

January 23, 2024

VIA ELECTRONIC FILING

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

Re: *Metro-North Commuter Railroad Company – Abandonment Exemption – In Dutchess and Putnam Counties, New York, STB AB 1311 (Sub-No. 1X)*

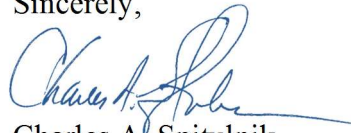
Dear Ms. Brown:

I am attaching for e-filing Metro-North Commuter Railroad Company's (1) Motion for Leave to File, Time for Filing Having Otherwise Expired, and Out of Time, and (2) Petition for Notice of Interim Trail Use in the above-captioned proceeding.

In addition, please note that the filing fee of \$350 has been paid. The Pay.gov ID number is 27B96O6M.

Please do not hesitate to contact me with any questions.

Sincerely,


Charles A. Spitulnik

Attachment

FILED
January 23, 2024
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
January 23, 2024
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB 1311 (Sub-No. 1X)

**METRO-NORTH COMMUTER RAILROAD COMPANY – ABANDONMENT
EXEMPTION – IN DUTCHESS AND PUTNAM COUNTIES, NEW YORK**

**PETITION FOR NOTICE OF INTERIM TRAIL USE
49 C.F.R. § 1152.29**

Communications with respect to this document should be addressed to:

Charles A. Spitulnik
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Suite 300
Washington, DC 20006
(202) 955-5600
cspitulnik@kaplankirsch.com

*Counsel for Metro-North Commuter
Railroad Company*

January 23, 2024

**BEFORE THE
SURFACE TRANSPORTATION BOARD
STB Docket No. AB 1311 (Sub-No. 1X)**

**METRO-NORTH COMMUTER RAILROAD COMPANY – ABANDONMENT
EXEMPTION – IN DUTCHESS AND PUTNAM COUNTIES, NEW YORK**

**PETITION FOR NOTICE OF INTERIM TRAIL USE
49 C.F.R. § 1152.29**

On January 10, 2024, this Board issued a Notice of Exemption with respect to the abandonment by Metro-North Commuter Railroad Company (“MNR”) of the freight rail common carrier obligations on approximately 41.1 miles of a rail line known as the “Beacon Line” that runs between Milepost 0.0 and Milepost 71.2 in Dutchess and Putnam Counties, New York (“Line”). A map of the Line is attached hereto as **Exhibit A**. MNR owns the Line and respectfully petitions the Board to issue a Notice of Interim Trail Use (“NITU”) for the Line.

The procedural and factual background of this proceeding has been described in detail in the Petition for Partial Revocation of Exemption and in the Notice of Exemption filed by MNR in this proceeding, as well as in the discontinuance proceeding related to the termination of the right and obligation of Housatonic Railroad Company to provide freight service on the Beacon Line. *See, Housatonic Railroad Company, Inc. – Discontinuance of Service – Dutchess and Putnam Counties, N.Y.*, STB Docket No. AB 733 (Sub-No. 1X) (served Feb. 17, 2023).

MNR acknowledges that the use of the Line is subject to MNR, as owner and sponsor of the proposed trail, continuing to meet its responsibilities to manage the right-of-way, assume any legal liability arising out of the transfer or use of the right-of-way, and the payment of any and all taxes that may be levied or assessed against the right-of-way. MNR acknowledges that the public

trail will be subject to the potential future restoration of rail service over the Line. A Statement of Willingness to Assume Financial Responsibility is attached as **Exhibit B.**

MNR acknowledges that use of the right-of-way is subject to MNR (the sponsor) continuing to meet its responsibilities described above.

A copy of this Petition is being served on HRRC on the same date it is being served on the Board.

Dated January 23, 2024.

