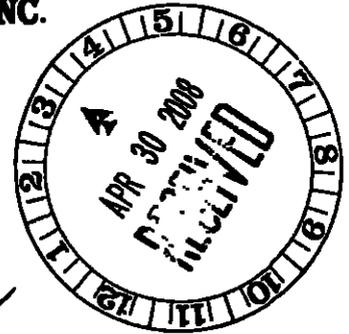


MIDDLETOWN & NEW JERSEY RAILWAY CO., INC.

140 EAST MAIN STREET MIDDLETOWN, NEW YORK 10940

TEL: (845) 343-3435 FAX: (845) 344-1547



April 24, 2008

VIA: FEDERAL EXPRESS

Surface Transportation Board
395 E Street. SW
Washington. D C 20024

222242

ENTERED
Office of Proceedings

MAY 01 2008

Pct of
Public Record

Re Abandonment of Trackage Located in Orange County, New York
STB Docket No AB-762 X

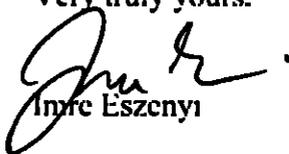
To Whom it may concern

Enclosed please find for filing the unbound original and ten copies of Middletown and New Jersey Railway Company's Verified Notice of Class Exemption from the requirements of 49 CFR 1152.50 for the above-referenced rail line abandonment. We also enclose a check in the amount of \$3,200 as the filing fee.

I also enclose a duplicate copy of this letter and self-addressed stamped envelope to be stamped with the filing date and returned to the undersigned.

Please contact me if you have any questions.

Very truly yours,


Imre Eszenyi

President, Middletown and New Jersey Railway

FILED
APR 30 2008

**SURFACE
TRANSPORTATION BOARD**

FEE RECEIVED
APR 30 2008

**SURFACE
TRANSPORTATION BOARD**

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D C**

222242

**MIDDLETOWN AND NEW JERSEY RAILWAY
COMPANY, INC - ABANDONMENT
OF TRackage LOCATED IN
ORANGE COUNTY, NEW YORK**

DOCKET NO AB-762 X

**NOTICE OF EXEMPT ABANDONMENT OF TRackage LOCATED
BETWEEN MILEPOST 6.50 (IN SLATE HILL) AND MILEPOST 14.00 (IN THE
VILLAGE OF UNIONVILLE), WHICH TRAVERSES THROUGH UNITED
STATES POSTAL ZIP CODES 10973, 10933, 10998 and 10988 IN ORANGE
COUNTY, NEW YORK**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U S C SECTION 10502 AND 49 C F R PART 1152**

**CLASS EXEMPTION FROM THE REQUIREMENTS
OF 49 U S C SECTION 10903**

**MIDDLETOWN AND NEW JERSEY RAILWAY COMPANY, INC.
IMRE ESZENYI
PRESIDENT
140 EAST MAIN STREET
MIDDLETOWN, NY 10940
Tel (845) 343-3435
Fax (845) 344-1547**

Date of Filing: APRIL 24,2008

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D C**

**MIDDLETOWN AND NEW JERSEY RAILWAY
COMPANY, INC - ABANDONMENT
OF TRACKAGE LOCATED IN)
ORANGE COUNTY, NEW YORK**

DOCKET NO AB-762 X

**NOTICE OF EXEMPT ABANDONMENT OF TRACKAGE LOCATED
BETWEEN MILEPOST 6.50 (IN SLATE HILL) AND MILEPOST 14.00 (IN THE
VILLAGE OF UNIONVILLE), WHICH TRAVERSES THROUGH UNITED
STATES POSTAL ZIP CODES 10973, 10933, 10998 and 10988 IN ORANGE
COUNTY, NEW YORK**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U S C SECTION 10502 AND 49 C F R PART 1152**

**CLASS EXEMPTION FROM THE REQUIREMENTS
OF 49 U S C SECTION 10903**

The Middletown and New Jersey Railway Company, Inc, (M&NJ) files this Verified Notice of Exemption pursuant to 49 U S C § 10502 and the Board's regulations at 49 C F R Section 1152.50 This Verified Notice of Exemption is for M&NJ's abandonment of a 7.50 +/- mile line of railroad between milepost 6.50 +/- (in Slate Hill) and milepost 14.00 +/- (in the Village of Unionville) and which traverses through United States Postal Service Zip Codes 10973, 10933, 10998 and 10988 in Orange County, New York

No local traffic has moved over the line for at least two years and there is no overhead traffic on this line since it is a spur and has been dormant for 37 years. Maps showing the line to be abandoned are attached as Exhibit No 1

In accordance with the requirements of 49 C F R Section 1152.50, M&NJ submits the following

1. WRITTEN NOTIFICATION OF FILING FOR ABANDONMENT EXEMPTION - 49 C F R SECTION 1152.50 (d) (1).

Said notification was served on the appropriate parties on April 7, 2008, at least ten (10) days prior to the filing date of this exemption, See Exhibit No 2

2. PROPOSED CONSUMMATION DATE - 49 C F R SECTION 1152.50(d)(2)

M&NJ intends to consummate the proposed abandonment of its trackage on or after June 30, 2008

3. CARRIER CERTIFICATION REGARDING LOCAL AND OVERHEAD TRAFFIC AND STATUS OF NO COMPLAINTS REQUIRED BY 49 C F R SECTIONS 1152.50(b) and (d)(2).

The required Certification is attached as Exhibit No 3

4. INFORMATION REQUIRED BY 49 C F R SECTIONS 1152.22(a) (1)-(4), (7) and (8) and (c)(4) (INCORPORATED BY REFERENCE IN 49 C F R SECTION 1152.50 (d) (2).

a) SECTION 1152 22 (a) (1), EXACT NAME OF APPLICANT.

Middletown and New Jersey Railway Company, Inc

(b) SECTION 1152 22(a) (2), WHETHER THE APPLICANT IS A COMMON CARRIER BY RAILROAD SUBJECT TO 49 U S C Subtitle IV. chapter 105.

M&NJ is a common ^{carrier} ~~carrier~~ by railroad subject to U S C Subtitle IV, chapter 105

(c) SECTION 1152 22(a)(3), RELIEF SOUGHT (ABANDONMENT OF LINE OR DISCONTINUANCE OF SERVICE)

M&NJ seeks authority to abandon a 7.50 +/- mile portion of its trackage in the Town of Slate Hill, the Town of Minisink and the Village of Unionville, New York

(d) SECTION 1152 22(a) (4), DETAILED MAP

See Exhibit No 1

(e) SECTION 1152.22(a) (7), NAME, TITLE AND ADDRESS OF REPRESENTATIVE OF APPLICANT TO WHOM CORRESPONDENCE SHOULD BE SENT.

Imre Eszenyi
President, M&NJ
140 East Main Street
Middletown, NY 10940
tel (845) 343-3435
Fax (845) 344-1547

(f) SECTION 1152 22(a)(8), LIST OF ALL UNITED STATES POSTAL ZIP CODES THAT THE LINE PROPOSED FOR ABANDONMENT TRAVERSES.

United States Postal Zip codes 10973, 10933, 10998 and 10988

(g) SECTION 1152.22 (e) (4), STATEMENT OF WHETHER THE PROPERTIES PROPOSED TO BE ABANDONED ARE SUITABLE FOR USE FOR OTHER PUBLIC PURPOSES, INCLUDING ROADS OR HIGHWAYS, OTHER FORMS OF MASS TRANSPORTATION, CONSERVATION, ENERGY PRODUCTION OR TRANSMISSION, OR RECREATION. IF THE APPLICANT IS AWARE OF ANY RESTRICTION ON TITLE TO THE PROPERTY, INCLUDING ANY REVERSIONARY INTEREST, WHICH WOULD AFFECT THE TRANSFER OF TITLE OR THE USE OF THE PROPERTY FOR OTHER THAN RAIL PURPOSES, THIS SHALL BE DISCLOSED.

The properties proposed to be abandoned may be suitable for public uses and M&NJ is currently discussing a potential sale to the Town of Minisink.

There are no restrictions on the title of the property and there are no reversionary interests on the property, which would affect the transfer of title.

5. SECTION 1152 50 (d) (2), THE LEVEL OF LABOR PROTECTION.

This line has been dormant for 37 years. The abandonment will not effect any of the employees. However, M&NJ understands that in granting an exemption for the proposed abandonment, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. Accordingly, while M&NJ anticipates that no adverse effect to its employees will occur as the result of this abandonment, it understands that the Board will likely impose the conditions set forth in Oregon Short Line Railroad Company - Abandonment -- Goshen, 360 ICC 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

6. SECTION 1105 7(c), CERTIFICATE OF SERVICE OF ENVIRONMENTAL REPORT AND HISTORIC REPORT.

An Environmental Report and Historical Report was prepared in accordance with 49 C F R Sections 1105 (7) and 1105 (8) and served on the Board and all relevant parties on March 21, 2008, pursuant to 49 C F R Section 1105 (7) (b) Applicant's certification pursuant to 49 C F R Section 1105 (7)(c) is attached as Exhibit No 4

7. SECTION 1105.12, PUBLICATION OF NEWSPAPER NOTICE

A Notice in accordance with Section 1105 12 was published in a newspaper of general circulation in Orange County, New York A copy of said notice with the required Certification is attached Exhibit No 5

