



Parks & Trails
NEW YORK

Getting on Track

Working with Railroads to Build Trails in New York State



A publication of Parks & Trails New York

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New York State Trails Coalition

Parks & Trails New York invites state, regional and local organizations and agencies involved in developing, promoting or maintaining trails to join the New York State Trails Coalition in order to more effectively advocate for trails and greenway policies, programs and funding. Membership is free.

To review the Coalition's vision and action plan and to sign up, visit:

www.ptny.org/advocacy/coalition.shtml



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1 Introduction

In the middle of the 20th century, as changing economic conditions prompted more and more railroads to cease operations or abandon lines in New York State and elsewhere, people naturally started walking or biking on unused rail beds, especially once the rails and ties had been removed. Before anyone had heard the term “rail trail,” communities began to realize that unused rail lines offered almost ready-made opportunities to create new recreational facilities for their residents that would link neighborhoods, parks, and other destinations.

From that time forward citizens and public officials have had to work with railroads to realize their visions for community trail systems. Today, trails on inactive rail lines are also seen

as important elements of an alternative transportation network.

More than 30 rail trails totaling over 700 miles in combined length exist in the state, with many more under development.

The first rail trail in New York, the Warren County Bikeway between Glens Falls and Lake George, opened in 1979. Today, concerns about open space, air quality, traffic congestion, global climate change,

fuel prices, and the health impacts of physical inactivity have shaped a true national movement around building multi-use trails within and between communities. More than 30 rail trails totaling over 700 miles in combined length exist in the state, with many more under development.

In many cases, local trail advocates face the need to interact with railroads, whether to place a trail on an unused rail bed or adjacent to an active rail line or simply to cross a line to reach a destination. An understanding of the interests and concerns of railroads and the economic and regulatory contexts within which they operate can enhance prospects for success. The purpose of this guide is to further such understanding.

2 Background: Railroad Corridor Status

The first step when considering the use of a railroad right-of-way (ROW) for a multi-use trail is to learn the status of that particular corridor. In general, the status of a railroad corridor will fall into one of four categories. Along any one railroad line or bed, different sections may fall into different categories.

Active corridor

A corridor over which trains still pass, regardless of frequency, is an active rail corridor. In some cases, railroads run trains over corridors periodically for the sole purpose of reinforcing the “active corridor” status so they can readily resume more frequent use at some point in the future. Although railroads typically are reluctant to allow placement of trails in active corridors because of the added complexity and perceived safety issues, there are numerous examples of “rail-with-trail” across the country. In New York State (NYS), for example, a multi-use trail parallels the track of the Adirondack Scenic Railroad in Saranac Lake. Corridor width, topography and type of railroad use heavily affect the potential for a rail-with-trail. More likely, you may be proposing a trail that will have to cross, rather than run parallel to, an active corridor.

Ten Terrific Rail Trails in NYS

Catharine Valley Rail Trail
Catskill Scenic Trail
Chattauqua Rails to Trails
Genesee Valley Greenway
Harlem Valley Rail Trail
Keuka Outlet Trail
Ontario Pathways Rail Trail
Pat McGee Trail
Wallkill Valley Rail Trail
Warren County Bikeway

Adapted from *Ten Terrific Rail & Canal Trails in New York* - www.ptny.org/publications



The Pat McGee Trail in Cattaraugus County is testimony to the success of converting abandoned rail beds to community recreational spaces.

Inactive corridor

When a railroad ceases operations over a corridor, that line becomes inactive. Generally the ownership (or easement ROW) still rests with a railroad or related company, and in many cases track will still be in place.

Abandoned corridor

When a freight railroad no longer wants to maintain or retain ownership of a corridor, it can go through a formal legal process to abandon it by filing a notice with the Surface Transportation Board (STB), a federal agency, and notifying the NYS Department of Transportation (NYSDOT). Because railroads that abandon corridors usually want to salvage the rails and ties, an abandoned corridor often will no longer have track in place. However, the absence of track does not necessarily mean that the corridor is legally abandoned. An abandoned corridor may still be in the railroad's (or its successor's) ownership, but usually the company wants to dispose of it by selling the land (if it owns the property).

Abandonment filings are posted on the STB website (www.stb.dot.gov) under the "E-Library" tab by docket number and company name. Docket numbers that begin with "AB" relate to abandonment.

NYSDOT has purchased some abandoned corridors in the state. In other cases, railroads have sold the corridors to other parties, including towns, cities and counties, for possible development, or the land has reverted to the original owners of the property or their heirs (a possibility when the ROW is in the form of an easement or the deed has a reversion clause).

Placing a trail within or across either an inactive or abandoned corridor will require communication with the land owner, which often is a railroad.

Railbanked corridor

When a railroad proposes to abandon a corridor, there is an opportunity for other companies, municipalities or private citizens to propose alternatives to abandonment, including requesting that it become a railbanked corridor. Railbanking a corridor keeps it intact for possible future railroad use while allowing for an interim use, such as a trail. It precludes formal abandonment, allows a railroad to remove all track and equipment except bridges, tunnels and culverts, and prevents the corridor from being broken up due to sale or reversion clauses in deeds or easements.

Once a railroad files for abandonment with the STB, there is only a brief time period (sometimes as short as ten days) for trail advocates to request railbanking. In NYS, however, state law also requires communication with NYSDOT to ensure that interested parties have a chance to participate in decisions related to affected corridors (see "NYS abandonment/disposal requirements," p. 8). It is important that trail advocates be aware of corridors that may be candidates for abandonment and, ideally, communicate with the railroads as early as possible to learn of abandonment plans.

Railroads do not have to agree to a request for railbanking. They may be favorably inclined to such a request, however, if they value keeping the corridor intact, see an opportunity to work with just one party rather than several or want to be seen as cooperative corporate citizens. They may not be favorably inclined if their primary objective is maximizing revenue from the sale of the property.

Railbanking often is not the most appropriate outcome to abandonment proceedings. If the railroad wants to sell and can provide a clear deed to the property, and no other company is interested in operating the corridor as a railroad, the simplest approach may be for a public

It is important that trail advocates be aware of corridors that may be candidates for abandonment and communicate with the railroads as early as possible about abandonment.

3 Understanding Railroad Company Structure

Photo by Joel Sternfeld © 2000



High Line - a railbanked corridor in New York City

agency or private organization to purchase the land outright. In fact, to date only one corridor in NYS has been railbanked — the High Line, an elevated rail line in New York City. It is possible that railbanking will become more frequent in the future if the state seeks to keep abandoned corridors available for future rail use.

