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David A. Paterson
Governor
Carol Ash
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

The Governor Nelson A. Rockefeller Empire State Plaza • Agency Building 1, Albany, New York 12238

www.nysparks.com

September 29, 2009

Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

FILED ALL WAIVED

Re: STB Docket No. AB-565 (Sub-No. 17X)
New York Central Lines, LLC – Abandonment Exemption – in Dutchess County, NY

EXPEDITED HANDLING REQUESTED

Dear Secretary:

By decision and notice of interim trail use or abandonment (NITU) served on October 15, 2004 (October 2004 decision), the Surface Transportation Board (the "Board"), under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by New York Central Lines, LLC (NYC), of approximately 4.7 miles of railroad line between milepost QCO 0.0 and milepost QCO 3.2 and between milepost QCK 29.5 and milepost QCK 31.0 (the "Line"), in the City and Town of Poughkeepsie, Dutchess County, NY. In the October 2004 decision, a 180-day period was authorized to permit public use negotiations and to permit Dutchess County (the County) to negotiate an interim trail use/rail banking agreement with NYC for the Line. The negotiating period under the NITU was extended several times, with the latest decision, served on March 23, 2009 (March 2009 decision), extending the NITU negotiating period until September 19, 2009. The March 2009 decision also extended the deadline for CSX Transportation, Inc. ("CSXT"), as successor by merger to NYC, to file a notice of consummation of the abandonment until November 18, 2009. New York State Office of Parks, Recreation and Historic Preservation ("NYSP") understands that CSXT has not consummated the abandonment.

On June 30, 2009, Poughkeepsie-Highland Bridge Co., Inc., dba Walkway Over the Hudson ("Walkway"), a 501(c)(3) non-profit New York corporation, filed a request for a NITU for a 0.5-mile portion of the line between milepost QCK-29.5 and milepost QCK-30.0 (the "0.5-Mile Line"). By decision served on August 26, 2009, the Board granted Walkway a NITU until September 19, 2009 for the 0.5-Mile Line. On September 9, 2009, CSXT notified the Board that it had entered a Purchase and Sale Agreement, as amended (the "PSA"), with Walkway and that the 0.5-Mile Line would be transferred to Walkway so that it could open the trail on October 1, 2009.

Walkway and NYSP have agreed that Walkway will assign its rights under the PSA to NYSP, and that NYSP will acquire the 0.5-Mile Line from CSXT and that the trail will be open on October 3, 2009.

In order to establish interim trail use and rail banking under 16 U.S.C. §1247(d), and 49 CFR §1152.29, NYSP is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by CSXT. The property extends from railroad milepost QCK-29.5 to railroad milepost QCK 30.0, both near Poughkeepsie, a distance of 0.5 miles in Dutchess County, NY. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-565 (Sub-No. 17X).

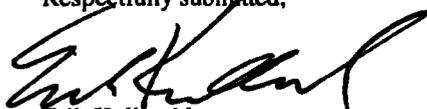
NYSP acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. By my signature below, I certify service upon CSX Transportation, Inc., by U.S. Mail.

In order to open the new trail on Saturday October 3, 2009, NYSP and CSXT must close the transfer of the 0.5-Mile Line from CSXT to NYSP by October 2, 2009, as a trail subject to a NITU. Therefore, NYSP requests expedited handling of this request for a NITU.

NYSP is a government entity of the State of New York and is therefore entitled to the waiver of the Board's filing fee pursuant to 49 CFR §1002.2(e)(1).

NYSP is efilng this letter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Erik Kulleseid', written over the typed name.

Erik Kulleseid
Deputy Commissioner for
Open Space Protection