8. VERIFICATION.

The required Verification is attached as Exhibit No 6

4/24/2008

Date



Signature

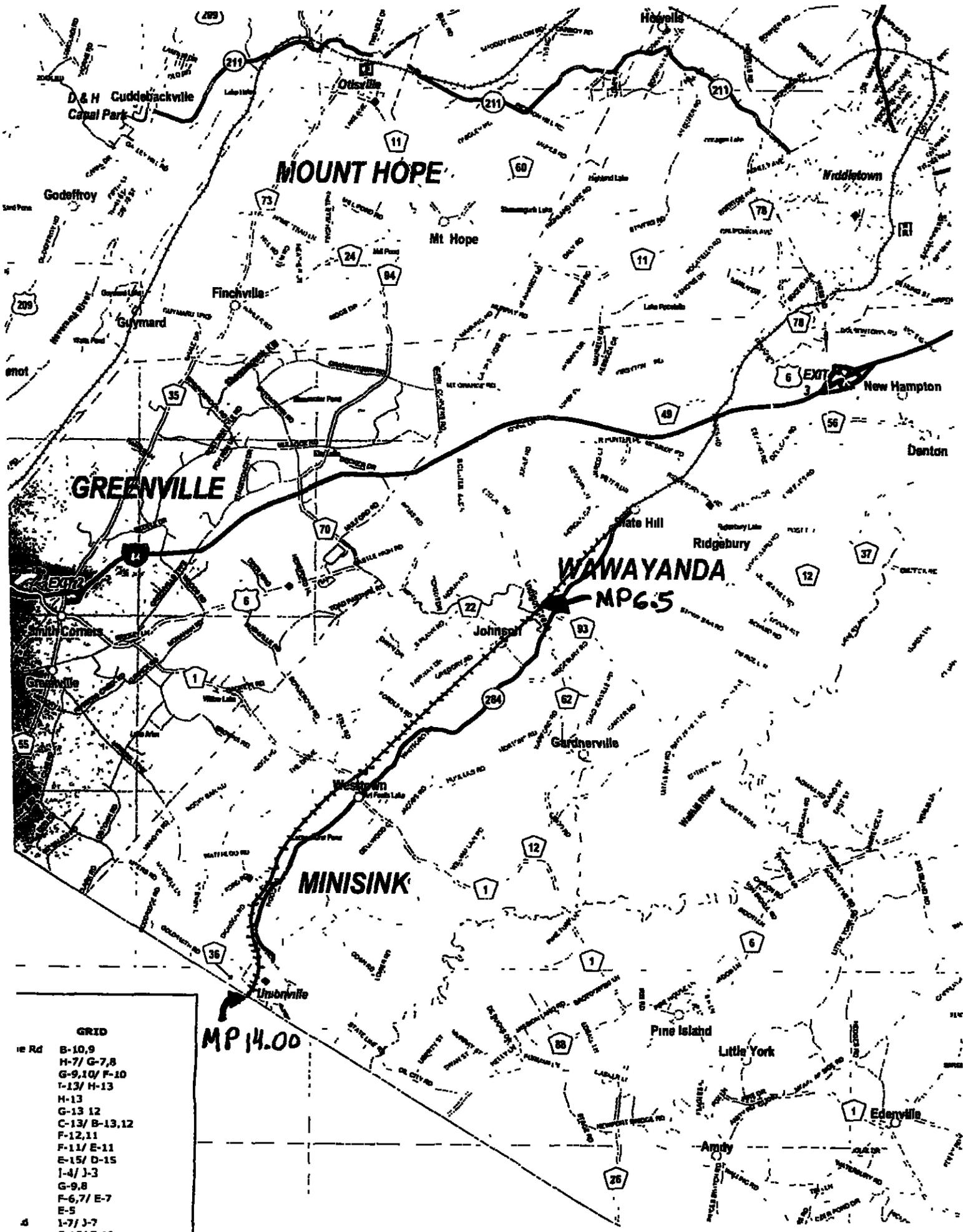
Imre Eszenyi, President

Imre Eszenyi
President
Middletown and New Jersey Railway Co . Inc
140 East Main Street
Middletown. NY 10940

Phone (845) 343-3435
Fax (845) 344-1547

Exhibit No 1

**Detailed Exhibit Maps for Verified Notice of Exemption
49 CFR Sections 1152.50(d)(2) and 1152.22(a)(5)**



MOUNT HOPE

GREENVILLE

WAWAYANDA

MINISINK

MP 14.00

MP 6.5

GRID

100 Rd	B-10,9
	H-7/ G-7,8
	G-9,10/ F-10
	T-13/ H-13
	H-13
	G-13 12
	C-13/ B-13,12
	F-12,11
	F-11/ E-11
	E-15/ D-15
	I-4/ J-3
	G-9,8
	F-6,7/ E-7
	E-5
	I-7/ J-7
	E-10/ F-10



AREA
of
Concern

MP 65

MP 14.0

NJ
72-73

New
York

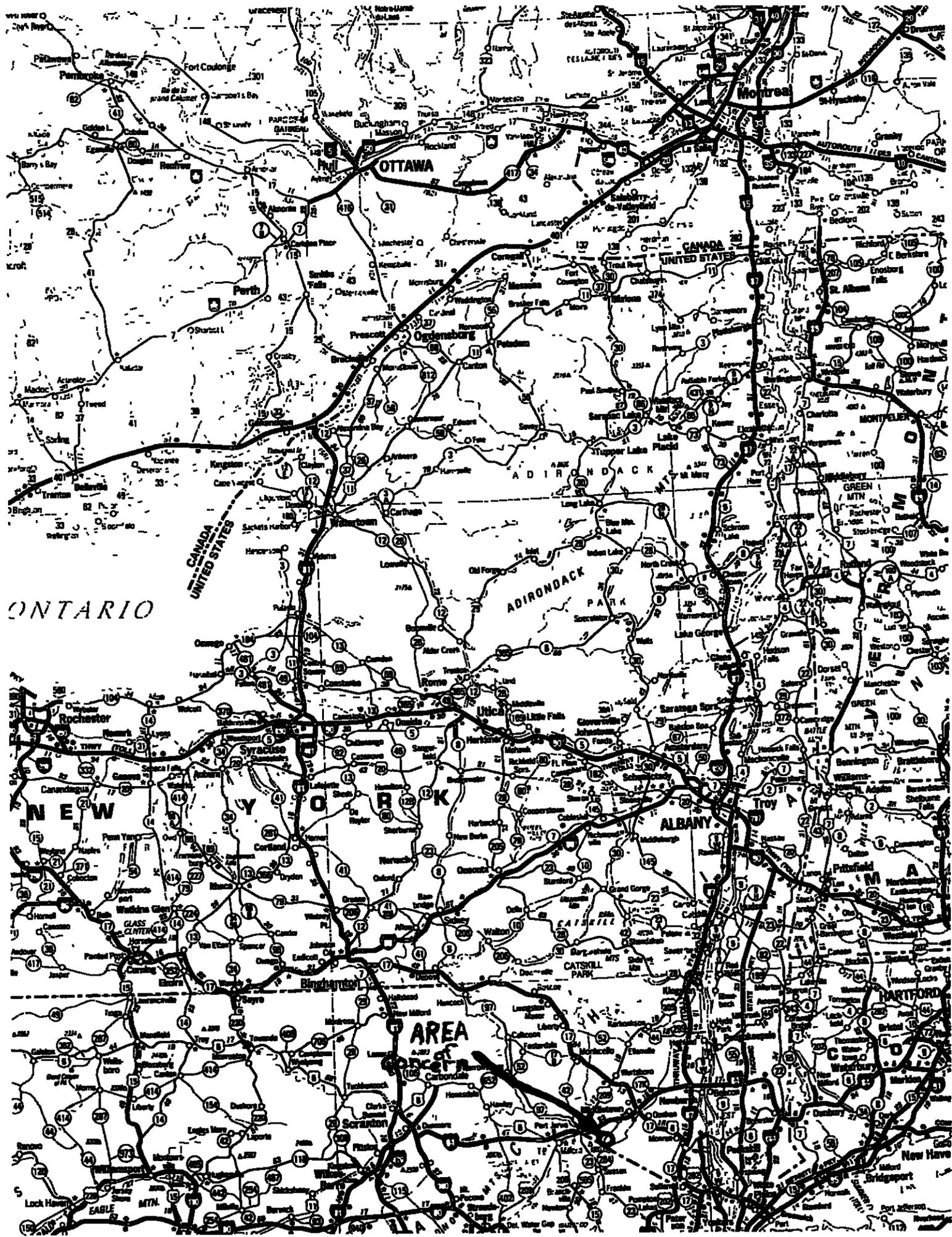
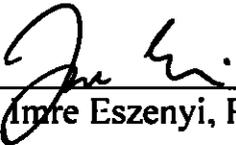


Exhibit No 2

**Certification of Proper Service of Written
Notice of Intent to Abandon under the Exemption Process
49CFR Section 1152 50(d)(l)**

**CERTIFICATE OF COMPLIANCE WITH SERVICE REQUIREMENT FOR
NOTIFICATION OF INTENT TO FILE EXEMPTION ABANDONMENT**

The undersigned hereby certifies that he served the Notice of Intent to File Verified
Notice of Exemption for the proposed abandonment in Docket No AB-762 X via
first class U S Mail. on April 7, 2008. as required by 49 C F R Section 1152 50
(d) (1). to the parties listed on the attached Service List.



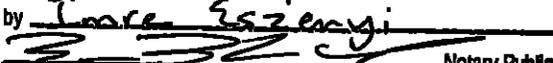
Imre Eszenyi, President

4/24/2008
Date

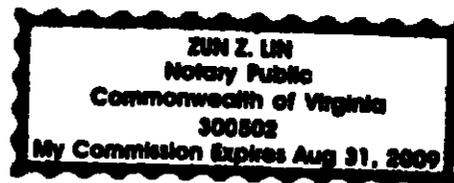
Imre Eszenyi
President
Middletown and New Jersey Railway Co., Inc
140 East Main Street
Middletown, NY 10940

Phone (845) 343-3435
Fax (845) 344-1547

Notarized by

County/City of Fairfax
Commonwealth of Virginia
The foregoing instrument was subscribed and sworn before
me this 24 day of April, 2008
by Imre Eszenyi


Notary Public
My commission expires Aug 31, 2009



SERVICE LIST
NOTICE OF INTENT TO FILE EXEMPT ABANDONMENT

**Middletown and New Jersey Railway, Inc. - Abandonment of
Trackage Located in Orange County, New York
Docket No AB- 762 X**

NEW YORK PUBLIC SERVICE COMMISSION

Patricia L Acampora, Chairwoman
New York State Public Service Commission
3 Empire State Plaza
Albany, NY 12223-1350

U S DEPARTMENT OF DEFENSE

Office of Special Assistant for Transportation Engineering
Surface Deployment and Distribution Command
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd - Suite 130
Newport News, VA 23606-2574

**NATIONAL PARK SERVICE. RECREATION RESOURCES
ASSISTANCE DIVISION**

National Center for Recreation and Conservation
U S Department of the Interior
National Park Service
1849 C Street NW
Org Code 2220
Washington, DC 20240

**U. S. DEPARTMENT OF AGRICULTURE. CHIEF OF THE
FOREST SERVICE**

Abigail Kimbell, Chief
Forest Service
U S Department of Agriculture
Sidney R Yates Federal Building
201 14th Street, SW
Washington, DC 20250

U.S. Postal Service™ Delivery Confirmation™ Receipt

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

Office of Special Assistant for Transportation Er.
Surface Deployment and Distribution Command
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd - Suite 130
Newport News, VA 23606-2574

CHECK ONE (POSTAL USE ONLY)