Respcctfully submitted,

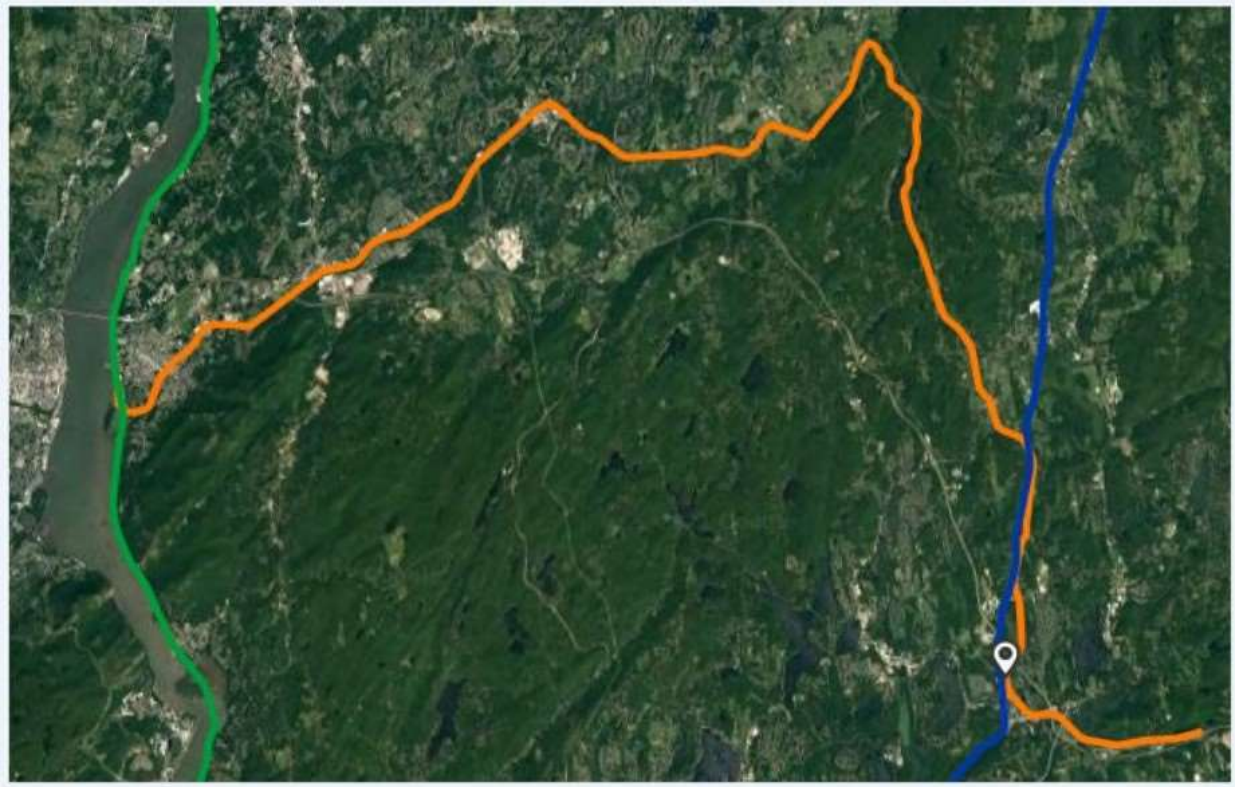
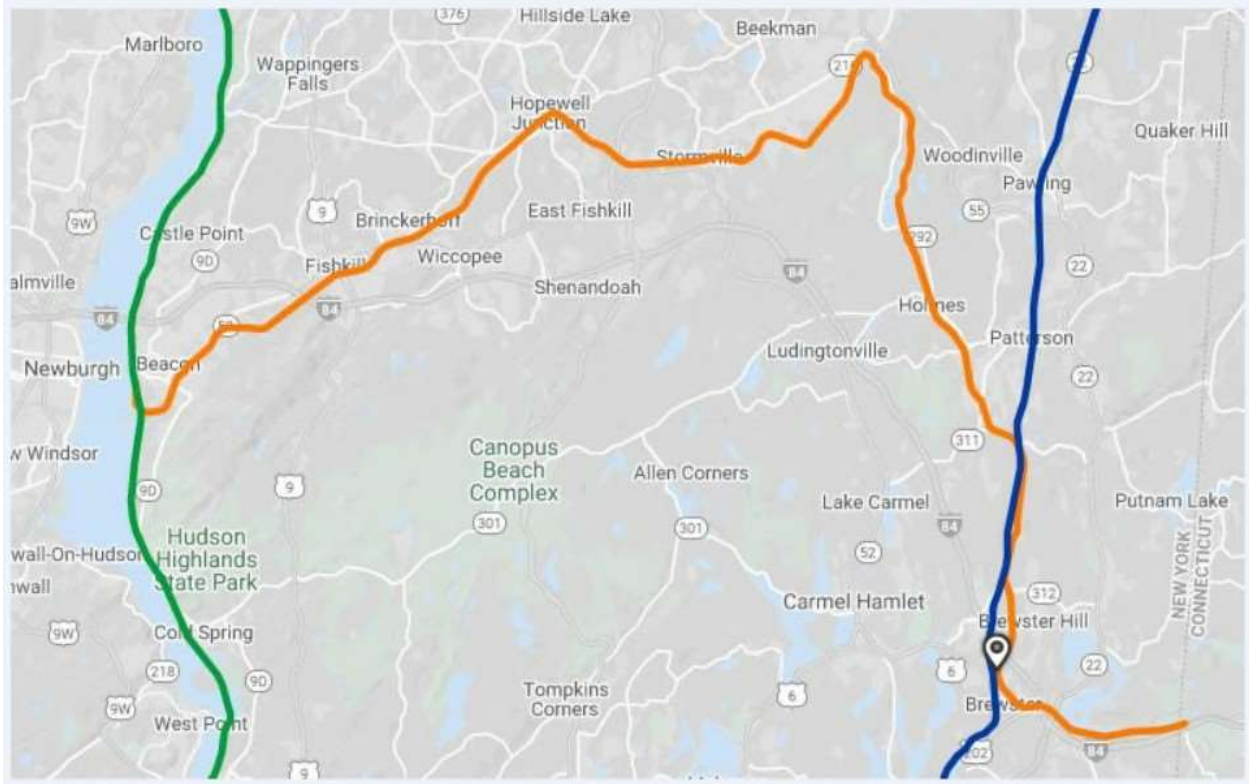


