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2 property in progress during this -- these  
3 changes to make way for the Ulster County  
4 Jail, the new Ulster County Jail opposite  
5 Golden Hill.

6 Q Was any of this done with the  
7 authority of Wallkill or with licensing  
8 rights given from Wallkill in any way,  
9 shape, or form?

10 A No. This was done without --  
11 without notification to Wallkill Valley  
12 Railroad.

13 Q Were any --

14 A Unfortunately.

15 Q Were any wire crossings covered  
16 under the 1992 Deed of Easement  
17 extinguished, and if so, how so?

18 A I believe that the one along Route  
19 32 in the area of the condemnation would  
20 have been extinguished by the eminent  
21 domain process.

22 Q In order to use eminent domain, is  
23 it true that compensation has to be paid  
24 for a taking?

25 A Yes, absolutely.

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2 Q And the taking that was done to the  
3 Wallkill Valley Railroad to Mr. Rahl, to  
4 your knowledge, --

5 MR. RAHL: Strike that.

6 Q With regards to the jail facility,  
7 could you kindly describe, prior to the  
8 jail facility's building and in accordance  
9 to the Exhibit Number 2 is it, in  
10 accordance to Exhibit 2 the physical  
11 inventory of 1998, the Exhibit Number 3,  
12 and with regards to Central Hudson by the  
13 Kingston Transfer Station what is your  
14 knowledge of what happened there during  
15 that project?

16 A Can I see the actual exhibit,  
17 please, of that crossing?

18 Q Yes.

19 A Looks like line 1029, road to  
20 Kingston refuse station, that's also known  
21 as Albert Street.

22 Q Let me be clear. I'm asking you  
23 about the electric line that crossed the  
24 jail project. Can you explain what  
25 happened with that?

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2           A     Oh, well, there was a high tension  
3 line crossing right through the middle of  
4 the proposed jail site, which I believe was  
5 owned by a party by the name of Starpolli  
6 (Phonetic Spelling), and it was a big  
7 problem because it was a high tension line  
8 and it was interior to the road by quite a  
9 distance.

10           Q     And is that a licensed crossing  
11 that Central Hudson had with the Wallkill  
12 Valley Railroad Company and is it  
13 inventoried?

14           A     In respect to the electric line or  
15 in respect to the cable that went to the  
16 transfer?

17           Q     They crossed 32, they crossed 32  
18 and the highway. They were across from the  
19 power station.

20           A     Oh, yes. You mean from the  
21 substation?

22           Q     Correct.

23           A     And interior to that Starpolli lot  
24 where the jail was built.

25           Q     I'm asking you, before the jail

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project was built, what was the configuration of Central Hudson's wiring as per the wire inventories that we did? How did it cross the jail property? Did it cross aerial?

A Aerial.

Q And where did it cross the jail project?

A I guess in the proximity of the Albert Street or refuse transfer station area, which we refer to as line -- the telephone company refers to as line 1029.

Q More specifically, Central Hudson's transmission lines crossing a jail project, what happened to those lines?

A Well, I believe you had a high tension line from the transfer station that jumped across Route 32 and went interior off the road through the Starpolli lot where the new jail was supposed to be -- was proposed to be built.

Q So you're saying that --

A -- and they had to get them out of there.

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Q So you're saying that these lines of Central Hudson --

A Had to be taken out.

Q And rerouted?

A And rerouted.

Q How were they rerouted?

A They were rerouted along Route 32 and the railroad right-of-way; the railroad right-of-way that was condemned.

Q Now, to your understanding, the County paid condemnation value to the land.

To your understanding, did Verizon, Central Hudson or the County pay any value to the Wallkill Valley Railroad Company as far as you know?

A No.

Q So what kind of a taking was done to Wallkill Valley Railroad Company, as a real estate expert, a right-of-way expert and to a man who was, in the past, a member of the Right-of-Way Organization, can you summarize the kind of taking that was done to Wallkill Valley Railroad Company?

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A I would say it was definitely a hostile proceeding.

Q Is that without compensation?

A Without compensation.

Q Thank you.

MR. RAHL: Off the record.

(Discussion held off the

record.)

Q Are any of the wire crossings covered under the 1992 agreement located within the City of Kingston?

A Yes.

Q Does Verizon pay the City of Kingston a fee or franchise fee for the use of the streets for their facilities?

A I believe it is appropriate.

Q I'm sorry, would you answer that question a little -- again, differently. Clarify.

A The municipalities charge, I think, per foot per pole et cetera for the telecommunications or electric communications, and like it was a joint pole, Central Hudson, the custodian, has 53

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percent of the pole, Verizon has the remainders, and they pay proportionately.

Q Could you further explain this custodial relationship between Central Hudson and Verizon?

A Well, in a Joint Pole Use Agreement the counties of Ulster and Dutchess on the Dutchess side of the river, Bell Atlantic or Verizon is the custodian of the poles and has the major interest in the pole, and on the westerly side of the river, which is Ulster County, Central Hudson is the custodian or business agent and they do the licensing of third-party attachments and forth party attachments -- third-party and fourth party attachments, so be it; fifth party attachments, depending on how many companies.