- Priority Mail™ Service
- First-Class Mail® parcel
- Package Services parcel

(See Reverse)

PS Form 182, May 2002

DELIVERY CONFIRMATION NUMBER
9907 6906 0000 DEEE 20E0

U.S. Postal Service™ Delivery Confirmation™ Receipt

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

National Center for Recreation
U S Department of the Interior
National Park Service
1849 C Street NW
Org Code 2220
Washington, DC 20240

www.usps.com™
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- Priority Mail™ Service
- First-Class Mail® parcel
- Package Services parcel

(See Reverse)

PS Form 182, May 2002

DELIVERY CONFIRMATION NUMBER
5107 6906 0000 9069 1095

U.S. Postal Service™ Delivery Confirmation™ Receipt

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

Abigail Kimbell, Chief
Forest Service
U S Department of Agriculture
Sidney R Yates Federal Building
201 14th Street, SW
Washington, DC 20250

or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- Priority Mail™ Service
- First-Class Mail® parcel
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(See Reverse)

PS Form 182, May 2002

DELIVERY CONFIRMATION NUMBER
9907 6906 0000 DEEE 20E0

U.S. Postal Service™ Delivery Confirmation™ Receipt

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

Patricia L. Acampora, Chairwoman
New York State Public Service Commission
3 Empire State Plaza
Albany, NY 12223-1350

Postmark
Here

www.usps.com™ for inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

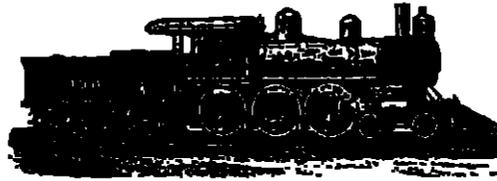
CHECK ONE (POSTAL USE ONLY)

- Priority Mail™ Service
- First-Class Mail® parcel
- Package Services parcel

(See Reverse)

PS Form 182, May 2002

DELIVERY CONFIRMATION NUMBER
9907 6906 0000 DEEE 20E0



Middletown & New Jersey Railway Co., Inc.
140 East Main Street Middletown, New York 10940
Tel: (845) 343-3435 Fax: (845) 344-1547

April 7, 2008

Re STB Docket No AB 762 X, Middletown and New Jersey Railway, Inc -
Abandonment - Notice of Exemption, in Orange County, New York

Ladies and Gentlemen,

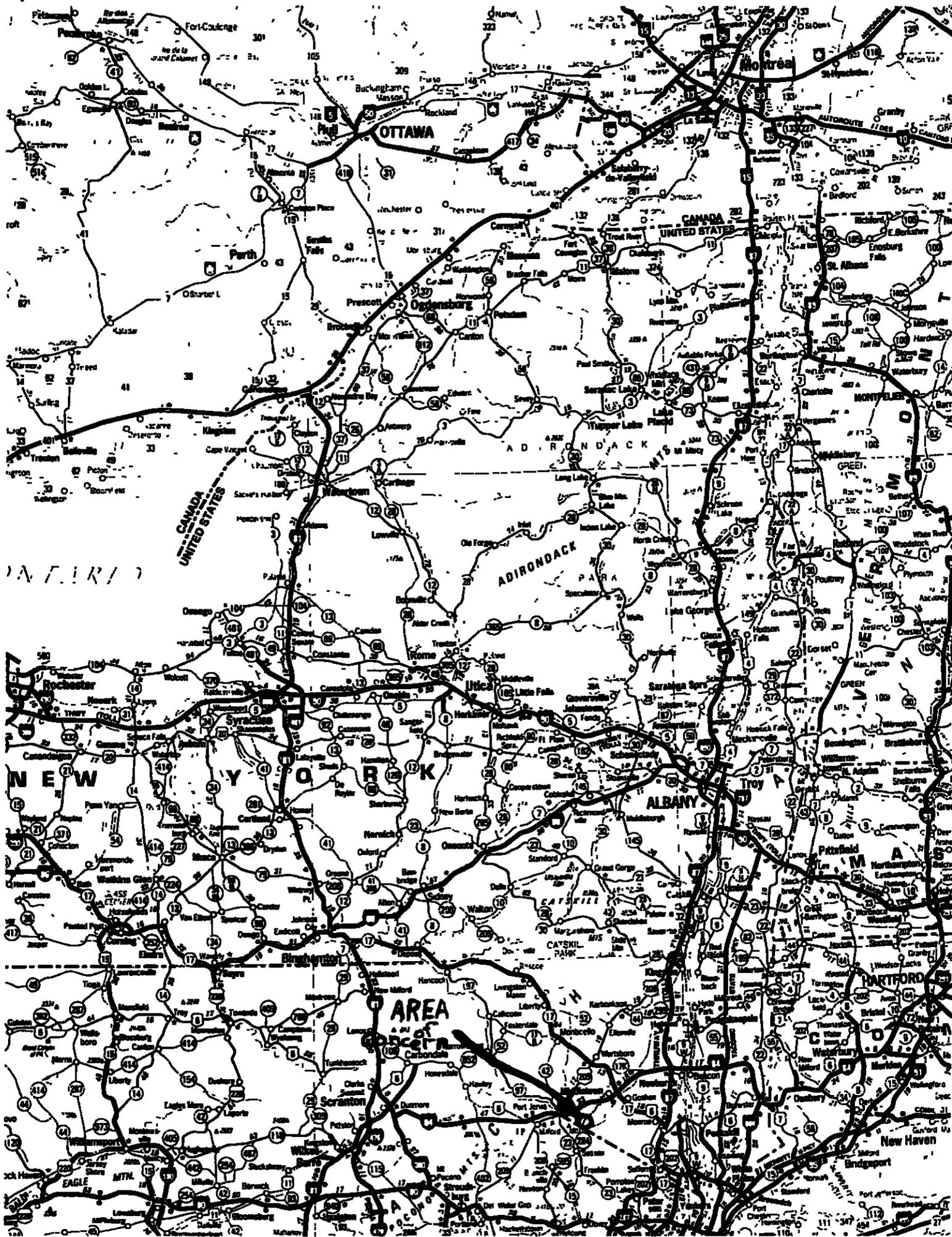
Pursuant to 49 CFR § 1152.50(d)(1), The Middletown and New Jersey Railway, Inc hereby gives notice that on or about April 20th, 2008, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR § 1152, Subpart F. That notice of exemption will permit the M&NJ's abandonment of a 7.5 mile line of railroad lying between MP 6.50 and MP 14.00, in Orange County, New York (see attached map). The line incorporates the following United States Postal Service Zip Codes 10973, 10933, 10998 and 10988.

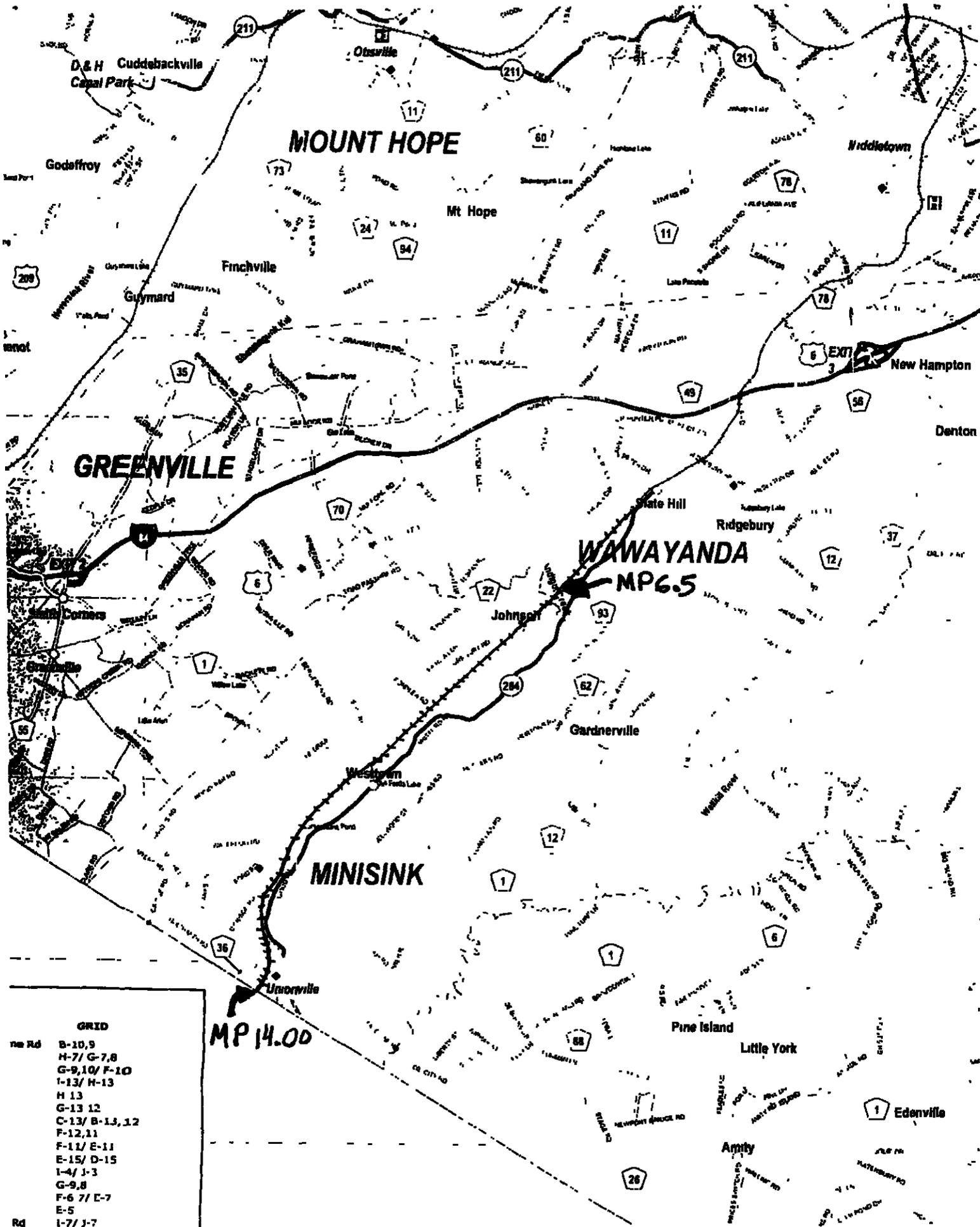
No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two (2) years. Service over the line is not possible because the line has been dormant for 37 years. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas Winant

General Manager
Middletown and New Jersey Railway, Inc





MOUNT HOPE

GREENVILLE

**WAWAYANDA
MP 6.5**

MINISINK

MP 14.00

GRID	
the Rd	B-10,9
	H-7/ G-7,8
	G-9,10/ F-10
	I-13/ H-13
	H-13
	G-13,12
	C-13/ B-13,12
	F-12,11
	F-11/ E-11
	E-15/ D-15
	I-4/ J-3
	G-9,8
	F-6,7/ E-7
	E-5
Rd	I-7/ J-7
	F-10,11,12

Exhibit No 3

**Carrier Certification of Out-of-Service Status/Local
Traffic/Overhead Traffic/No Complaints
49CFR Section 1152 50(b)**

**CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

I, Imre Eszenyi, President, for the Middletown and New Jersey Railway Company, Inc. (M&NJ), hereby certify that with respect to the trackage that is the subject of this Verified Notice of Exemption in Docket AB-762 X, M&NJ has had no movements over the subject trackage in at least two years. No local traffic has been handled to or from any customer for at least two (2) years prior to the date hereof and any overhead traffic routed over this line can be and has been rerouted over other lines. Further, I certify that no formal complaint has been filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line segment and that no such complaint is either pending with the Commission or any U.S. District Court or has been decided in favor of a complainant within the two-year period immediately preceding the filing of this Notice.