Discovering status/ownership

If the ownership or status of a particular corridor is not known, the Bicycle & Pedestrian Coordinator in your NYSDOT regional office may be able to help; contact information is available on the NYSDOT website (www.nysdot.gov/portal/page/portal/divisions/operating/opdm/local-programs-bureau/biking). You can also consult tax maps prepared by county (in some cases City) Real Property Tax Offices. Some counties have maps available online; visit www.orps.state.ny.us/ref/asmtdata/taxmappingresources.htm for links. In some cases, however, a title search by a knowledgeable professional (usually a lawyer or specialized title company) may be necessary.

If you want to place all or part of a trail within a railroad corridor ROW owned or operated through an easement or lease by a railroad, you will have to communicate and perhaps negotiate with the railroad company. To be successful, it helps to understand the organization, culture and concerns of railroad companies.

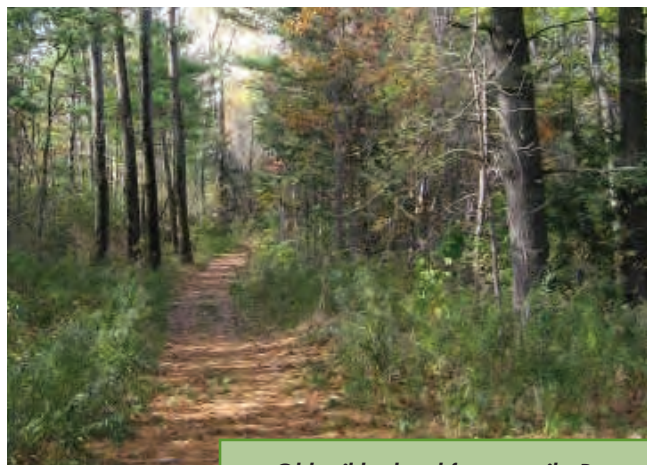
A railroad is a transportation business that is responsible to its shareholders for making a profit from the movement of cargo and/or people.

What is a railroad?

While this may seem like a simple question, it is useful to consider it carefully. A railroad is a transportation business that is responsible to its shareholders (most railroads are corporations) for making a profit from the movement of cargo and/or people. In doing so, it performs multiple functions, which can include construction, infrastructure maintenance, marketing and sales, train operations, legal, financial, police/security, and administrative services, and — of particular interest to trail advocates — real estate management.

Few railroads operate in isolation, however. Instead, as with our highway system (and some trails), they are part of an interconnected network of track and facilities. The ability of one railroad to deliver goods or people can be affected by actions hundreds of miles away in another part of the network.

In NYS the network consists of 3,500 route miles and 7,200 miles of track (some routes have more than one track). These routes have different purposes, just as different roads in the highway system do, and range from Main Lines with the highest speeds and often more than one track (analogous to Interstate highways) through progressively slower and shorter branch lines, industrial tracks, side tracks, and yards. Unlike highways, however, railroads have centralized control over what, when and where vehicles operate over track within specific areas.



Old rail bed and future trail - Peru

Who is the railroad?

This can be more complex, and the answer determines the entity with which you communicate. Seen as a set of functions mentioned above, “the railroad” may consist of several entities, depending on:

- ▶ Who owns the corridor right-of-way (ROW) and with what type of property rights (fee simple or easement). Possibilities include the railroad company, state or local government, metropolitan transit authority, another company (e.g., a railroad customer), a development agency, a utility, and an adjacent private landowner (usually when an easement is involved). In any corridor, different segments may involve different ownerships.
- ▶ The status of the corridor.
- ▶ Who owns the track structure. This may be the same as the ROW owner, or it may be different.
- ▶ Who maintains the track and facilities. Often it is the railroad company, but not always.
- ▶ Who actually operates trains over the track.

Example: The Ontario Midland Railroad operates in Wayne and Monroe counties on a ROW owned in part by Wayne County and in part by Rochester Gas & Electric. The county holds a railroad easement on RG&E land and owns the track structure. The railroad company operates and maintains the line under contract with the county.

Class I, II, and III Railroads in NYS:

Class I: CSX Transportation, Norfolk Southern; Canadian Pacific; Canadian National Railway

Class II: New York Susquehanna & Western RR; Pan Am Railroad; Providence & Worcester RR; Buffalo & Pittsburgh RR

Class III: Albany Port RR; Arcade & Attica RR; B&H Rail Corp.; Batten Kill RR; Buffalo Southern RR; Clarendon & Pittsford RR; Depew, Lancaster & Western RR; Falls Road RR; Finger Lakes Railway; Housatonic RR; Livonia, Avon & Lakeville RR; Mohawk Adirondack & Northern RR; Massena Terminal RR; New York & Atlantic Railway, New York & Lake Erie RR; New York New Jersey Rail; New York & Ogdensburg RR; Owego & Harford Railway; Ontario Central RR; Ontario Midland RR; Rochester & Southern RR; South Brooklyn RR; South Buffalo Railway; SMS Rail Lines; Vermont Railway; Wellsboro & Corning RR; Western New York & Pennsylvania RR

| Railroad Department | Function | Why Contact |
|--|---|--|
| Transportation | Controls movement and crews | Have detailed knowledge of corridor and condition of structures, maintenance challenges, etc. |
| Mechanical | Maintains rolling stock | |
| Track | Maintains track | |
| Asset Management | Evaluates profitability of corridors; decides on disposal/abandonment | Can provide map showing status of corridors, including abandonment plans |
| Real Estate | Manages/sells property to maximize return on investment | May negotiate for acquisition, esp. if corridor already has been abandoned |
| Legal | Evaluates contracts/agreements prepares STB filings | Any agreement with RR will go through Legal; likely to conduct trail negotiations if corridor is not already abandoned; can furnish copies of STB filing |
| Marketing & Sales | Interacts with customers; develops services | |
| Signal & Communication | Maintains signal controls, warning and communication systems | May have concerns about risks to systems from trail users |
| Other Administrative (eg. Human Resources) | Various | |

Types and classes of railroads

In deciding whom to contact at a railroad and understanding STB procedures, it can be helpful to know the basic types and classes of railroads.

In the broadest terms, there are two types of railroads: Passenger and Freight. Passenger Railroads are either Intercity (Amtrak), Commuter (there are four in NYS; example: Long Island Railroad), or Tourist (six in NYS; example: Adirondack Scenic Railroad). Freight Railroads are classified by the federal STB on the basis of revenue as Class I (largest), II or III. In NYS, there are four Class I Railroads, four Class II Railroads, and 29 Class III Railroads.

To see where railroads operate in the state, go to www.nysdot.gov/portal/page/portal/divisions/operating/opdm/passenger-rail and click on “Map of New York State Railroads.”