Q Now, third-party attachments in the City of Kingston, can you list some of those that we might have found had no license when we were doing the inventory?

A Well, it was -- it could be -- I believe at this present time it's

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2 Time-Warner Cable, Hudson Valley DataNet,  
3 possibly AT & T. Any other carrier that  
4 might, you know, come into play that I may  
5 not know of.

6 Q So you're stating that not only  
7 does Time-Warner have business here, but  
8 there are other companies --

9 A Right.

10 Q -- within their system as third  
11 parties to third parties?

12 A Right.

13 A new company that I know of is  
14 Hudson Valley DataNet. Now, they would  
15 probably occupy the same area that the  
16 cable TV does.

17 Q Now, but within these lines of  
18 these other third-party companies are there  
19 also other third-party companies providing  
20 service to the public through the third  
21 parties that we know of? In other words,  
22 is there a second company to Time-Warner  
23 offering the same service?

24 A That's a little ambiguous.

25 Q Subleasees?

1

2 A That's possible.

3 Q That's possible?

4 A Yes, that's possible. They could  
5 sublease a fiber.

6 Q I'm going to return to my prior  
7 question. Does Verizon pay the City of  
8 Kingston a fee or a franchise fee for the  
9 use of the streets for their facilities?

10 A Yes.

11 Q Thank you.

12 Are there any other issues or  
13 information that you would like to add,  
14 Mr. Strecker?

15 A Well, I believe that in looking at  
16 the big picture on highest and best use of  
17 railroads I would say we had some  
18 considerations to make ecological  
19 considerations at this point in time.

20 For instance, the maintenance fees  
21 on our roads are very high due to the frost  
22 and the millions of tonnage of freight  
23 impacts on our interstate and state  
24 highways as maintenance costs, which could  
25 be alleviated by switching to rail

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2 freight. The number of gallons of diesel  
3 fuel that would be saved by switching to  
4 rail freight and passenger, mass transit  
5 passenger.

6 In other words, the number of  
7 gallons of diesel fuel that would be saved  
8 by using rail transportation for freight  
9 and passenger service. The decrease in  
10 emissions from that reduction of highway  
11 motor freight that would significantly  
12 improve air quality, a Kyoto Accord  
13 initiative: Decrease in traffic congestion  
14 and increase in highway safety due to the  
15 decrease in motor freight.

16 Q Might I ask you a question,  
17 Mr. Strecker? What is the principal  
18 business, to your understanding as a  
19 right-of-way expert, of the New York State  
20 Thruway insofar as vehicular  
21 transportation, its Mode?

22 A They maintain interstate highway  
23 facility for the transportation of  
24 passenger and commercial vehicles.

25 Q In other words, cars and tractor

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2 trailers and the like?

3 A Yes.

4

Q And what is the location of  
5 Wallkill to the New York State Thruway, and  
6 could you also further describe the  
7 corridor that you earlier described as to  
8 how it runs adjacent to the Thruway and  
9 where it does run?

10

Where does the New York State  
11 Thruway in Wallkill run from and to?

12

A Where does -- the New York State  
13 Thruway runs from Buffalo to New York City.

14

Q And in doing so, does the New York  
15 State Thruway run through Albany and then  
16 turn south?

17

A Yes.

18

Q When it turns south at Albany, does  
19 it run parallel to the Wallkill Valley  
20 Railroad Company?

21

A Yes, it does. That's called, I  
22 believe, the West Shoreline.

23

Q Do you happen to know who  
24 originally built the West Shoreline from  
25 Kingston to Albany?

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2

A New York Central. It's

3

Coykendall. It's a little hard. A

4

gentleman by the name of Coykendall,

5

Mr. Coykendall.

6

Mr. Coykendall owned the Wallkill

7

Valley Railroad, West Shoreline -- and the

8

West Shoreline.

9

Q Now, as a right-of-way expert,

10

what you're saying with regards to

11

transportation is that a railroad running

12

from Albany to New York City at this time

13

would be the highest and best use for the

14

environmental purposes?

15

A Absolutely.

16

Q Thank you.

17

A Absolutely without a doubt. I

18

mean, you -- I listed them and explained

19

them in -- in -- with the total impact,

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the environmental impact and also the

21

savings on maintenance on the road and

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traffic safety improvement and emissions

23

improvement --

24

Q Thank you.

25

A -- and fuel consumption savings --

W. STRECKER

Q There may be --

A -- and this is my highest and best use, being able to promulgate intelligent design of transportation in this state.

Q Thank you, Mr. Strecker.

MR. RAHL: There may be additional questions to be asked but they are hereby reserved until a later date or until the time of trial. Thank you for your time, all of you.

(Time noted: 4:11 P.M.)