The foregoing Certification is made on behalf of the Middletown and New Jersey Railway Company, Inc. the undersigned after due and careful investigation of the matters herein certified. I verify under penalty of perjury under the laws of the United States of America, that I have been authorized by Middletown and New Jersey Railway Company, Inc. to verify and file with the Surface Transportation Board the foregoing statement; that I know the contents thereof and the facts asserted therein, that I declare that the foregoing is true and correct.

4/24/2008
Date

Imre Eszenyi
Signature
Imre Eszenyi, President, M&NJ

Notarized by:

County/City of Fairfax
Commonwealth of Virginia
The foregoing instrument was subscribed and sworn before
me this 21 day of April, 2008
by Imre Eszenyi
[Signature] Notary Public
My commission expires Aug 31, 2009

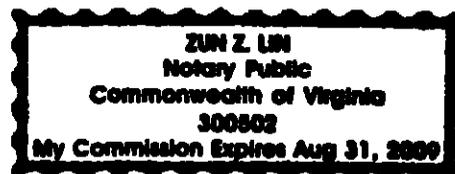


Exhibit No 4

**Certification of Proper Service of
Environmental and Historic Reports
49CFR Section 1105 7(c)**

**CERTIFICATE OF COMPLIANCE WITH SERVICE
REQUIREMENT FOR
ENVIRONMENTAL AND HISTORIC REPORTS**

The undersigned hereby certifies that he served the Environmental and Historic Reports in Docket No AB-762 X, with a transmittal letter conforming to the requirements of 49 C F R § 1105 11 via first class U S Mail, on March 21, 2008, as required by 49 C F R § 1105 7(c), to the parties listed on the attached Service List.

4/24/2008

Date

Imre Eszenyi

Signature

Imre Eszenyi, President

Imre Eszenyi
President
Middletown and New Jersey Railway Co., Inc
140 East Main Street
Middletown, NY 10940

Phone (845) 343-3435
Fax (845) 344-1547

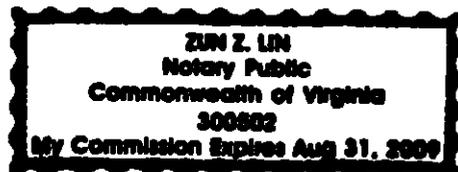
Notarized by

County/City of Fairfax
Commonwealth of Virginia

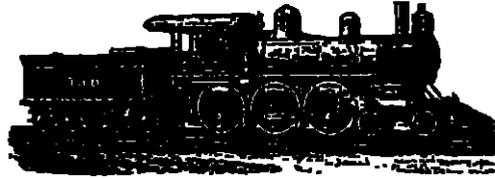
The foregoing instrument was subscribed and sworn before me this 21 day of April, 2008

by Imre Eszenyi
Notary Public

My commission expires Aug 31, 2009



Original -



Middletown & New Jersey Railway Co., Inc.

140 East Main Street Middletown, New York 10940
Tel: (845) 343-3435 Fax: (845) 344-1547

March 21, 2008

TO. The attached 'Service List' of recipients:

Re STB Docket No AB 762 X, Middletown and New Jersey Railway, Inc -
Abandonment - Notice of Exemption in Orange County, New York.

Ladies and Gentlemen,

Pursuant to 49 CFR § 1152, The Middletown and New Jersey Railway, Inc (M&NJ) hereby gives notice that on or about April 20th, 2008, it will file with the Surface Transportation Board a Notice of Exemption from regulation in accordance with the exemption regulations set forth at 49 CFR § 1152, Subpart F. That Notice of Exemption will permit M&NJ abandonment of a 7.50 mile line of railroad lying between MP 6.50 and 14.00 beginning in the southernmost portion of the Town of Wawayanda and extending south through the Town of Minisink and the Village of Unionville to the New Jersey State line. All municipalities where this ROW is being abandoned are located in Orange County, New York. The rail line incorporates the following United States Postal Service Zip Codes 10973, 10933, 10998 and 10988. Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

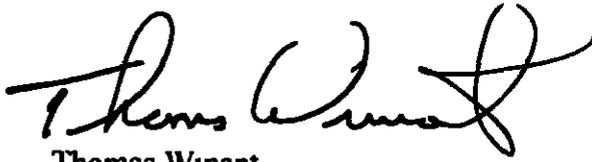
We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20024, telephone 202- 245-0295 and refer to the **Docket No. AB - 762 X**. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks.

Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our office directly. I can be reached by cell phone at 908-339-2489, or by mail at 140 East Main Street, Middletown, NY 10940.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Winant". The signature is fluid and cursive, with a large initial "T" and a stylized "W".

Thomas Winant
General Manager, M&NJ

**SERVICE LIST
ENVIRONMENTAL AND HISTORIC REPORT**

**Middletown and New Jersey Railway, Inc. – Abandonment, Notice of
Exemption for Trackage Located in Orange County, New York
Docket No. AB-762 X.**

Regional Office of the U S Environmental Protection Agency

Alan Steinberg
Regional Director
United States Environmental Protection Agency
290 Broadway, Floor 26
New York, NY 10007

U S Fish and Wildlife Service

Marvin Moriarty
Regional Director
U S Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035

U S Army Corps of Engineers

Col Aniello L Tortora
U S Army Corp of Engineers
New York District
26 Federal Plaza
New York, NY 10278

National Park Service

National Park Service Northeast Region
U S Customs House, 3rd Floor
200 Chestnut Street
Philadelphia, PA 19106

National Geodetic Survey

David B Zilkoski

Director
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

U S Geologic Survey

Mark Myers
Director - US Geological Survey Headquarters
John W Powell Federal Building
12201 Sunrise Valley Drive
Reston, Virginia 20192

U S Soil and Conservation Service

Ronald Alvarado
State Conservationist
Natural Resources Conservation Service
441 S Salina Street, Suite 354
The Galleries of Syracuse
Syracuse, NY 13202

State Clearinghouse

The State of New York has no designated clearinghouse

State Department of Transportation for New York

Astrid C Glynn
Acting Commissioner
New York State Department of Transportation
5-504 Harnman State Office Campus
1220 Washington Ave
Albany, NY 12232

Copy to:

Raymond Hessinger
NYSDOT – Director, Freight Bureau
50 Wolf Road, POD 54
Albany, NY 12232

State Environmental Protection Agency for New York

Pete Grannis

Commissioner
Department of Environmental Conservation
625 Broadway
Albany, NY 12233

State Historic Preservation Office for New York

Carol Ash
Acting Commissioner
New York State Office of Parks, Recreation and Historic Preservation
Empire State Plaza, Agency Building 1
Albany, NY 12238

State Coastal Zone Management Agency

George R Stafford
Director
Division of Coastal Resources
New York State Department of State
99 Washington Avenue, Suite 1010
Albany, NY 12231

Orange County

Edward Diana
Orange County Executive
255 Main Street
Goshen, NY 10924

Town of Wawayanda

Supervisor – John Rosano
80 Ridgebury Hill Road
P O. Box 106
Slate Hill, NY 10973

Town of Minisink

Supervisor – Louis Lane
20 Roy Smith Drive
P.O. Box 349
Westtown, NY 10998

Village of Unionville

**Mayor – Dick Ludwick
7 Main Street
P.O. Box 148
Unionville, NY 10988**

Local and Regional Planning Agencies

**Orange County Planning Commission
255 Main Street
Goshen, NY 10924**

**Wawayanda Planning Department
80 Ridgebury Hill Road
P.O. Box 106
Slate Hill, NY 10973**

**Minisink Planning Department
20 Roy Smith Drive
P. O. Box 349
Westtown, NY 10998**

**Village of Unionville – Planning
7 Main Street
P.O. Box 148
Unionville, NY 10988**

Environmental Report

And

Historic Report

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

NOTICE OF EXEMPTION

**(BETWEEN MP 6.50 and MP 14.00) IN
MINISINK TOWNSHIP, ORANGE COUNTY,
NEW YORK
STB DOCKET NO. AB 762 X**

March 20, 2008

**Attn: Thomas Winant
Middletown and New Jersey Railway, Inc.
140 East Main Street
Middletown, NY 10940**

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT
NOTICE OK EXEMPTION**

Abandonment of: 7.5 miles of track between MP 6.50 and MP 14.00 in Wawayanda Township and Minisink Township, Orange County, New York.

49 CFR 1105.7 (e) (1)

Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Proposed Action – The rail line from milepost 6 5 through 14 0 has not been active since 1971 There has been no freight carried on this line during the last 37 years At milepost 14 0, there was an interchange with the Susquehanna Railroad That line was abandoned in 1969, which left this section of rail as a dead end spur There have been no industrial users on the rail since 1971 There are no potential rail customers along this line The land surrounding this length of rail is primarily zoned residential and agricultural Additionally, the road network in this area does not support heavy trucks, therefore, there is no potential need for rail service to this area.