Railroad organization and communication

Railroad companies of different sizes and purposes will be organized somewhat differently, but a typical one most likely will have some of the departments shown above. Communication with more than one of these may be necessary/desirable for trail advocates at different stages of a potential project.

4 Railroad

Culture & Motivation

As with any industry or business, railroads have developed a culture over time that influences how the people within it react to ideas and proposals. Of course, each railroad company is different, but there also are some common elements to consider when approaching a railroad about your trail goal:

- ▶ As noted above, a railroad is a business – an industry; it responds to customer demand in order to make money.
- ▶ Railroads are a mature industry, more than 175 years old.
- ▶ Working on the railroad is physically demanding; operations go on 24/7, largely outdoors, in all seasons and weather. This can be hard on people and equipment.
- ▶ The railroad business is rooted in challenging, practical engineering and operations experience.
- ▶ Railroads rely on process, procedures and rules. Crews and other personnel are spread out geographically and away from direct supervision, and the work can be hazardous. Systems and procedures have evolved in this context.
- ▶ The bigger the railroad, the stronger the reliance on rules and procedures and the more departments and layers of bureaucracy to deal with. While this is true of most organizations, there is an additional factor at work with railroads: bigger companies generally operate longer and faster trains, creating greater safety and management concerns.
- ▶ Railroads are government-regulated at both the federal (Federal Railroad Administration) and state (NYSDOT) levels. This regulation imposes requirements or guidelines on railroads in many areas, including safety. For example, NYS law requires minimum horizontal and vertical clearances between track and other structures (e.g., fences and overpasses that may be needed for trail projects).



Ontario Pathways Rail Trail near Geneva

What motivates a railroad?

Understanding the issues of paramount importance to railroad personnel is helpful when you want something from them. Here are some key concerns:

- ▶ **Safety.** This is a big one. Trains cannot stop quickly and are much more massive than any non-railroad object with which they might collide. Jack Madden of the Freight Bureau of NYSDOT has equated the difference in mass between a train and a car or person to that between a typical passenger car and a squirrel. When non-railroad people, untrained and perhaps unaware of the hazards, are present within an active corridor, railroad concern about danger – to both these corridor users and the railroad’s own crews resulting from possible inadvertent or deliberate damage – is multiplied. Trespassing on railroad property is the leading cause of rail-related fatalities in the U.S. (about 500 people per year).

Note: At-grade road/pedestrian crossings are a major safety concern for railroads. Both NYSDOT and railroads in New York have policies against any new at-grade crossings.¹ A railroad may be receptive, therefore, to proposals that eliminate, consolidate or upgrade (add warning devices, etc.) existing crossings.

¹ While it has a policy not to allow new at-grade crossings, NYSDOT has a process for requesting one. Contact your regional NYSDOT office for information.



A new rail trail in Marshall (Oneida County) occupies the abandoned NY Ontario & Western bed, now owned by NYSDOT and leased to the town.

- ▶ **Liability.** Railroads feel that they are prime targets for lawsuits in case of an accident because they are perceived as having “deep pockets.” Regardless of actual fault, they must then defend themselves.
- ▶ **Return on investment (ROI).** A railroad must make money to survive and satisfy shareholders. Any activity is viewed through the lens of contribution to the bottom line.
- ▶ **Customer satisfaction.** For a good ROI, a railroad must have/gain/keep customers by providing reliable, timely and efficient transportation and delivery.
- ▶ **Positive community relationships.** Railroads need effective working relationships with many other parties (regulators, local and state governments, shippers, other railroads, the general public, etc.) to conduct their work as efficiently as possible.



Mohawk Hudson Bike-Hike Trail, Niskayuna

Why should/would a railroad work with you?

At this point you may be wondering why a railroad would consider a trail within a corridor it owns or operates over. Yet, trails have been built within corridors ranging from active to railbanked, so railroads must, in some cases, see cooperating with trail advocates as being in their own interest. Some possibilities:

- ▶ **Good publicity.** Like any business, a railroad wants to be viewed by customers, stockholders, communities, government agencies and others as a “good neighbor” that is helping serve public needs.
- ▶ **Return on investment.** If a railroad has abandoned or is considering abandoning a corridor, it may view selling the land to trail advocates as a good way to recoup the value of its property, especially if the alternative appears to be selling to multiple buyers instead of just one.
- ▶ **Improved safety/reduced liability.** If a railroad recognizes that people are using or crossing its corridor illegally anyway, it may view working with trail advocates as a way to reduce safety/liability risks. For example, a trail project may result in a fence between an active track and the trail, thus reducing opportunities for crossing or wandering onto the active line.
- ▶ **Preserving a corridor for the future.** If a corridor is inactive or a railroad is considering abandonment, it may be interested in keeping the corridor intact for its future use.
- ▶ **Individual interest.** There is growing recognition of the value of multi-use corridors and trails. If you are lucky, you will encounter an individual who has an interest in these concepts; that can make a huge difference.

5 Preparing For Abandonment & Railbanking

As noted above, freight railroads that wish to free themselves from the cost of operating or maintaining unprofitable corridors can abandon them by going through a legal process overseen by the Surface Transportation Board (STB), a federal agency that replaced the Interstate Commerce Commission (ICC). Congress established the STB in 1995, through passage of the ICC Termination Act, primarily to make it easier for freight railroad companies to shed unprofitable lines in order to increase their economic viability elsewhere. While there is a provision for interjecting trail or other public use options into an abandonment proceeding before the STB, the window of opportunity for doing so can be very brief (as little as ten days from the date of public notice).

Typically, the important communications take place before an STB filing occurs; by then a railroad may already have reached agreement with another party regarding corridor disposal. For those with an interest in using a

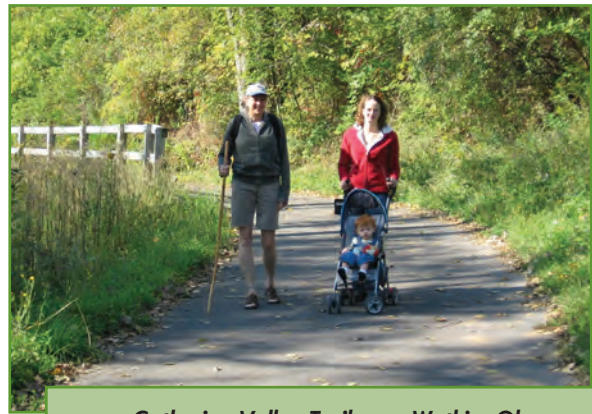
The window of opportunity for interjecting the trail option into an abandonment proceeding can be very brief.

railroad corridor for a trail, therefore, it is very important to be aware of abandonment plans – and, ideally, to be having discussions with the railroad and others with an interest in the corridor (state and local governments, for example) – before the STB process begins. See *Appendix A* for a sample letter to county officials requesting support for acquisition of a corridor that is a potential candidate for abandonment.

