY, and that the **Metropolitan Transportation Authority (re: LIRR & NYA)** advertisement, of which the annexed is a true copy, has been published in the said publication on the following issue date: September 20, 2015



Ambika Mohan

**Subscribed to and Sworn before me**

This 2nd day of October, 2015

  
Notary Public

Donna Perez  
Notary Public State Of New York  
No. 01PE6151365  
Qualified In New York County  
Commission Expires August, 14<sup>th</sup> - 2018

**PUBLIC NOTICE**

The Long Island Rail Road Company ("LIRR") and New York & Atlantic Railway Company ("NYA") give notice that on or about September 30, 2015, LIRR and NYA each intend to file with the Surface Transportation Board, Washington, DC 20423, a petition for exemption under 49 USC 10502 from the prior approval requirements of 49 USC 10803, et seq. permitting, respectively, LIRR to abandon, and NYA to discontinue rail service over, two segments of rail line located in Queens County, New York. The first segment of rail line (which is a portion of the "Montauk Cut Off") is approximately 0.69 miles in length, is located between railroad milepost 0.0 and railroad milepost 0.69 in Long Island City, New York, and runs through United States Postal Zip Code 11101. The LIRR abandonment proceeding will be docketed as AB-837(1X), and the NYA discontinuance proceeding will be docketed as AB-1236X. The second segment of rail line (the "Main Line Cut Off") is approximately 0.36 miles in length, is located between railroad milepost 0.82 and railroad milepost 1.2 in Long Island City, New York, and runs through United States Postal Zip Code 11101. The LIRR abandonment proceeding will be docketed as AB-837(2X), and the NYA discontinuance proceeding will be docketed as AB-1236 (Sub-No. 1X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to SEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0238. Copies of any comments or requests for conditions in the abandonment proceeding should be served on LIRR's representative: Brian K. Saltz, Esq., Assistant Deputy General Counsel, MTA Long Island Rail Road, Law Dept. - 1143, Jamaica Station, Jamaica, NY 11435, tel. 718-558-8277. Copies of any comments or requests for conditions in the discontinuance proceeding should be served on NYA's representative: Rose-Michele Nardi, Transport Counsel PC, 1701 Pennsylvania Ave., NW, Suite 300, Washington DC 20006, tel. 202-349-3660.

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423

STB DOCKET NO. AB-837(1X), ~~AB-837(2X)~~

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THE LONG ISLAND RAIL ROAD COMPANY –  
ABANDONMENT EXEMPTION --  
IN QUEENS COUNTY, NEW YORK

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**FEDERAL REGISTER NOTICE**

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On October \_\_, 2015, THE LONG ISLAND RAIL ROAD COMPANY filed with the Surface Transportation Board, Washington, DC 20423, a petition for exemption under 49 USC § 10502 from the prior approval requirements of 49 USC § 10903, permitting LIRR to abandon rail service over two segments of rail line located in Queens County, New York. The first segment of rail line (which is a portion of the “Montauk Cut Off”) is approximately 0.69 miles in length, is located between railroad milepost 0.0 and railroad milepost 0.69 in Long Island City, New York, and runs through United States Postal Zip Code 11101. The second segment of rail line (the “Main Line Cut Off”) is approximately 0.38 miles in length, is located between railroad mile post 0.82 and railroad milepost 1.2 in Long Island City, New York, and runs through United States Postal Zip Code 11101.

The two segments of rail line do not contain federally granted rights-of-way. Any documents in the railroad’s possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad – Abandonment – Goshen Branch*, 360 ICC 91 [1979].

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 USC § 10502(b).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line (if any), the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the FEDERAL REGISTER.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis at 202-245-0295.

An environmental assessment (EA) prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its presentation. Any other persons who would like to obtain a copy of the EA may contact the Office of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: \_\_\_\_\_, 2015

By the Board, Rachel D. Campbell, Director, Office of Proceedings