There are no structures that exist on the ROW from mile post 6 50 through 14 00

Planned disposition - Due to the ROW having been dormant for 37 years, the lack of any current or potential rail customers, the prohibitive cost to rehabilitate the rail line and the potential liability of owning the property posed by trespassers, there is no satisfactory alternative to abandonment

The M&NJ owns the ROW property fee simple The Town of Minisink and the Orange County Governmental leaders have been alerted to the intention of the M&NJ to abandon the ROW The M&NJ will be liquidating this property to either the Town of Minisink for trail use or in a private sale to adjoining property owners or other interested parties

Alternatives - The only alternative uses are to continue to leave it dormant
This is not satisfactory

The map showing the line for abandonment is in Attachment A The letters to Federal State and Local agencies is in Attachment B, and responses to the letters and other correspondence received as a result of consultation is in Attachment C No correspondence have been received as of the first distribution of this report on March 20, 2008 (Additional responses will be forwarded when they are received)

49 CFR 1105.7 (e) (2)

Transportation system. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The effect of this proposed action on the regional or local transportation system is not applicable This line has not carried any rail freight or passenger service in 37 years Therefore, there will be no traffic diverted to highway or any other mode of transportation as a result of this abandonment

49 CFR 1105.7 (e) (3)

Land use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

After consultation with Local officials, the proposed abandonment is consistent with the current land use plans The area is currently residential and agricultural There are no plans for any industrial development along this line

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

See the response in Attachment C

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by §1105.9.

See the response in Attachment C

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

The Right of Way is not suitable for Alternative Public Use due to the 66' wide ROW, other than the proposed trail use

49 CFR 1105.7 (e) (4)

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources.

Development and transportation of energy resources will not be affected since no freight or passenger traffic has been transported on this line for many years

(ii) Describe the effect of the proposed action on recyclable commodities.

Movement or recovery of recyclable commodities will not be affected by this abandonment since no freight or passenger traffic has been transported on this line for many years

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

The proposed abandonment will not result in an increase or decrease in overall energy efficiency since no freight or passenger traffic has been transported on this line for many years

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in §1105.7(e)(4)(iii) need not be supplied if the more detailed information in §1105.7(e)(4)(iv) is required.

No traffic will be diverted from rail to motor carrier as a result of this action

49 CFR 1105.7 (e) (5)

Air. (i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

Not Applicable Since the rail line to be abandoned has not had rail traffic in many years there will be no effect on the above thresholds

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,

(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10502), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Not Applicable Since the rail line to be abandoned has not had rail traffic in many years there will be no effect on the above thresholds

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not Applicable Since the rail line to be abandoned has not had rail traffic in many years there will be no effect on the above thresholds

49 CFR 1105.7 (e) (6)

Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more; or

(ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not Applicable Since the rail line to be abandoned has not had rail traffic in many years there will be no effect on the above thresholds

49 CFR 1105.7 (e) (7)

Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Not Applicable Since the rail line to be abandoned has not had rail traffic in many years there will be no effect on the above thresholds

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Not Applicable Since the rail line to be abandoned has not had rail traffic in many years there will be no effect on the above thresholds

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Not Applicable The previous use of this line was to transport grain, feed, milk and other agricultural products M&NJ has no knowledge of any hazardous material spills on the ROW or in adjacent areas

49 CFR 1105.7 (e) (8)

Biological resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Based on a site investigation, the line segment proposed for abandonment does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries No adverse effects on wildlife sanctuaries, National parks or forests, or State parks or forests are anticipated

49 CFR 1105.7 (e) (9)

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

See Response attached in Appendix C

In addition to any agency comments, there are no plans to remove or alter the contour of the roadbed underlying any part of the rail line to be abandoned Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality impacts are not expected in connection with the proposed action

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

See Response attached in Appendix C

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

There are no intentions to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or dredge or to use any fill materials. There should be no significant effects to water quality thus, M&NJ does not believe that a permit under sec 402 of the Clean Water Act will be required

49 CFR 1105.7 (e) (10)

Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Abandonment of the involved rail line is not expected to produce adverse environmental impacts M&NJ will undertake all reasonable mitigation associated with any salvage activity to assure the abandonment does not produce adverse environmental impacts

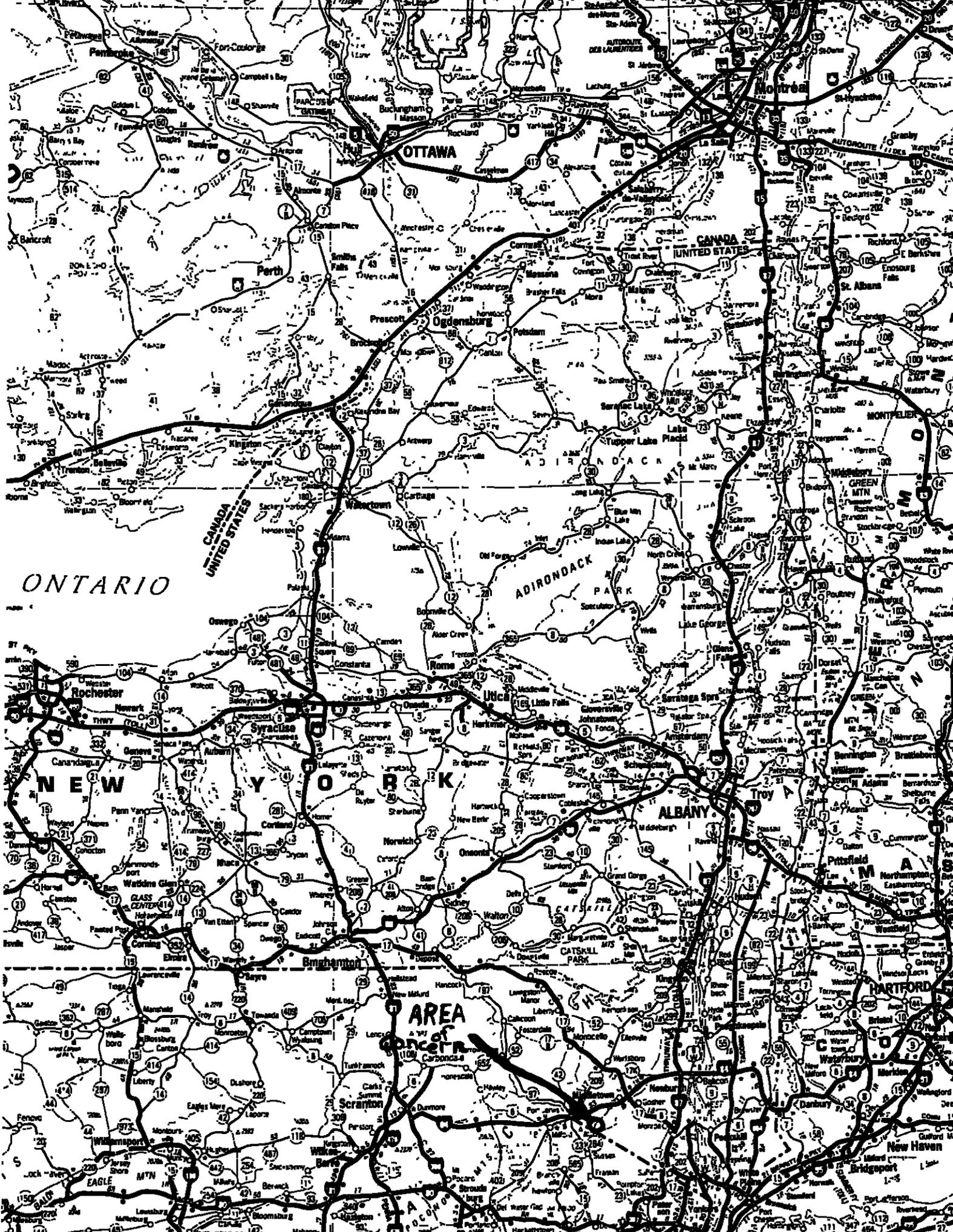
49 CFR 1105.7 (e) (11)

Additional Information for Rail Constructions. The following additional information should be included for rail construction proposals (including connecting track construction):

Not Applicable M&NJ has no intention to submit a rail construction proposal at any point in the future related to this specific segment of track

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ATTACHMENT A



OTTAWA

Montreal

ONTARIO

CANADA
UNITED STATES

ADIRONDACK
PARK

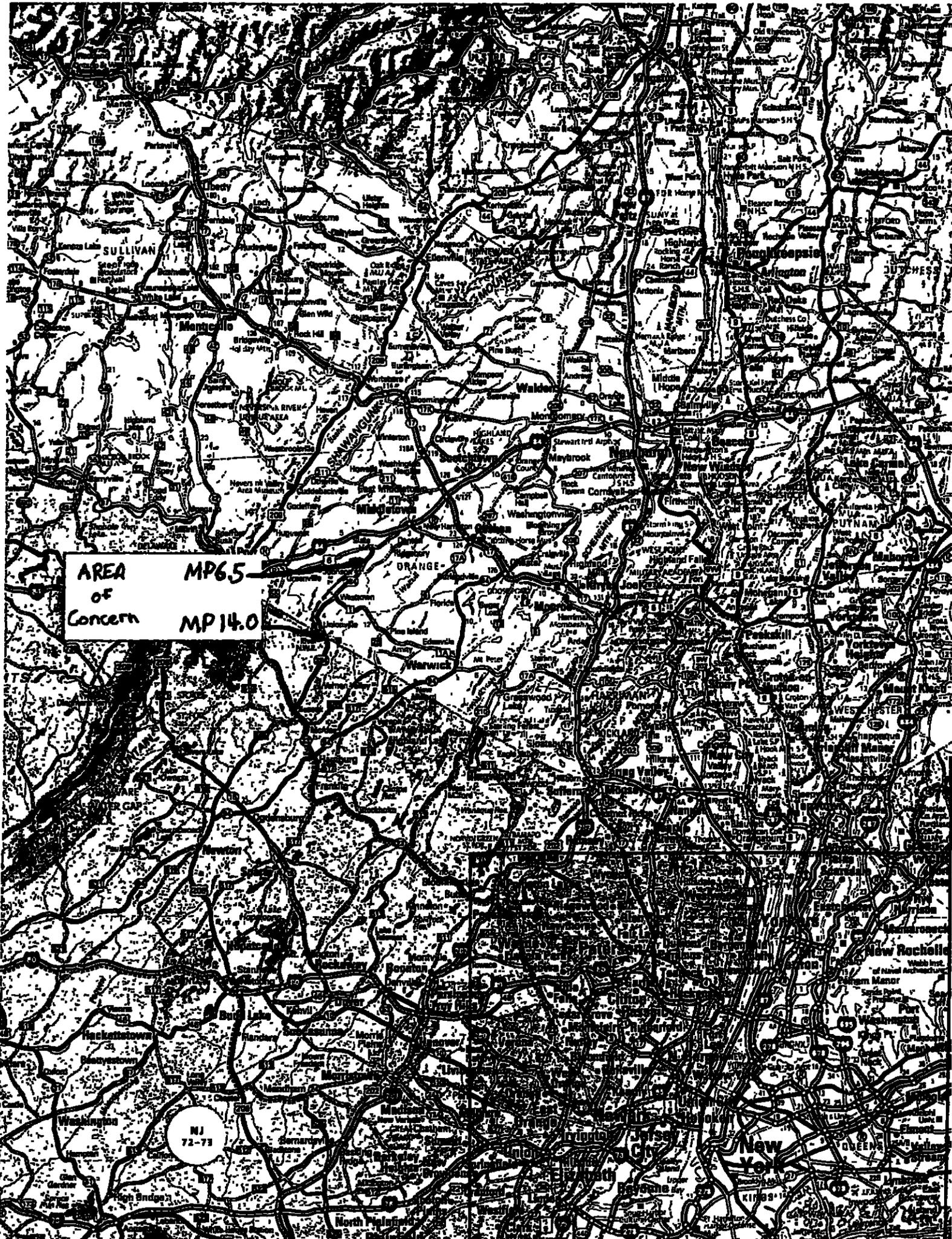
NEW YORK

AREA
of
CONCORD

ALBANY

HARTFORD

New Haven



AREA
of
Concern

MP 65

MP 14.0

NJ
72-73

ATTACHMENT B

**SERVICE LIST
ENVIRONMENTAL AND HISTORIC REPORT**

**Middletown and New Jersey Railway, Inc. – Abandonment, Notice of
Exemption for Trackage Located in Orange County, New York
Docket No. AB-762 X.**