Signs of approaching abandonment

If you are not yet in direct communication with the railroad, there are some early indicators that abandonment may be near.

- ▶ **Rusty rails, tall weeds.** The simplest legal option available to a railroad in filing for abandonment with the STB is to certify that no local service has taken place over the corridor for two years. In such cases, railroads often



Catharine Valley Trail near Watkins Glen

minimize maintenance to save money. If you haven't seen a train in months, rails are rusty (if they are still in place) and weeds are growing tall, you should expedite communication.

- ▶ **Railroad people are asking questions.** Prior to filing with the STB, railroads must prepare an environmental report to be delivered to the NYS Department of Environmental Conservation (DEC). To do that, they usually obtain needed information from DEC and other agencies. Often, railroads also will contact local government leaders about their desires for the corridor. If these people are in your network (see "Preparing to Approach a Railroad," p. 9), they can alert you to what is happening. (For a list of DEC regional offices and contacts, visit <http://www.dec.ny.gov/about/255.html#Regional>.)
- ▶ **The railroad files a request to discontinue service with the STB.** This is a step short of abandonment and may be an indication that abandonment is being considered.

Generally speaking, staff members at NYSDOT are likely to be the first to know that a railroad is moving toward abandonment because they are frequently in contact with company leaders in the course of routine business. The Bicycle and Pedestrian Coordinator in the NYSDOT regional office (www.nysdot.gov/portal/page/portal/divisions/operating/opdm/local-programs-bureau/biking) can be your "ears" within the agency.

Learning directly from the railroad

Railroads do not approach abandonment casually. Typically, they will have been considering abandonment of a corridor for some time before filing with the STB. By communicating with railroads early on, therefore, it is possi-

ble to learn of potential abandonments well in advance of formal filings and to have discussions about alternatives to abandonment, including sale of the ROW to a municipality or organization and railbanking, before the STB is notified. This, in turn, allows more careful consideration free of the pressures of legal deadlines.

Some background on abandonment requirements is useful in understanding what you may be able to obtain from a railroad.²

STB abandonment requirements

Freight railroads have more than one avenue available under STB procedures for seeking abandonment, and each has different requirements. For what might be called a standard abandonment filing, a railroad is required by law to maintain a “system diagram map” of all its rail lines (or a narrative description instead, if it is a Class III railroad) on which it identifies (1) all lines for which it expects to file an abandonment application in the next three years, and (2) all lines it considers to be potential candidates for abandonment. As stated above, the Asset Management department or its equivalent usually maintains this map. Trail advocates who have established a working relationship with a railroad may have access to this information, thus allowing time to discuss abandonments of interest to them.

By communicating with railroads early on, it is possible to learn of potential abandonments well in advance of formal filings.

But the law also gives the STB broad authority to exempt railroad companies from the standard abandonment procedures, in order to facilitate abandonment, when it believes that closer scrutiny is unnecessary. In fact, most abandonment filings today actually are requests for exemption.

STB rules basically allow for two types of exemption: (1) a “Class Exemption” in situations where a corridor has been out of service for at least two years without a formal complaint being filed, and (2) an “Individual Exemption,” in which the railroad presents a case that an exemption of a particular line is appropriate (usually for economic reasons).

In filing for exemptions, railroads do not have to show that the line involved has been identified on their system diagram map mentioned above. In most cases, however, decisions to file for exemptions are not made on the spur-of-the-moment, so communicating with railroads early can still yield advance notice of intentions.

NYS abandonment/disposal requirements

NYS has adopted laws intended to ensure that state agencies and local governments have an opportunity to consider acquisition of railroad property planned for abandonment or disposal. These laws, known as “Section 18” (§18 of the Transportation Law), establish several requirements and deadlines in addition to those of the federal STB. (Section 18 does not apply to municipally-owned railroads.) Section 18 provisions apply when a railroad plans to sell property even if the STB already has approved abandonment.

In summary, Section 18 provides that:

- ▶ Railroads must notify the NYSDOT in writing of intent to dispose of property.
- ▶ NYSDOT must notify all appropriate state agencies and every county, city, town and village in which the property is located of the proposed disposal and solicit expressions of interest in acquiring the corridor. Typically, agencies and municipalities have 30 days to respond. This notification from NYSDOT generally is known as a “Section 18 letter.”
- ▶ NYSDOT has first “preferential right of acquisition” for the property, which it can either exercise or assign, at its discretion, to another state agency [generally the Office of Parks, Recreation and Historic Preservation (OPRHP)] or a local government that has expressed interest in response to the Section 18 letter.
- ▶ NYSDOT has 120 days from notification by the railroad to decide whether it or another agency will exercise the preferential right of acquisition and inform the railroad. If NYSDOT does not act within that time, the preferential right of acquisition expires and the railroad is free to dispose of the property as it wishes (subject to STB decisions).
- ▶ If NYSDOT exercises its preferential right or assigns it to another agency, the agency and the

² We will not cover STB abandonment procedures in detail here. See Appendix B or OVERVIEW: Abandonments and Alternatives to Abandonments at www.stb.dot.gov for more thorough discussion.

railroad then begin negotiations to complete the acquisition. If agreement is not reached within 180 days of the decision to exercise the right of acquisition, NYSDOT must issue a written release of the preferential right if requested by the railroad. As a practical matter, the likelihood of successful negotiations usually is evident well before 180 days have elapsed.

- ▶ The railroad is prohibited from disposing of the property, regardless of STB proceedings, until it has received a release of preferential right of acquisition from NYSDOT.

The written notification required in (1) above usually occurs about the same time as an abandonment filing with the STB, but can come earlier or later.

Clearly, it is important that trail advocates communicate their interest in utilizing a corridor for a trail to NYSDOT, OPRHP and/or local government officials early on so that their desires are considered in the Section 18 process. Within OPRHP, the “Section 18 letter” goes to the Planning Bureau; it also almost certainly will go to county planning departments in counties where abandonment/disposal is proposed. Therefore, people in those two offices are excellent resources for trail advocates. Contact the OPRHP Planning Bureau at Director of Planning, NYS Office of Parks, Recreation and Historic Preservation, Agency Building 1, Empire State Plaza, Albany, NY 12238 or 518-486-2909. (See *Appendix A* for a sample letter to county officials seeking support for corridor acquisition.)

Finally, keep in mind that if another company is interested in acquiring a corridor for use as a railroad, that proposal will prevail in both the STB and NYS Section 18 proceedings.