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EXHIBIT A

Maps of the Beacon Line

Maps of the Beacon Rail Line (Beacon Line Highlighted in Orange)



FRA Rail Map Displaying the Beacon Line in New York

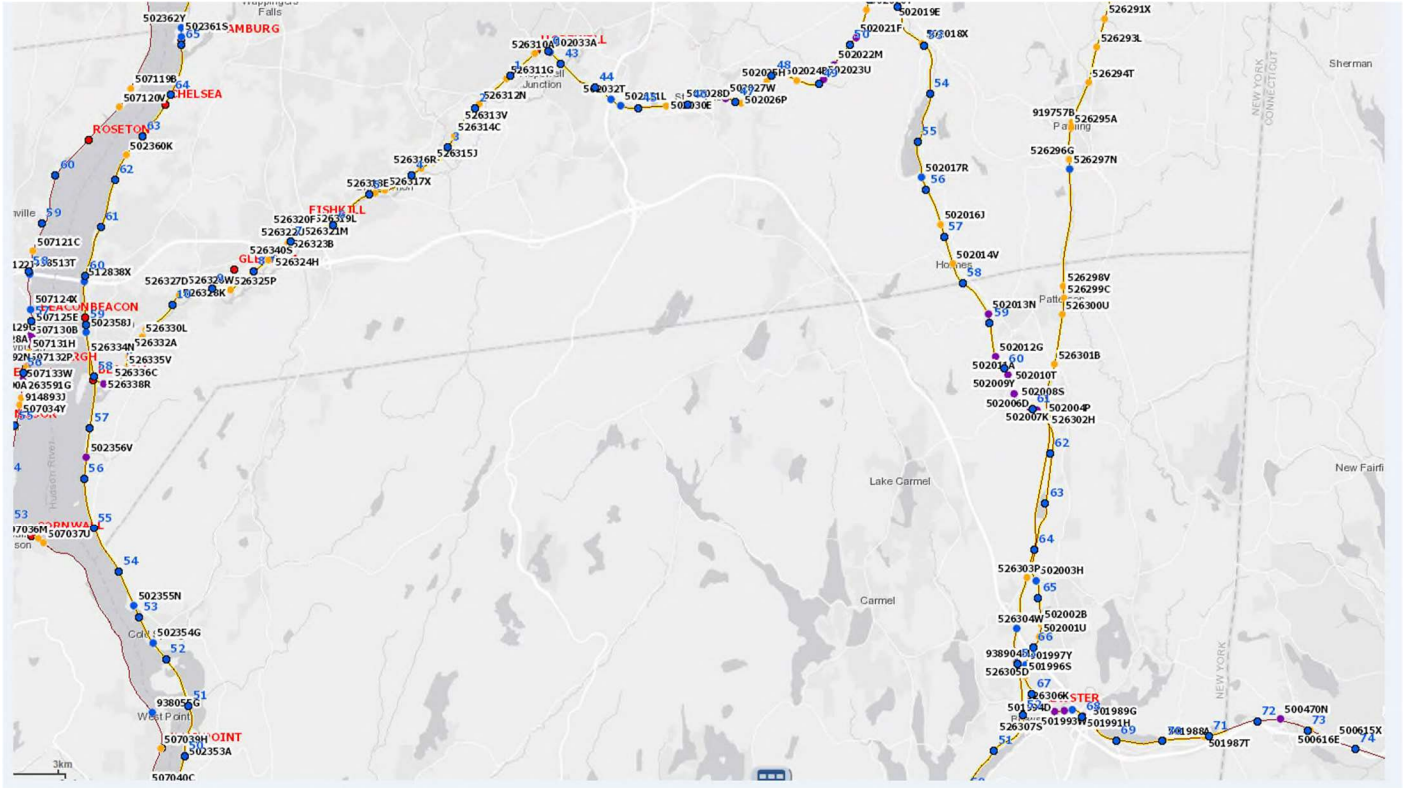


EXHIBIT B

Statement of Willingness to Assume Financial Responsibility

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB 1311 (Sub-No. 1X)


**METRO-NORTH COMMUTER RAILROAD COMPANY – ABANDONMENT
EXEMPTION – IN DUTCHESS AND PUTNAM COUNTIES, NEW YORK**

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29 with respect to the right-of-way owned by Metro-North Commuter Railroad Company (“MNR”) and operated previously by Housatonic Railroad Company, MNR is willing to assume full responsibility for: (1) managing the right-of-way; (2) any legal liability arising out of the transfer or use of the right-of-way; and (3) the payment of any and all taxes that may be levied or assessed against the right of way.