Regional Office of the U S Environmental Protection Agency

Alan Steinberg
Regional Director
United States Environmental Protection Agency
290 Broadway, Floor 26
New York, NY 10007

U S Fish and Wildlife Service

Marvin Moriarty
Regional Director
U S Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035

U S Army Corps of Engineers

Col Aniello L Tortora
U S Army Corp of Engineers
New York District
26 Federal Plaza
New York, NY 10278

National Park Service

National Park Service Northeast Region
U S Customs House, 3rd Floor
200 Chestnut Street
Philadelphia, PA 19106

National Geodetic Survey

David B Zilkoski

Director
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

U S Geologic Survey

Mark Myers
Director - US Geological Survey Headquarters
John W Powell Federal Building
12201 Sunrise Valley Drive
Reston, Virginia 20192

U S Soil and Conservation Service

Ronald Alvarado
State Conservationist
Natural Resources Conservation Service
441 S Salina Street, Suite 354
The Galleries of Syracuse
Syracuse, NY 13202

State Clearinghouse

The State of New York has no designated clearinghouse

State Department of Transportation for New York

Astrid C Glynn
Acting Commissioner
New York State Department of Transportation
5-504 Harman State Office Campus
1220 Washington Ave
Albany, NY 12232

Copy to:

Raymond Hessinger
NYSDOT – Director, Freight Bureau
50 Wolf Road, POD 54
Albany, NY 12232

State Environmental Protection Agency for New York

Pete Grannis

Commissioner
Department of Environmental Conservation
625 Broadway
Albany, NY 12233

State Historic Preservation Office for New York

Carol Ash
Acting Commissioner
New York State Office of Parks, Recreation and Historic Preservation
Empire State Plaza, Agency Building 1
Albany, NY 12238

State Coastal Zone Management Agency

George R Stafford
Director
Division of Coastal Resources
New York State Department of State
99 Washington Avenue, Suite 1010
Albany, NY 12231

Orange County

Edward Diana
Orange County Executive
255 Main Street
Goshen, NY 10924

Town of Wawayanda

Supervisor – John Rosano
80 Ridgebury Hill Road
P.O. Box 106
Slate Hill, NY 10973

Town of Minisink

Supervisor – Louis Lane
20 Roy Smith Drive
P O. Box 349
Westtown, NY 10998

Village of Unionville

**Mayor – Dick Ludwick
7 Main Street
P O. Box 148
Unionville, NY 10988**

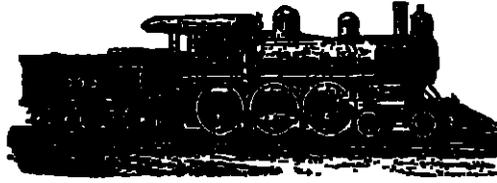
Local and Regional Planning Agencies

**Orange County Planning Commission
255 Main Street
Goshen, NY 10924**

**Wawayanda Planning Department
80 Ridgebury Hill Road
P.O. Box 106
Slate Hill, NY 10973**

**Minisink Planning Department
20 Roy Smith Drive
P.O. Box 349
Westtown, NY 10998**

**Village of Unionville – Planning
7 Main Street
P.O. Box 148
Unionville, NY 10988**



Middletown & New Jersey Railway Co., Inc.

140 East Main Street Middletown, New York 10940
Tel: (845) 343-3435 Fax: (845) 344-1547

March 21, 2008

TO The attached 'Service List' of recipients

Re STB Docket No AB 762 X, Middletown and New Jersey Railway, Inc. -
Abandonment - Notice of Exemption in Orange County, New York.

Ladies and Gentlemen,

Pursuant to 49 CFR § 1152, The Middletown and New Jersey Railway, Inc. (M&NJ) hereby gives notice that on or about April 20th, 2008, it will file with the Surface Transportation Board a Notice of Exemption from regulation in accordance with the exemption regulations set forth at 49 CFR § 1152, Subpart F. That Notice of Exemption will permit M&NJ abandonment of a 7.50 mile line of railroad lying between MP 6.50 and 14.00 beginning in the southernmost portion of the Town of Wawayanda and extending south through the Town of Minisink and the Village of Unionville to the New Jersey State line. All municipalities where this ROW is being abandoned are located in Orange County, New York. The rail line incorporates the following United States Postal Service Zip Codes 10973, 10933, 10998 and 10988. Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20024, telephone 202- 245-0295 and refer to the *Docket No. AB - 762 X*. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks.

Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our office directly. I can be reached by cell phone at 908-339-2489, or by mail at 140 East Main Street, Middletown, NY 10940.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Winant". The signature is fluid and cursive, with a large initial "T" and a long horizontal stroke at the end.

Thomas Winant
General Manager, M&NJ

ATTACHMENT C

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No Responses

AS OF 3-21-08

HISTORIC REPORT PROPOSED RAIL LINE DISCONTINUANCE AND ABANDONMENT

Proposed Action and Alternatives

Middletown and New Jersey Railway, Inc. (M&NJ) proposes to abandon approximately 7.5 miles of rail line between railroad milepost 6.50 and railroad milepost 14.0 in Minisink Township, Orange County, New York.

The line proposed for abandonment (the "Property") has not been subject to any rail traffic, and has served no customers, for many years. In fact, any such service would have been impossible because the rail line has been dormant since 1971. During that time, sections of the rail have been stolen, making it non-continuous. Additionally, every road crossing has been paved over. Furthermore, due to the lack of any maintenance, all bridges and culverts are not capable of handling heavy rail traffic. It is uneconomical to rehabilitate the line because it appears that the community will not be able to accommodate any industries that could generate traffic on the railroad.

The ROW being abandoned is located in the very southern part of the Town of Wawayanda (mile post 6.5 at County Road 93, known as Lime Kiln Road) and extends south through the Town of Minisink, then into the Village of Unionville. The property ends at a stream that is the boundary line between the States of New York State and New Jersey. This portion of ROW is located primarily in residential and agricultural areas.

Alternatives

Due to the rail and ROW having been dormant for 37 years, the lack of any current or potential rail customers, the prohibitive cost to rehabilitate the track and the potential liability of owning the property posed by trespassers, there is no satisfactory alternative to abandonment.

The M&NJ owns the ROW property fee simple. The Town of Minisink and the Orange County Governmental leaders have been alerted to the intention of the M&NJ to abandon the ROW. The M&NJ will be liquidating this property to either the Town of Minisink for trail use or in a private sale to adjoining property owners or other interested parties.

49 CFR 1105.8 (1)

A U S G S topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and

approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action,

Maps - Maps identifying the Property are attached and have been furnished to the appropriate historic / planning offices. There are no railroad structures owned by M&NJ along the Property.

49 CFR 1105.8 (2)

A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area,

Written Description of Right of Way - The ROW is 66 feet wide (33 feet on either side of the center line) from MP 6.50 to the Unionville boarder, with a few exceptions. There is an approximately 1000' section in Minisink, just north of Rt. 1 in Westtown, where the ROW is 100' wide. The ROW in Unionville is 100' wide, with 2 exceptions. In one area north of Railroad Avenue, the ROW is 150' wide for a section of approximately 400' and tapers back down to 100'. The second is a portion of the ROW along Main Street where a portion where the ROW is greatly reduced to approximately 30'.

The adjoining properties along the ROW are primarily zoned residential and agricultural. The topography is mainly small rolling hills, although the ROW is often in close proximity to streams. The Town of Minisink is experiencing substantial residential growth.

49 CFR 1105.8 (3)

Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area,

Because there are no structures on the Property, no photographs of structures have been included

49 CFR 1105.8 (4)

The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known,

Because there are no structures on the Property, this is not applicable

49 CFR 1105.8 (5)

A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action,

From 1880 through the 1960's, this line was used primarily to transport agricultural products to the surrounding farming community. Also, the railroad delivered coal to customers along the line during the earlier part of the 20th century. When the interstate highways became prevalent in the 1950's, the need to provide these materials by rail to these communities diminished along this segment of the line. Additionally, this portion of rail line, which is the end of a spur, had been a segment of a through line that extended to the south. However, in 1969, the Susquehanna Railroad, the connecting railroad to the south, abandoned the line to the south, thus making this section a spur. The last train that was sent down this portion on the rail line by the M&NJ ran in 1971.

Since the line has been dormant during the last 37 years, there are no changes contemplated as a result of the proposed action. There is no feasible alternative to abandonment because it has not served the needs of rail customers for many years. Additionally, the farming community that it once served is greatly reduced due to residential development over the last 4 decades.

49 CFR 1105.8 (6)

A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

Because there are no structures on the ROW Property, this is not applicable.

49 CFR 1105.8 (7)

An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities),

The M&NJ believes that, because there are no structures on the line to be abandoned, there is nothing to meet the criteria for listing in the National Register of Historic Places. M&NJ does not believe there is any likelihood of archaeological resources or any other previously unknown historic properties in the project area.