Abandoned rail corridor in Tonawanda

Preparing to Approach a Railroad

Keeping all of the above in mind, now you are ready to start dealing with a railroad. How should you proceed?

Build your network of contacts and allies to help you understand the current situation, compile the information listed below and strengthen your position. This network will vary from case to case, but generally should include local government [town, village/city, county, regional, and Metropolitan Planning Organization (MPO), if any] planners and other officials, NYSDOT’s Bicycle and Pedestrian Coordinator for your region, OPRHP’s Planning Bureau, any other local/regional groups interested in trails, and Parks & Trails New York. A list of county planning agencies, regional planning boards, and MPOs is available on the NYS Department of State website at www.dos.state.ny.us/lists/rgcoplan.html.

IMPORTANT:
Stay off railroad property until you have permission.

Are there other trails on or near the same line? If so, individuals/groups involved with them may already have the key information below.

1. Stay off railroad property until you have permission. Get off on the right foot with the railroad by recognizing its concern for safety and not trespassing to check out trail options on your own.
2. Know the government jurisdictions involved (county, town, village/city) in which the corridor is located. Identify the milepost location limits of the segment(s) in which you are interested if possible. If your project involves an existing crossing, obtain the USDOT number for it, which usually is marked at the crossing (it is generally the mile post); NYSDOT has an inventory of these.
3. Determine who owns the corridor, operates trains (if any) and maintains track (see p. 4). County tax maps are a good starting point for ownership. Local government officials and the NYSDOT regional office may have information. If possible, learn the name of the specific line or track.



Rail-with-trail, Adirondack Scenic Railroad, Saranac Lake

4. Learn about the railroad company. In general, smaller railroads (Tourist and Class III) are likely to be more flexible than larger ones for several reasons, including less bureaucracy, easier accessibility, slower train speeds, and the possibility that their ROWs may be owned by local governments. Find out whether the company has prior involvement with trail projects (see #2 above).
5. Obtain the name of the person to contact initially. Local government officials and representatives of other organizations may already have dealt with the railroad and have names. Parks & Trails New York may know of another community that has worked with the same company. If you don't have a name, for larger (Commuter & Class I and II) railroads, start with the Real Estate Department. For Class III and Tourist Railroads, start with the President or General Manager. Visit the railroad's website for contact information.
6. Get local government on board with your project. Railroads may be more responsive to communications from government officials and more receptive to projects for which a local government is responsible, even if trail maintenance is delegated to a trail or community organization.
7. Have examples — and photographs, if possible — of places where similar projects have been successful.
8. Know what you want from the railroad.
9. Have a written vision or plan that states what you want and how it will serve the community for the railroad to review and comment on. This document will reflect where the project stands at a given time and will evolve as a project proceeds. Your first request of the railroad may just be for permission to conduct a feasibility study.
10. Have a map of the corridor segment in which you are interested showing the locations of facilities you propose.
11. Be as specific as possible while recognizing changes may be necessary.
12. Present approximate cost estimates and identify potential funding sources. Does the funding place any restrictions on the railroad for future use?
13. Who will maintain the trail and any facilities? What are projected annual maintenance costs and how will they be covered?
14. Don't expect the railroad to do your engineering for you. Plan to seek elsewhere the funding needed to complete a feasibility study or detailed engineering plan.
15. Describe how the railroad will benefit. Why should it accept your proposal? Will there be new fencing to control trespassing? Will the town be able to close or upgrade an existing crossing?
16. Describe what completion of the project will mean to the community. Improved access to some resource? Links to other trails? Better connections between and among residences, shopping, schools, employment centers?
17. Based on company size and feedback from others who have dealt with it, consider whether your initial contact should be by letter or telephone. If you decide on the former, state that you will follow up by phone within a specific time period.
18. Be professional, realistic and to the point.
19. Write the letter or make the call!

Additional Sources of Information

Getting Started: A Guide to Planning Trails in New York State. Parks & Trails New York and the Hudson River Valley Greenway. 2004. www.ptny.org.

NYS Department of Transportation. www.nysdot.gov. Start by searching “trails” or clicking on the bicycle and pedestrian icons at the top of the home page.

Rails with Trails: Case Studies from Across America. American Trails. www.americantrails.org/resources/railtrails/RWTcasestudies.html

Trail-building Toolbox. Rails-to-Trails Conservancy. www.railstotrails.org/whatwedo/trailbuilding/technicalassistance/toolbox/toolbox_index.html. Fact sheets on corridor research, types of corridors, railbanking and more.

American Short Line and Regional Railroad Association. www.aslrra.org. List of member railroads with links.

Railroads of New York. www.railroadsofny.com/index.htm. List of member railroads with links.

OVERVIEW: Abandonments and Alternatives to Abandonments, Surface Transportation Board. www.stb.dot.gov. This site also has notices of abandonment filings and decisions and information on railbanking.

Directory of Regional and County Planning Agencies and Metropolitan Planning Organizations in New York State. NYS Department of State. <http://www.dos.state.ny.us/lists/rgcoplan.html>.

Appendix A

Requesting Support for Corridor Purchase

Sample Letter to County Officials Requesting Support for Corridor Purchase

Dear _____:

As you know, it has been just about two years since any train traffic has moved over the New York Susquehanna & Western Railroad's line through the towns of Sherburne, North Norwich, Norwich, Oxford and Greene in Chenango County. As I understand it, once a line has been without service for two years, the owner can seek an exemption from the federal government for an expedited abandonment process. We know that repairs to the damage from flooding in 2006 have not been made. This raises the question, then, of whether the NYS&W may decide to abandon this line.

In my view, abandonment would present county residents with a great opportunity to utilize the rail bed as a multi-use trail for non-motorized transportation and recreation, linking communities along its route and providing a convenient way for people within communities to travel by bicycle or foot between residences, workplaces, shopping, schools, parks, and other destinations. With high fuel prices and concerns about the health impacts of physical inactivity and global climate change, using this corridor as a trail seems right for the times.

In addition, such multi-use trails elsewhere have become magnets for tourists interested in opportunities for bicycling. Already, thousands of people come to the state each year to enjoy the trail along the Erie Canal. The existence of a long distance trail between multiple communities, combined with the scenic and historic qualities of Chenango County, undoubtedly will attract new visitors to the region, thus boosting our economy.

Therefore, I am writing to urge that the county be alert for possible abandonment of this rail line and begin preparing to seek its acquisition, in collaboration with the state and local communities, for use as a trail if abandonment occurs.

Thank you.