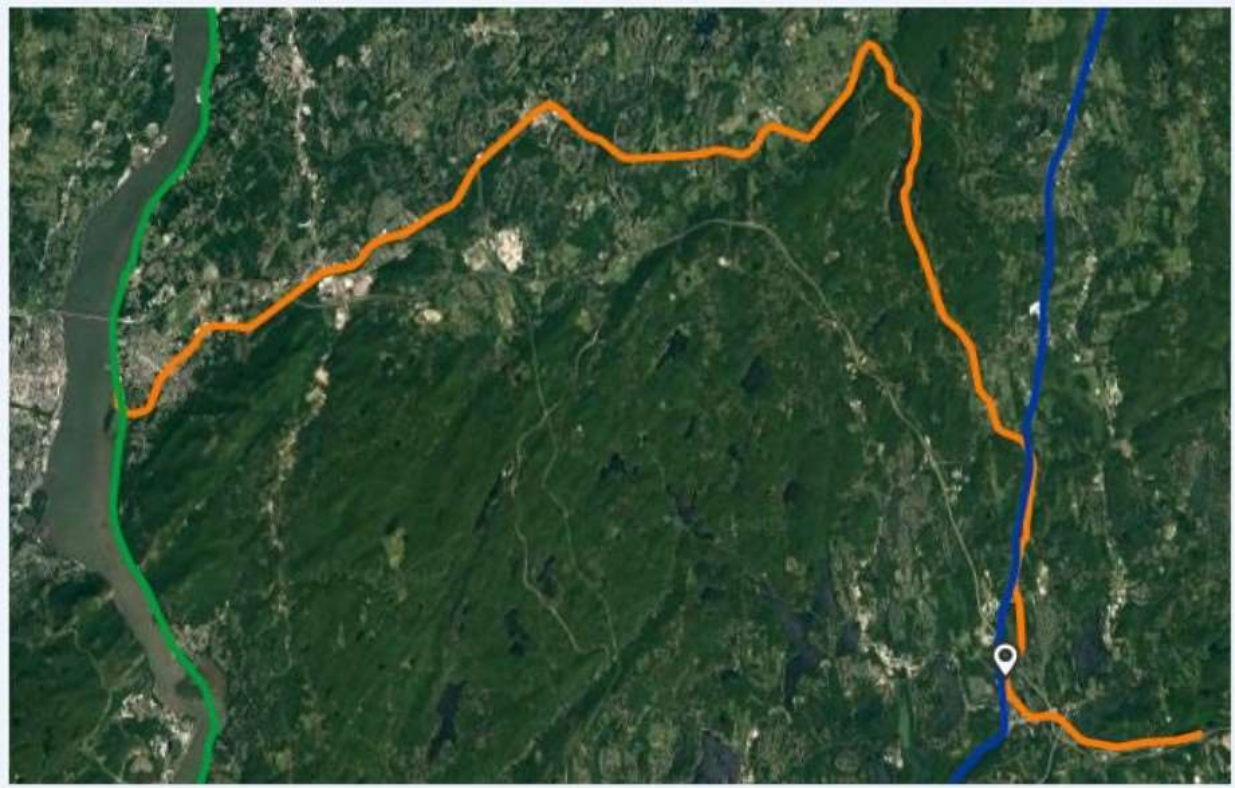
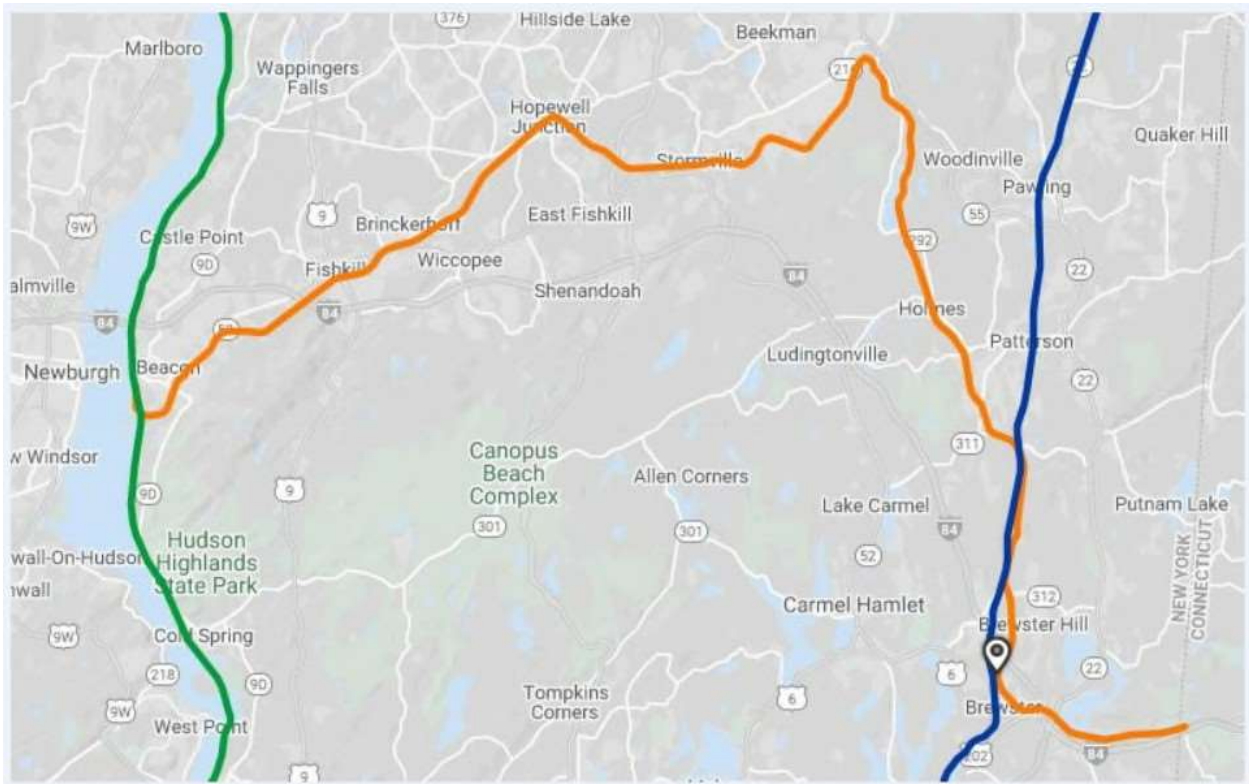
The property, known as the Beacon Line, extends from railroad milepost 0 and milepost 71.2 in Dutchess and Putnam Counties, NY, a distance of 41.1 miles. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB 1311 (Sub-No. 1X). A map of the property depicting the right-of-way is attached.

MNR acknowledges that use of the right-of-way is subject to the sponsor’s continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad(s) on the same date it is being served on the Board.

