

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

ROBERT A. WIMBISH
(312) 252-1504
rwimbish@fletcher-sippel.com

June 14, 2019

VIA ELECTRONIC FILING

247959

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

ENTERED
Office of Proceedings
June 14, 2019
Part of
Public Record

**Re: Docket No. AB 1261
New York State Department of Environmental Conservation –
Adverse Abandonment – Saratoga and North Creek Railway in
Town of Johnsburg, New York**

Dear Ms. Brown:

As the record in this proceeding indicates, OmniTRAX, Inc. (“OTI”), and OmniTRAX Holdings Combined, Inc. (collectively, “OmniTRAX”) have been engaged in discussions with Saratoga and North Creek Railway, LLC (“SNCR”) regarding a potential transaction whereby the assets of SNCR’s “Tahawus Line” – the subject of this proceeding – would be transferred to a new entity within the OmniTRAX corporate family. That new OmniTRAX entity would, upon consummation of a Board-authorized transaction, operate the Tahawus Line as a common carrier.

On a related front, OmniTRAX have been engaged in discussions with the New York State Department of Environmental Conservation (“NYSDEC”) regarding NYSDEC’s Tahawus Line car storage concerns. Also, OTI has been participating as a party of record in the subject proceeding, having joined with SNCR and NYSDEC in persuading the Board to suspend action on NYSDEC’s pending abandonment application.

OmniTRAX hereby informs the Board that it has decided to discontinue negotiations for the purchase of the Tahawus Line assets, has advised SNCR and NYSDEC of its decision, and, accordingly, has ended related discussions with SNCR and NYSDEC. OmniTRAX continues to believe, however, that the Tahawus Line possesses sound commercial prospects for the right operator, but it has concluded that continued pursuit of this opportunity is not right for OmniTRAX at this time.

Because OmniTRAX is no longer interested in acquiring the Tahawus Line, OTI finds that it no longer has a stake in the pending abandonment undertaking. For that reason, OTI

FLETCHER & SIPPEL LLC

Ms. Cynthia T. Brown

June 14, 2019

Page Two

hereby respectfully requests leave to withdraw as a party of record from the above-referenced proceeding, effective immediately.

Respectfully submitted,

A handwritten signature in cursive script, reading "R. A. Wimbish", written in black ink. The signature is positioned above a horizontal line.

Robert A. Wimbish
Attorney for OmniTRAX, Inc.

RAW/ah

cc: All parties of record