Appendix B

Federal Surface Transportation Board

Abandonment & Railbanking Procedures

From the late 1970s through the mid-1990s, against a background of railroad bankruptcies due to changing economic environments within which railroads operate, Congress approved legislation giving railroads more flexibility to adjust service and prices to enhance competitiveness. In 1995, through the ICC Termination Act, it established the Surface Transportation Board (STB) to replace the Interstate Commerce Commission and, among other tasks, handle rail corridor abandonments. The explicit goal was to make it easier for freight railroads to shed unprofitable rail lines so as to improve their competitiveness elsewhere within their service areas. The law established strict procedural requirements for abandonment applications, and the STB has adopted regulations to implement those requirements.

This appendix provides a more detailed summary of these procedures and associated timelines/deadlines to help trail advocates better understand the abandonment process. For a more complete discussion of STB requirements, visit the STB website (www.stb.dot.gov) and read *OVERVIEW: Abandonments & Alternatives to Abandonments*.

Keep in mind, however, that New York State has its own abandonment procedures and, as noted earlier (see “Preparing for Abandonment & Railbanking,” p. 7), very often the most important communications and decisions occur before an abandonment filing with the STB takes place.

Federal law requires each railroad to maintain a system diagram map (or narrative description for Class III railroads) identifying (1) any line for which it expects to file an abandonment application within the next three years (called “category one” lines) and (2) any line that it considers a potential candidate for abandonment. By developing communications with a railroad, trail advocates may have access to this document and thus gain earlier knowledge about likely abandonments. Furthermore, a railroad must publish its system diagram map or narrative in a general circulation newspaper in

each county containing a category one line, and similarly publish any changes to the map.

STB regulations provide for more than one avenue for seeking corridor abandonment, and each has its own required steps. These regulations fall into two broad categories: (1) those that apply when the rail line in question is currently active or has carried traffic within the past two years, and (2) those that cover lines over which no traffic has moved in at least two years.

Abandonment steps for recently active corridors

When a railroad wishes to abandon a corridor that has been active within the last two years, it can follow one of two courses of action: submit an application for abandonment to the STB, or file a request for an individual exemption with the STB.

Application for abandonment

In an application to the STB for abandonment of a corridor, a railroad must show that all segments proposed for abandonment have been included on its published system diagram map for at least 60 days. If it does not do so, the STB will reject the application. Thus, all interested parties, including trail advocates, will have at least 60 days notice to consider alternatives to abandonment.

A railroad also must publish a “Notice of Intent” to abandon a line weekly for three consecutive weeks in a general circulation newspaper in each affected county, and must send this notice to all significant shippers on the line(s) and to the NYSDOT at least 15 days before filing its application.

An abandonment application usually contains extensive financial data intended to justify the request on economic grounds. In essence, the

Keep in mind, however, that New York State has its own abandonment procedures.

railroad must show that it is incurring a loss or economic burden from the line. (For the most part, this information is of little importance to trail advocates.)

When an application for abandonment is filed with the STB, it is given a docket number and a notice is posted on the STB website (see above) under “Filings” on the “E-Library” tab. Docket numbers related to abandonment begin with “AB.” Notices can be viewed in order by date or docket number. Typically, five to fifteen notices of all kinds are posted daily.

Once an application is filed, parties who wish to oppose abandonment – usually shippers or communities that would be affected – have 45 days to submit protests. In addition, other companies can submit “Offers of Financial Assistance” (OFA) to purchase all or parts of the corridor or subsidize continued operation, which the STB then evaluates. The STB may then authorize negotiations for purchase or subsidy.

Of more interest to trail advocates, however, is that federal law and STB regulations also provide an opportunity at this point in the process for negotiating voluntary agreements to use for recreational or other public uses, such as commuter lines, roads or trails, railroad corridors that otherwise would be abandoned and sold. The purpose of this provision is to create an alternative to abandonment – known as “railbanking” – to keep corridors intact for possible future railroad use while allowing an interim use such as a trail. We will discuss the specific required steps for railbanking later. For now, it is important to note that any OFA and successful negotiation to subsidize or purchase a corridor to keep it in service as a rail line will take precedence in STB procedures. Possible use as a trail is considered only if there is no OFA.

Request for individual exemption

When it set up the STB, Congress’ goal was to make it easier for railroads to abandon unprofitable lines. Consequently, it provided for exemptions to the regular application process described above, and these exemptions are liberally used (see also the class exemption for inactive corridors described below). In fact,

the STB is required to approve exemption requests unless it determines that closer scrutiny through the regular application process is necessary to support national transportation policy or to protect shippers.

When requesting an individual exemption, a railroad tries to persuade the STB that maintaining a particular corridor places an economic burden on it and that the impact of abandonment on shippers will be minimal. The data included usually are less extensive than for an application for abandonment. More important, there is no requirement to publish a system diagram map or Notice of Intent. The only advance notification required is to file an environmental report with the NYS Department of Environmental Conservation (DEC).

Once it receives a request for exemption, the STB must publish a notice of the proposed exemption in the Federal Register within 20 days. Parties who wish to oppose an exemption must file a petition to stay the decision with the STB within 20 days after the Federal Register notice. In such cases, the burden is on the petitioner to show why a stay is warranted. Again, there is an opportunity for other companies to make OFAs. The specifics of all of this are of minor interest to trail advocates except as they relate to railbanking, a topic to which we will return below.

Abandonment steps for corridors inactive for at least two years

The STB has established a class exemption for rail corridors that have been out of service for two years or more. When that is the case, a railroad can submit a request for a class exemption to the STB. In such a request, the railroad must certify that the corridor meets the two-year requirement and that no formal complaint about lack of service has been filed. No published Notice of Intent or system diagram map is required, but the railroad must notify the NYS Public Service Commission at least ten days prior to filing the exemption request with the STB, and must also file an environmental report with DEC as described above.

Currently, a request for a class exemption probably is the most frequent type of abandonment filing with the STB, and therefore it is of greatest interest to trail advocates.

As with the individual exemption, the STB must publish a

notice of the proposed exemption in the Federal Register within 20 days of receiving the request. The exemption becomes effective, and the railroad may abandon the corridor, 30 days after the Federal Register notice unless the STB stays the exemption. Stay requests and OFAs must be filed within that time (exact deadlines depend on the basis for the request). Petitions to reject the exemption must be filed with 20 days of the Federal Register notice,

but the STB typically will reject a class exemption only in extraordinary cases (e.g., evidence that the line has not actually been inactive for two years).

As with the previously-described

types of abandonment filings, the STB procedures provide an opportunity for trail advocates and others to propose alternatives to abandonment (railbanking).

Railbanking may be especially useful when deeds or easements contain reversion clauses that could result in fragmented ownership of an abandoned corridor.

