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STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION

CASE 38634 - Petition of the County of Erie, pursuant to Section 90 of the Railroad Law, for an order of the Commissioner directing the establishment of a public at-grade crossing for the Sherwood Trail located on the Wonalancet Running Track subdivision of CSX Transportation, Inc., in the area of the intersection of Sheridan Drive and Kenmore Avenue/County Route 189 (USDOT # 519566L), in the vicinity of Mile Post 2.61 located in the Town of Tonawanda, Erie County.

PETITIONER'S REPRESENTATIVE AND ADDRESS:

Thomas J. Dearing, Deputy Commissioner, Department of Environment and Planning, County of Erie, 99 Franklin Street, Buffalo, NY 14202.

* * *

N O T I C E is hereby given that a public hearing will be held in the above-entitled matter before the Honorable Robert A. Rybak, Acting Chief Administrative Law Judge, New York State Department of Transportation, at the Tonawanda Municipal Building, 2919 Delaware Avenue, Kenmore, NY 14217 on Tuesday, June 12, 2012 beginning at 9:00 AM.

By its letter dated May 8, 2012 requesting this hearing, the County of Erie is seeking approval to construct an at-grade bicycle and pedestrian trail public crossing of an existing railroad line. The trail will complete an approximately 8.3 mile link between the Riverwalk Trail and the Two Mile Creek Greenway Trail. This hearing will establish a record and enable a determination as to whether the establishment of such a crossing is necessary and, if necessary, the details of constructing such a crossing.

Parties are requested to advise the Office of Proceedings (518-457-1182) if a sign language interpreter, an assistive listening system or any other accommodations will be required to facilitate participation in this hearing.

Parties who are planning to attend this hearing should confirm the day before the hearing that the hearing has not been adjourned, especially in case of inclement weather, by calling the Office of Proceedings or going to the Department's website which is located at: https://www.nysdot.gov/divisions/legal-services-division/hearing-notices.

Parties who wish to receive a copy of the final report that is issued in this case or additional correspondence concerning this case must send a written request to the Office of Proceedings, NYSDOT, 50 Wolf Road, Albany, New York 12232.

May 24, 2012
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ROBERT A. RYBAK
Acting Chief Administrative Law Judge
Office of Proceedings