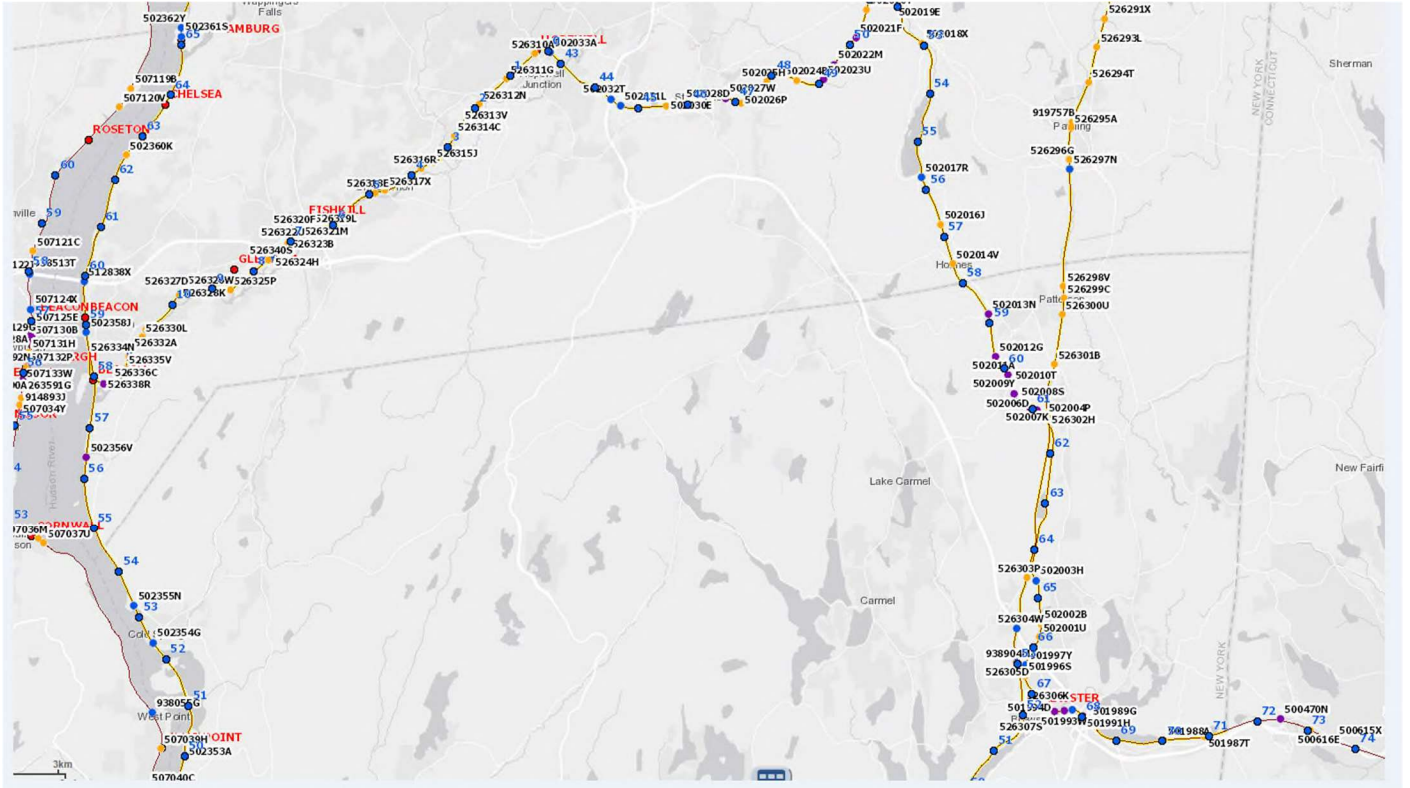


Name: Susan H. Sarch
Title: Vice President and General Counsel

Maps of the Beacon Rail Line (Beacon Line Highlighted in Orange)



FRA Rail Map Displaying the Beacon Line in New York



CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of January 2024, I caused the foregoing Petition for Notice of Interim Trail Use of North Commuter Railroad Company to be served on the following parties by email:

Edward J. Rodriguez
Vice President and General Counsel
Housatonic Railroad Company
4 Huntley Road
P.O. Box 687
Old Lyme, Connecticut 06371-1448
e.rodriquez@hrrc.com



Charles A. Spitulnik