Alternatives to abandonment and railbanking

Federal law and STB regulations allow interested parties (called “public use proponents”) to seek voluntary agreements with railroads to use corridors for other public uses, including recreation, as an alternative to abandonment in order to preserve the corridors intact. This approach to preserving corridors is known as railbanking. Railbanking may be especially useful when deeds or easements contain reversion clauses that could result in fragmented ownership of an abandoned corridor, making future railroad or public use much more difficult.

There are two steps available to parties seeking alternative uses of railroad corridors proposed for abandonment: a Public Use Condition (PUC) request and an Interim Trail Use (ITU) request. The rules for filing each of these are different, each has different benefits, and they are not necessarily mutually exclusive.

In practice, trail advocates often file both simultaneously to obtain the advantages of both. (Table A1 summarizes the deadlines for filing each; Table A2 summarizes selected characteristics of PUCs and ITU requests; *Appendix C* is a sample combined PUC/ITU request.) In addition, fil-

TABLE A1

Deadlines for Public Use Condition (PUC) and Interim Trail Use (ITU) Requests

(from Federal Register notice unless otherwise indicated)

| FILING TYPE | DEADLINE | |
|------------------------------|---------------------|---------------------|
| | PUC | ITU |
| Application for abandonment | 45 days from filing | 45 days from filing |
| Individual exemption request | 20 days | 20 days |
| Class exemption request | 20 days | 10 days |

TABLE A2

Selected Characteristics of Public Use Condition (PUC) and Interim Trail Use (ITU) Requests

| ITEM | PUC | ITU |
|-------------------------|---|---|
| Who can request | Proponent (state/local gov't agency, trail group) | Proponent (state/local gov't agency, trail group) |
| Railroad consent needed | No | Yes |
| Length | up to 180 days | up to 180 days |
| Extension possible | No | Yes |
| Filing fee* | Yes** | Yes** |

* When filing PUC and ITU requests simultaneously, only one fee is paid.

** Government agencies are exempt and 501(c)(3) organizations can request a fee waiver (see *Appendix D*).

ing both requests at once allows trail advocates to pay a single filing fee rather than two separate fees. (In 2008, the filing fee was \$200.) Government agencies are exempt from paying filing fees, and 501(c)(3) not-for-profit organizations can request waiver of the filing fee at the time of payment. If the waiver is granted by the STB, the fee is then returned to the filer. (See *Appendix D* for a sample filing fee waiver request.)

Public Use Condition request

By law, when the STB approves an application for abandonment or request for exemption, it must consider whether the corridor is suitable for an alternative public use, including recreation (trail). If the STB determines that it is suitable, it can then impose a Public Use Condition (PUC), which prohibits the railroad from disposing of the corridor for up to 180 days. However, the STB will impose a PUC only if a proponent (local or state agency, trail organization, etc.) requests that it do so. A PUC request must contain the following information (see *Appendix C*):

- ▶ statement of the condition desired.
- ▶ explanation of the public value of the condition.
- ▶ desired time period for the condition (almost always this is the 180-day maximum allowed) and justification for it.
- ▶ “Certificate of Service” showing that a copy of the request has been delivered to the railroad.

If a PUC request is being submitted in connection with an application for abandonment, the public use proponent must file it with the STB within 45 days of that application filing. Because the STB has 20 days to publish a notice in the Federal Register, this deadline may be just 25 days from that publication. If the PUC request relates to an exemption request (individual or class), however, the proponent must file it within 20 days after the Federal Register notice appears.

If the STB imposes a PUC, which it usually will if no OFA is forthcoming, the proponent(s) and the railroad have the 180-day period to negotiate an agreement for sale/purchase, donation, and/or railbanking of the corridor. The STB cannot extend the length of a PUC.

Interim Trail Use request

An Interim Trail Use request (also called a Trail Use Condition request) is similar to a PUC request, but more specif-

ic in terms of the public use sought. It has some different requirements, however, and shorter timelines for filing.

An ITU request must contain (see *Appendix C*):

- ▶ a map identifying the corridor proposed for trail use, including mileposts
- ▶ a statement of willingness to accept financial responsibility for managing the trail and any property taxes and to accept liability arising from the use of the corridor as a trail
- ▶ an acknowledgement that trail use is subject to continuing to meet the above obligations as well as the possibility of future reactivation of rail service within that corridor
- ▶ a Certificate of Service as described above for a PUC request

The statement of willingness to accept financial responsibility does not obligate or commit the proponent to any course of action; it is just an indication of willingness if an acceptable agreement is reached. In contrast to a PUC request, the STB will grant a Trail Use Condition only if the railroad consents to its doing so. This is one reason that proponents often file PUC and ITU requests simultaneously. If the railroad consents, the STB then will impose a Trail Use Condition prohibiting the railroad from disposing of the corridor for 180 days while the parties negotiate an agreement for sale, donation and/or railbanking of the corridor. The STB can extend this condition beyond 180 days if agreement seems possible.

It is important that trail advocates be aware of potential abandonments before STB filings occur.

If the ITU request is in response to an abandonment application or a request for an individual exemption, the same deadline applies as for a PUC (45 days after the application is filed; 20 days after notice in the Federal Register for an exemption). If, as is more likely, the ITU request relates to a request for a class exemption, it

must be filed within 10 days of the Federal Register notice. If a proponent is filing a combined PUC/ITU request, it must meet the more stringent deadline. In either case, the railroad then has 15 days to notify the STB whether it consents to negotiating with the proponent. Note: If more than one proponent files a request, the railroad can choose the one (if any) with which it will negotiate. It is more likely to select a government agency (local or state) in such cases.

Because a high percentage of abandonment filings are requests for class exemptions, and in view of the additional requirements for an ITU request (e.g., a map of the

corridor), it is important, as emphasized previously, that trail advocates be aware of potential abandonments before STB filings occur. Fortunately, in NYS there are additional required steps that allow proactive trail advocates to learn about approaching abandonments and to prepare responses.

Public use condition vs. interim trail use requests

Each of these approaches to seeking preservation of a railroad corridor has its advantages, and for that reason trail advocates often file both simultaneously. The advantage of a PUC request is that the STB can impose the condition without the consent of the railroad. The advantage of an ITU request is that the STB does not consider imposing the 180-day trail use condition until after it has decided to permit abandonment. By that time it will be clear whether there

Railbanking can assure that the corridor remains intact and protect the acquiring agency/organization from the costs of resolving ownership questions.

are any OFAs from other companies that could keep the railroad operating. If not, the railroad may be more motivated to negotiate with trail advocates, especially if that means dealing with one purchaser rather than several. In addition, at that time (assuming the railroad consents to such a condition), the trail proponent will be the only party with which the railroad is negotiating. During a PUC, there may be several interested parties. A combined PUC/ITU request thus effectively allows two opportunities for trail use of a corridor to be considered.