49 CFR 1105.8 (8)

A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain

M&NJ is not aware of any subsurface ground disturbance, fill or environmental conditions that would affect archaeological recovery. The subsurface of the right of way was initially disturbed in the construction of the railroad line by grading and filling. Abandonment and salvage of the line will not result in activities below the surface or below the level of initial disturbance.

49 CFR 1105.8 (9)

Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified non-railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).

Additional information may be provided as appropriate.

U.S. Postal Service™ Delivery Confirmation™ Receipt

Postage and Delivery Confirmation fees must be paid before mailing.
Article Sent To: (to be completed by mailer)

Orange County Planning Commission
255 Main Street 124 Main St.
Goshen, NY 10924

DELIVERY CONFIRMATION NUMBER:
0307 3330 0000 7067 0104

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Article Sent To: Supervisor – Louis Lane
20 Roy Smith Drive
P.O. Box 349
Westtown, NY 10998

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80 Ridgebury Hill Road
P.O. Box 106
Slate Hill, NY 10973

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PS Form 152, May 2002

(See Reverse)

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Article Sent To: Village of Unionville – Planning
7 Main Street
P.O. Box 148
Unionville, NY 10988

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PS Form 152, May 2002

(See Reverse)

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Postage and Delivery Confirmation fees must be paid before mailing.
Article Sent To: Mayor – Dick Ludwick
7 Main Street
P.O. Box 148
Unionville, NY 10988

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0307 3330 0000 7067 0104

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POSTAL CUSTOMER:
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PS Form 152, May 2002

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Pos Ronald Alvarado
At State Conservationist
Natural Resources Conservation Service
441 S Salina Street, Suite 354
The Galleries of Syracuse
Syracuse, NY 13202

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PS Form 152, May 2002

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Pos Astrid C Glynn
At Acting Commissioner
New York State Department of Transp
5-504 Hamman State Office Campus
1220 Washington Ave
Albany, NY 12232

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PS Form 152, May 2002

(See Reverse)

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DELIVERY CONFIRMATION NUMBER
0307 3330 0000 9069 0142

Pos Pete Grannis
At Commissioner
Department of Environmental Conservati
625 Broadway
Albany, NY 12233

Postmark
Here

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Access internet web site at
www.usps.com®
or call 1-800-222-1811

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PS Form 152, May 2002

(See Reverse)

U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER
0307 3330 0000 9069 0159

Postage and Delivery Confirmation fees must be paid before mailing.
At Raymond Hessinger
NYS DOT – Director, Freight Bureau
50 Wolf Road, POD 54
Albany, NY 12232

Postmark
Here

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www.usps.com®
or call 1-800-222-1811

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PS Form 152, May 2002

(See Reverse)

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DELIVERY CONFIRMATION NUMBER
0307 3330 0000 9069 0126

George R Stafford
Director
Division of Coastal Resources
New York State Department of State
99 Washington Avenue, Suite 1010
Albany, NY 12231

Postmark
Here

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www.usps.com®
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PS Form 152, May 2002

(See Reverse)

U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER
0307 3330 0000 9069 0159

Carol Ash
Acting Commissioner
New York State Office of Parks, Recreati
Empire State Plaza, Agency Building 1
Albany, NY 12238

Postmark
Here

Keep this receipt. For inquiries
Access internet web site at
www.usps.com®
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PS Form 152, May 2002

(See Reverse)

U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER
0307 3330 0000 9069 0227

Postage Article S
Marvin Moriarty mailing.
Regional Director
U S Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035

Postmark Here

POSTAL CUSTOMER:
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Access internet web site at
www.usps.com®
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 Package Services parcel

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PS Form 152, May 2002

U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER
0307 3330 0000 9069 0234

Postage Article S
Alan Steinberg mailing.
Regional Director
United States Environmental Protection Agency
290 Broadway, Floor 26
New York, NY 10007

Postmark Here

POSTAL CUSTOMER:
Keep this receipt. For inquiries.
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

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(See Reverse)

PS Form 152, May 2002

U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER
0307 3330 0000 9069 0203

Post Article
National Park Service Northeast Region
U S Customs House, 3rd Floor
200 Chestnut Street
Philadelphia, PA 19106

Postmark Here

POSTAL CUSTOMER:
Keep this receipt. For inquiries
Access internet web site at
www.usps.com®
or call 1-800-222-1811

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 First-Class Mail® parcel
 Package Services parcel

(See Reverse)

PS Form 152, May 2002

U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER
0307 3330 0000 9069 0210

Postage Article S
Col Aniello L Tortora mailing.
U S Army Corp of Engineers
New York District
26 Federal Plaza
New York, NY 10278

Postmark Here

POSTAL CUSTOMER:
Keep this receipt. For inquiries
Access internet web site at
www.usps.com®
or call 1-800-222-1811

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 Package Services parcel

(See Reverse)

PS Form 152, May 2002

U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER
0307 3330 0000 9069 0180

Post Article
Mark Myers
Director - US Geological Survey Headquarters
John W Powell Federal Building
12201 Sunrise Valley Drive
Reston, Virginia 20192

Postmark Here

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Access internet web site at
www.usps.com®
or call 1-800-222-1811

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(See Reverse)

PS Form 152, May 2002

U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER
0307 3330 0000 9069 0197

Postage Article S
David B Zilkoski mailing
Director
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

Postmark Here

POSTAL CUSTOMER:
Keep this receipt. For inquiries
Access internet web site at
www.usps.com®
or call 1-800-222-1811

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 First-Class Mail® parcel
 Package Services parcel

(See Reverse)

PS Form 152, May 2002

U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER:
0307 3330 0000 9069 0067

Postage Article No. **Wawayanda Planning Department**
80 Ridgebury Hill Road
P.O. Box 106
Slate Hill, NY 10973

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For inquiries:
Access Internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

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- First-Class Mail® parcel
- Package Services parcel

(See Reverse)

PS Form 182, May 2002

U.S. Postal Service™ Delivery Confirmation™ Receipt

DELIVERY CONFIRMATION NUMBER:
0307 3330 0000 9069 0050

Postage Article No. **Minisink Planning Department**
20 Roy Smith Drive
P.O. Box 349
Westtown, NY 10998

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For inquiries:
Access Internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

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- First-Class Mail® parcel
- Package Services parcel

(See Reverse)

PS Form 182, May 2002

Exhibit No 5

**Certificate of Publication of
Newspaper Notice
49CFR Section 1105 12**

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No AB-762 X was advertised in a newspaper of general circulation in all counties through which the line which is the subject of this Notice runs, as required by 49 C F R Section 1105 12. A copy of the Affidavit of Publication and Notice are attached.

4/24/2008
Date


Signature
Imre Eszenyi, President

Imre Eszenyi
President
Middletown and New Jersey Railway Co , Inc
140 East Main Street
Middletown. NY 10940

Phone (845) 343-3435
Fax (845) 344-1547

Notarized by

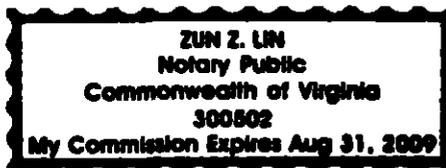
County/City of Fairfax
Commonwealth of Virginia

The foregoing instrument was subscribed and sworn before me this 21 day of April, 2008

by Imre Eszenyi

Notary Public

My commission expires Aug 31, 2009



TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York
County of Orange. ss

Patricia Foddrill

Being duly sworn deposes and says that the ORANGE COUNTY PUBLICATIONS Division of Ottaway Newspapers-Radio, Inc is a corporation organized under the laws of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that deponent is the

Legal Advertising Rep.

of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

Public Notice

a true printed copy of which is hereunto annexed, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit in its issues of

4/11/08

Signature of Representative:

Patricia Foddrill

Sworn in before me this

14

Day of

Apr.

2008

Lorraine A. Twitty
Notary Public, Orange County

LORRAINE A. TWITTY
Notary Public, State of New York
No 01TW6138930
Qualified in Orange County
Term Expires December 27, 2010

Legal Notice

NOTICE OF INTENT TO ABANDON RAIL SERVICE

The Middletown and New Jersey Railway, Inc. ("M&NJ") gives notice that on or about April 25, 2008, it intends to file with the Surface Transportation Board ("STB"), Washington, D.C. 20423, a Notice of Exemption under 49 CFR 1152, Subpart 1 - Exempt Abandonment permitting the abandonment of a 7.5 mile line of railroad between railroad mile posts 6.5, which traverses through US Postal Service Zip Codes 10973, 10933, 10998 and mile post 14, which traverses US Postal Service Zip Codes 10988 in Orange County, New York. The proceeding will be docketed as No. AB-762 X.

The Board's Section of Environmental Analysis ("SEA") will generally prepare an Environmental Assessment ("EA"), which will normally be available 25 days after the filing of the Notice of Exemption. Comments on Environmental and Energy matters should be filed no later than 15 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 the environmental matters by writing the Section of Environmental Analysis, Surface Transportation Board, Washington, D.C. 20423 or by calling the 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 trail use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, Washington, D.C. 20423 [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 trail use may be directed to the Board's Office of Congressional and Public Services at 202-245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative, Thomas Wiant, 140 East Main Street, Middletown, NY 10940.

