

From: William D. Burt <wburt@lalrr.com>
Reply-To: "William D. Burt" <wburt@lalrr.com>
Organization: Livonia, Avon & Lakeville Railroad Corp.
To: Drew McInnes <mcinnes@infoblvd.net>
Date: Friday, October 31, 2003 1:16 PM
Subject: Re: Alfred Comprehensive Plan

Mr. McInnes:

Going west, the Western New York & Pennsylvania Railroad enters the Town of Alfred at Milepost JC 339.51+/- and exits at MP JC 346.25+/- . The total route-miles in the Town is the difference between these mileposts, 6.74 miles. Due to historical inaccuracies in placement of mileposts, these distances cannot be considered exact, but they are fairly reliable. MP 339.51 is in the middle of the large embankment that was recently rebuilt across Canacadea Creek from the intersection of Route 21 and Whitford Road. MP 346.25 is about a mile west of Tip Top.

There are no sidetracks or passing sidings in the Town.

WNYP is interested in developing freight traffic to/from industries in the Town. Possible candidates include the sand and gravel quarry across the valley from the railroad at Alfred Station. We have sufficient property at Alfred Station to build a sidetrack serving local users.

We have no plans to offer passenger service.

Other points that may merit consideration:

- 1.) As a federally regulated industry railroads are not subject to local land use regulation and are entitled to improve and expand their facilities, including intermodal facilities, without seeking zoning permits. Our policy is to consult local government on a cooperative basis before proceeding with any large-scale change.
- 2.) Except under special circumstances that would probably not apply in the Town of Alfred, railroads are required by law to sound the horn at all public grade crossings. We often find developers and/or individuals building housing closer to the tracks than appears to be appropriate, and then find ourselves on the receiving end of complaints from people who claim that they were told by their realtor that "The railroad is never going to come back" or "The railroad only runs once a week" or "The railroad only runs during the day." In these cases, it would appear not only that the realtor may be at fault, but also the planning and zoning board that permitted these situations to occur.
- 3.) Encroachments on railroad property are scattered throughout the region. In the Town of Alfred, we found that Vesuvius Crucible's Hartsville Road plant was built several feet over onto railroad property, and was allowing vehicular parking and placement of a dumpster literally at the edge of the ties. While this company responded responsibly by

entering into a lease and paying the cost of a guardrail to separate their uses from the clearance envelope of the track, many encroachers resist correcting their encroachment, forcing the railroad to take action against them. We had to deal with one such individual near Tip Top.

4.) Drainage--We often find local government and private interests designing their drainage on the assumption that it can be dumped into the railroad's ditch. This usually creates a problem for the railroad. The accumulation of such decisions over the years, along with other changes in land use, has drastically increased the water flow toward the railroad's drainage structures, far beyond the water flow for which they were designed. We wish to be consulted in advance whenever someone proposes to increase the flow of water, gravel, or silt toward railroad property. Erosion and washouts of the railroad are a major issue for us in the Town of Alfred, and we will be working steadily in the years to come to protect the railroad against sudden interruption of service due to drainage and related failures.

5.) Private crossings--NYS law provides a limited right to have a farm crossing to access actively farmed land. Some other crossings were required as a condition of sale of the property to the railroad more than a century ago. Our policy is to comply with the law and any deeded requirements that exist. Other private crossings will be discouraged due to liability and safety concerns.

7.) Trespass--There is a major problem in the Town of Alfred with ATV's using the railroad despite the fact that the property is posted. A particular problem is the well-worn ATV path along the north side of the track from Satterlee Hill Road to the state game lands above Almond. ATVs damage the track structure and we will seek the arrest and prosecution of any ATV rider found on the railroad.

8.) The line wire poles are not needed for operation of the railroad and will come down as priorities permit.

WNYP wishes to be a partner in economic development in the Town of Alfred. If any such opportunity presents itself, please do not hesitate to contact me.

William D. Burt
President and Chief Operating Officer
Western New York & Pennsylvania Railroad