To railbank or not

While the STB's PUC and ITU procedures are built around the goal of preserving railroad corridors intact for future use through railbanking, participation in those procedures does not commit or limit trail advocates to seeking a railbanked corridor as the only possible outcome. In fact, there is good reason to consider alternatives.

By definition, and under the federal law that established the railbanking option, a railbanked corridor is being preserved specifically for possible future use as a railroad if changes in economic, technological or other factors permit. That is why the word "interim" appears in the term "interim trail use." Thus, a trail on a railbanked corridor may be lost (with compensation, usually fair market value of the property and any improvements) in the future if a railroad becomes economically viable again. This already

has happened, and communities and trail users must recognize the possibility.

If a railroad is willing to sell a corridor and can assure clear title to the land, and if a mutually acceptable price is agreed upon and funding is available, acquisition in fee simple without railbanking offers assurance that a trail will remain as long as the new owner wishes. Often, this may be the preferred way to proceed. If an agreement is reached with the railroad, the STB does not review that agreement.

Railbanking may make sense in some situations, most importantly when the railroad does not have clear title to the land. If the railroad agrees to railbanking, it can legally transfer all forms of ownership, including easements, to the trail managing agency/organization, thus protecting against loss of any sections subject to reversion clauses or where documentation of how the railroad originally acquired the property (e.g., a deed) is lacking. Thus, railbanking can assure that the corridor remains intact and protect the acquiring agency/organization and the railroad from the costs of resolving ownership questions, including possible litigation. The railroad is allowed to remove all equipment of value except for bridges, tunnels and culverts, and it retains the right to reestablish rail service at any time (with appropriate compensation to the current owner).

Acquisition in fee simple without railbanking offers assurance that a trail will remain as long as the new owner wishes.

Combined with the opportunity for a quick sale and lower transaction costs from transferring the entire corridor to a single buyer, these considerations may result in a lower price for the purchasing agency/organization.

An understanding of the potential benefits and drawbacks of railbanking is important to trail advocates in New York State because there is no comparable provision in state law. It can only be pursued through the STB proceedings.

The railbanked corridor is being preserved specifically for possible future use as a railroad if changes in economic, technological or other factors permit.

Appendix C

Sample Combined Public Use Condition and Interim Trail Use Request

Mr. Vernon A Williams. Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

RE: Norfolk Southern Rail Road - Abandonment Exemption - Wyoming and Genesee Counties, NY, Docket No. AB-290 (Sub-No. 271-X)

Dear Mr. Williams:

This request is filed on behalf of the New York State Office of Parks, Recreation and Historic Preservation (Proponent) which is a government agency interested in natural resources, recreation, historic preservation and the conservation of open space. While not taking a position on the merits of this abandonment, Proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment of the rail line known as the Groveland Industrial Track extending 4.5 miles between milepost UG 360 20 in the Village of Alexander, Town of Alexander, Genesee County, and milepost 364 70 in the Village of Attica, Town of Attica, Wyoming County, New York.

A. Request for public use condition - Proponent requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

- ▶ An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that the rail corridor in question would make an excellent recreational trail and conversion of the property to trail use is in accordance with a regional trail plan prepared by the Genesee Transportation Council and consistent with the policies within the State-wide Comprehensive Outdoor Recreation Plan (SCORP). The Genesee Transportation Council is responsible for transportation planning in a nine county area that includes Genesee and Wyoming Counties. OPRHP is aware that snowmobile clubs that maintain portions of trail that are located on formally abandoned rail corridors at either end of this proposed abandonment and Parks and Trails New York also support use of this corridor as a trail. The time period sought is 180 days from the effective date of abandonment authorization. Proponent requires this much time to fully evaluate the rail corridor and to commence negotiations with the carrier.
- ▶ An order banning removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of abandonment authorization for the same reasons as listed above.

B. Request for interim trail use - The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use conditions sought above, Proponent also makes the Statement of Willingness shown to the right.

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 USC §1247 (d), and 49 CFR §1152.29, the New York State Office of Parks, Recreation and Historic Preservation is willing, to the extent permitted by law, 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 and operated by Norfolk Southern Railway Company. The property known as the Groveland Industrial Track extends for a distance of approximately 4.5 miles between milepost UG 360 20 in the Village of Alexander, Town of Alexander, Genesee County and milepost UG 364 70 in the Village of Attica, Town of Attica, Wyoming County, New York. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No AB-290 (Sub No 271-X). A map depicting the right-of-way is attached.

The NYS Office of Parks, Recreation and Historic Preservation 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 Norfolk Southern Railway Company, <person's name>, Senior General Attorney, Three Commercial Place, Norfolk, Virginia 23510, by U.S. Mail, postage prepaid, first class, on January 3, 2008.

Respectfully submitted,

Appendix D

Requesting Waiver of PUC/ITU Filing Fee

Sample Letter to STB Requesting Waiver of PUC/ITU Filing Fee

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Finger Lakes Railway Corp.-Abandonment-Yates County, New York STB Docket Number AB-1005-0-X

Dear Mr. Williams:

[Parks & Trails New York] requests a waiver of the \$200 filing fee that we submitted June 4, 2007, with our Interim Trail Use and Public Use Condition requests for the Finger Lakes Railway Corp. Corridor between mileposts Milepost 41.35 and Milepost 46.3 in Yates County, New York. [Parks & Trails New York] is a private, non-profit organization working with communities throughout New York State to preserve former rail corridors for public recreational trail use.

Respectfully submitted,
[name]

(send with Interim Trail Use request and fee payment; fee will be returned if waiver is granted)

About Parks & Trails New York

Parks & Trails New York is the only organization working to expand, protect and promote a network of parks, trails and open space throughout New York State for all to enjoy. Since its founding in 1985, Parks & Trails New York has grown from a small group of advocates to over 5,000 members and supporters from every region of the state. The work of Parks & Trails New York includes advocacy, outreach, technical assistance to communities, and bicycle tours such as Cycling the Erie Canal. Published resources, most of which are available at www.ptny.org/publications, include:



- ▶ *GreenSpace*, a regular newsletter for members, supporters and friends
- ▶ *Parks & Trails E-News*, a FREE bi-monthly electronic newsletter of information about parks and trails; sign up at www.ptny.org/e-news
- ▶ *Getting Started: A Guide to Planning Trails in New York State*
- ▶ *Getting Involved: A Community Trail Handbook for Landowners*
- ▶ *Greenways & Trails: Bringing Economic Benefits to New York*
- ▶ *Cycling the Erie Canal*, a guide to the Erie Canalway Trail
- ▶ *Ten Terrific Rail & Canal Trails*

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