Ad Number: 2021828 Advertiser: MIDDLETOWN & NEW JERSEY

Phone: 8453433435 Sys No: 1234699 Caller: MIDDLETOWN & NEW JERSEY

INVOICING CUSTOMER:

Phone: 8453433435 Sys No: 1234699 AcctNo: P D No:

Name: MIDDLETOWN & NEW JERSEY Subscriber

Address: RAILWAY INC
140 EAST MAIN STREET
MIDDLETOWN NY 10940

mail to

7 Kramer Drive
Chester, N.J
07930

ORDER:

Printed By: THRFODRIL Date: 04/10/2008 Assigned Sales: LegalNotice NOTICEOFINTENTTOABANDONRAI AdType: LINER Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES: ok paid cc

Change Reason: ok paid cc

INSERTION:

Product: TH1 Paper: TH Class: 999X, LEGAL BILLING

Schedule: Start Date: 04/11/2008 End Date: 04/11/2008

Sort: LEGAL NOTICE/NOTICE OF INTENT TO ABANDON

PRODUCTION:

Text Size: 2 x 47 00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Notice of Sale

SUPREME COURT- ORANGE COUNTY, U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-NC2, Plt vs. DAVID FRINCR, et al, Deft. Index #7782/06 Pursuant to judgment of foreclosure and sale dated Feb 21, 2007, I will sell at public auction in the lobby of the Supreme Court Wing, Orange County Government Center, 255 Main St., Goshen, NY on May 2, 2008 at 10:30 a.m. pres. k/a 111 Arcadian Trail, Monroe, NY a/k/a Sec. 28, Block 7, Lot 10 a/k/a being in the Town of Blooming Grove, County of Orange and state of New York, beginning at an iron pipe found on the southerly side of Arcadian Trail, said pipe being the northwesterly most corner of the lands reputedly of Malone and also being SW a distance of 53 05 ft from an iron pipe found, thence from said point or place of beginning the following 2 courses and distances along the lands reputedly of said Malone, (1) SE a distance of 210 ft, (2) SE a distance of 207 84 ft, thence along Arcadian Trail (formerly Emerald Tram), SE a distance of 20 ft, thence the following 4 courses and distances along the lands reputedly of the County of Orange, (1) SW a distance of 80 ft, (2) SE a distance of 100 ft, (3) NE a distance of 80 ft, (4) NW a distance of 100 ft, thence along the southerly side of Arcadian Trail (formerly Emerald Trail), NE 8 ft, thence along lands reputedly of Berger, SE a distance 100 ft, thence continuing along the lands reputedly of said Berger, along the lands reputedly of Reager, and along the lands reputedly of Percormo, NE a distance of 305 ft., thence the following 2 courses and distances along the westerly side of Sunset Trail, (1) SE a distance of 263 31 ft, (2) SE a distance of 97.06 ft. to an iron found, thence along the northerly side of Woodland Trail and along the lands reputedly of Cuth SE a distance of 119.57 ft., thence along the lands reputedly of Longbottom and along the lands reputedly of Lynch SW a distance of 113.57 ft., thence continuing along the lands reputedly of said Lynch, SE a distance of 110 ft., thence along the northerly side of Gloria Trail (unimproved), SW a distance of 7 48 ft. to an iron pipe found, thence continuing along said Gloria Trail (unimproved), SW a distance of 7 48 ft to an iron pipe found, thence continuing along said Gloria Trail (unimproved) and along the lands reputedly of Weisman, SE a distance of 130 ft, thence along the lands reputedly of Mt Lodge Park Corporation, SW a distance of 207 41 ft to an iron pipe found, thence along the lands reputedly of A&M Developers, NW a distance of 1085.64 ft., thence along the lands reputedly of Kindlain, NE a distance of 287 14 ft, thence the following 2 courses and distances along said Arcadian Trail, (1) SE a distance of 23 12 ft.; (2) NE a distance of 26.23 ft to the point or place of beginning. Approx amt of judgment is \$212,556 16 plus costs and interest. This is a First Mortgage. Sold subject to terms and conditions of filed judgment and terms of sale. **BERNADETTE LUPINETTI, Referee. DRUCKMAN & SINEL, Attys. For Plt, 242 Drexel Ave., Westbury, NY #72008**

Highland Falls - Fort Montgomery

**CENTRAL SCHOOL DISTRICT
21 MORGAN ROAD
FORT MONTGOMERY, NEW YORK 10922**

NOTICE TO BIDDERS

THE BOARD OF EDUCATION OF THE HIGHLAND FALLS - FORT MONTGOMERY CENTRAL SCHOOL DISTRICT (HEREINAFTER REFERRED TO AS THE "DISTRICT") HEREBY INVITES THE SUBMISSION OF SEALED BIDS FROM REPUTABLE AND QUALIFIED BUS TRANSPORTATION COMPANIES FOR FURNISHING-

FLORIDA, NEW YORK

FORMS FOR PROPOSAL, CERTIFICATION, CONDITIONS, SPECIFICATIONS AND BIDS MAY BE OBTAINED AT THE HIGHLAND FALLS - FORT MONTGOMERY CENTRAL SCHOOL DISTRICT BUSINESS OFFICE, 21 MORGAN ROAD, FORT MONTGOMERY, NEW YORK 10922, FOR DEPOSIT OF \$50.00, REFUNDABLE IN ACCORDANCE WITH GENERAL MUNICIPAL LAW, SECTION 102, TO COVER THE COSTS OF PREPARATION, HANDLING AND DISTRIBUTION TO PICK-UP IN PERSON, DELIVER A LETTER OF REQUEST ON YOUR BUSINESS STATIONARY ALONG WITH A CERTIFIED BUSINESS CHECK, OR BANK CASHIER'S CHECK, FOR \$50 00

IN ALL CASES IT MUST BE UNDERSTOOD THAT THE CONDITIONS AND SPECIFICATIONS OF THE HIGHLAND FALLS - FORT MONTGOMERY CENTRAL SCHOOL DISTRICT SHALL APPLY SEALED BIDS MUST BE MARKED, "FLORIDA, NEW YORK 2007-2008", AND WILL BE RECEIVED UNTIL 1:00 PM ON WEDNESDAY, APRIL 23RD, 2008, AT THE HIGHLAND FALLS - FORT MONTGOMERY CENTRAL SCHOOL DISTRICT TRANSPORTATION OFFICE LOCATED AT 21 MORGAN ROAD, FORT MONTGOMERY, NEW YORK 10922 AT WHICH TIME AND PLACE ALL BIDS WILL BE PUBLICLY OPENED A PRE-BID CONFERENCE WILL BE HELD AT THE DISTRICT'S TRANSPORTATION OFFICE ON TUESDAY, APRIL 22ND, 2008, AT 9:30 AM.

THE BOARD OF EDUCATION RESERVES THE RIGHT TO CONSIDER FINANCIAL RESPONSIBILITY, EXPERIENCE, SERVICE, AND REPUTATION IN THE PUPIL TRANSPORTATION FIELD, AS WELL AS THE SPECIFIC QUALIFICATIONS OF THE PROSPECTIVE BIDDER SET OUT HEREIN, IN CONSIDERING BIDS AND AWARDED THE CONTRACT THE BOARD RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS

DATED APRIL 7, 2008
BOARD OF EDUCATION
HIGHLAND FALLS - FORT MONTGOMERY CSD

Legal Notice

NOTICE IS HEREBY GIVEN that an Order entered by the Supreme Court, Orange County, on the 7th day of April, 2008, bearing Index No. 3061-2008, a copy of which may be examined at the office of the Clerk, located at the Orange County Govt. Center, 255 Main St., Goshen N.Y., grants me the right to assume the name of Elvin Carl Armstrong II My present address is 16 Winthrop Ave. Middletown, NY 10940 My date of birth is 12/02/1984 My present name is Elvin Carl Mortise.

SUMMONS AND NOTICE OF OBJECT OF ACTION STATE OF NEW YORK SUPREME COURT- COUNTY OF SULLIVAN ACTION TO FORECLOSE A MORTGAGE INDEX NO 3842/07 BENEFICIAL HOMEOWNER SERVICE CORPORATION Plaintiff, vs MARK WILSON, BILHA YEHESKA, KATHERINE SEAMAN A/K/A KATHERINE WILCOX, Defendant(s). Mortgaged Premises: 230 NEVERSINK ROAD N/K/A 5941 STATE ROUTE 55, LIBERTY, NY 12754 SBL # 23-1-45 TO THE ABOVE NAMED DEFENDANT You are hereby summoned to answer the Complaint in this action, and to serve a copy of your answer, or, if the Complaint is not served with this Summons, to serve a notice of appearance, on the Plaintiff(s) attorney(s) within twenty days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York) In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint The Attorney for Plaintiff has an office for business in the County of Erie Trial to be held in the County of SULLIVAN. The base of the venue designated above is the location of the Mortgaged Premises. Dated this 17th day of March, 2008, Steven J Baum, P.C., Attorney(s) For Plaintiff(s), 220 Northpoorte Parkway, Suite G, Amherst, NY 14228 TO MARK WILSON, BILHA YEHESKA, Defendant(s) In this Action. The foregoing Summons is served upon you by publication, pursuant to an order of HON FRANK J LABUDA of the Supreme Court of the State of New York, dated the 15TH day of February, 2008, and filed with the Complaint in the Office of the SULLIVAN County Clerk, in the City of Monticello The object of this action is to foreclose a mortgage upon the premises described below, executed by MARK WILSON, BILHA YEHESKA dated the 6th day of March, 2002, to secure the sum of \$10,000.00 and recorded at Liber 2394 of Mortgages at Page 12 in the Office of the Clerk of the County of SULLIVAN, on the 11th day of April, 2002, which mortgage was duly assigned by assignment dated the 29th day of January, 2007, and recorded on the 26th day of March, 2007, in the Office of the Clerk of SULLIVAN County at Instrument No 2007-00020101 The property in question is described as follows: 230 NEVERSINK ROAD N/K/A 5941 STATE ROUTE 55, LIBERTY, NY 12754 SEE FOLLOWING DESCRIPTION ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of Liberty, County of Sullivan, State of New York, and bounded and described as follows: BEGINNING at a point in center line of Liberty-Neversink Road, said point being 481 5 feet measured along center line of said road in an easterly direction from the line between Miller and Summons in center of said road, RUNNING THENCE north 82 degrees 15 minutes east 208 feet along center line of said road to a point, THENCE north 3 degrees 13 minutes west 208 feet passing through an inner pipe located on north side of said road to an iron pipe in the ground; THENCE south 82 degrees 15 minutes west 208 feet to an iron pipe in the ground, THENCE south 3 degrees 13 minutes east, 208 feet passing through an iron pipe on north side of said road to the point or place of BEGINNING DATED: March 17, 2008 Steven J Baum, P.C., Attorney(s) For Plaintiff(s), 220 Northpoorte Parkway, Suite G, Amherst, NY 14228

Legal Notice

NOTICE OF INTENT TO ABANDON RAIL SERVICE

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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 trail use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, Washington, D.C 20423 [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 trail use may be directed to the Board's Office of Congressional and Public Services at

5 Shineva Ct LLC

A domestic Limited Liability Company (LLC) filed with the Sec of State of NY on 7-5-07 NY Office location- Orange County SSNY is designated as agent upon whom process against the LLC may be served SSNY shall mail a copy of any process against the LLC served upon him/her to The LLC, 15 Garfield Rd. Unit 101, Monroe, NY 10950. General purposes.

NOTICE OF CHANGE IN RATE SCHEDULE

On March 19, 2008, Central Hudson Gas & Electric Corporation filed with the Public Service Commission of the State of New York amendments to its rate schedule P.S.C. No. 15 - Electricity providing that effective July 1, 2008 the cost basis used to determine contributions for underground electric line extensions in new residential subdivisions will be changed as follows:

Present	Proposed
---------	----------

Exhibit No 6

**Verification Regarding
Facts of Verified Notice of Exemption**