SCHMIEDER & MEISTER, INC (845) 452-1988

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I N D E X  
TO TESTIMONY

WITNESS BY: PAGE  
WILLIAM STRECKER MR. RAHL 5

TO EXHIBITS MARKED

PLAINTIFF'S EXHIBITS PAGE  
Exhibit 1 15

Document entitled Deed of  
Easement, dated the 7th day of  
February, 1992, consisting of  
eight pages

Exhibit 2 17

Consisting of two pages,  
Cover page being a letter dated  
August 9, 1999 authored by  
William H. Strecker addressed to  
William Balcerski, Bell Atlantic-NY,  
Legal Department; second page  
Entitled 1999 License Agreement -  
06/12/02 Inventory of "As Built" Crossings

Exhibit 3 18

Document entitled Physical  
Inventory 2/10/98, Sizes of  
Existing Cables Noted

Exhibit 4 18

Consisting of three pages, cover  
page being a letter dated  
June 14th, 2002 authored by  
William H. Strecker, addressed to  
John Rahl - President, Wallkill  
Valley Railroad Company; second page  
Entitled Physical Inventory 2/10/98,  
Sizes of Existing Cables Noted, Page 1;  
Third page entitled Physical Inventory  
2/10/98, Sizes of Existing Cables Noted, Page

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TO EXHIBITS MARKED  
(CONTINUED)

PLAINTIFF'S EXHIBITS	PAGE
Exhibit 5	18
Document entitled As-Built, dated 7-20-98, Chas. H. Sells, Inc., Consulting Engineers, Surveyors and Photogrammetrists. consisting of one page	
Exhibit 6	19
Document entitled General Joint Use Pole Agreement Between Central Hudson Gas and Electric Corporation and The New York Telephone Company Effective January 1, 1986 consisting of 22 pages	

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C A P T I O N

This is the Deposition of  
WILLIAM STRECKER  
taken in the matter, on the date, and  
at the time and place set out on the title  
page hereof.

It was requested that the deposition be  
taken by the reporter and that same be  
reduced to typewritten form.

It was agreed by and between counsel  
and the parties that the Deponent will read  
and sign the transcript of said deposition.

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C E R T I F I C A T E

STATE OF FLORIDA :  
COUNTY/CITY OF OCALA :

Before me, this day, personally appeared  
WILLIAM STRECKER, who, being duly sworn,  
states that the foregoing transcript of  
his/her Deposition, taken in the matter, on  
the date, and at the time and place set out  
on the title page hereof, constitutes a  
true and accurate transcript of said  
deposition.

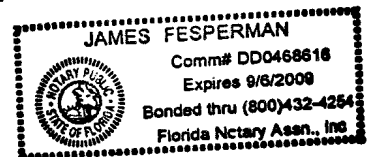
William Strecker

WILLIAM STRECKER

Signed and subscribed to before me  
this 2 day of OCTOBER, 2007.

[Signature]

NOTARY PUBLIC



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C E R T I F I C A T E

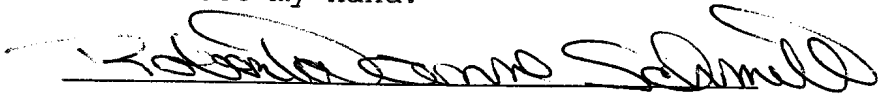
STATE OF NEW YORK)

) ss.

COUNTY OF ULSTER )

I, ROBERTA-ANNE SCHMITT, a Court Reporter and Notary Public of the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time and place noted in the heading hereof, and that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand.



ROBERTA-ANNE SCHMITT

A					
<b>abandoned</b> 63:7 63:10,18,20 74:9,13,14,15 74:20,22,25 75:4,6	<b>adversely</b> 40:21 <b>aerial</b> 26:8 46:7 46:9 75:17 81:13 103:6,7	<b>and/or</b> 7:5 79:18	21:25 56:14 57:10 59:20 62:2 63:9 65:11,14 67:19 69:14,20 70:14 70:15 71:24 72:24 73:13 74:5 80:20 81:23 82:3 84:22 89:24 93:15 95:22,24 96:8 97:24 114:5	<b>automobile</b> 87:6 <b>auxiliary</b> 64:5 <b>available</b> 87:3 89:16 93:19,19 99:9	<b>Bell</b> 12:12,14,15 13:3 16:23,23 18:16 21:19 22:12 23:15 30:12 54:6 60:4,5,6,9 61:8 61:18,20 65:12 67:2,23,24,25 73:9,11 74:2 76:4,20 79:9 79:11 80:6,8 91:16 92:5 99:12 106:9 113:13
<b>ability</b> 10:23 117:16	<b>agent</b> 8:18 14:5 106:14	<b>answer</b> 27:19 28:9 49:10 96:21 105:18	69:14,20 70:14 70:15 71:24 72:24 73:13 74:5 80:20 81:23 82:3 84:22 89:24 93:15 95:22,24 96:8 97:24 114:5	<b>avenue</b> 2:4 16:18 21:8 98:2 <b>aware</b> 14:7,17 14:22 15:8 25:19 26:25 31:25 48:21 76:10 94:5,7,7 A.M 1:12	<b>belonging</b> 94:14 <b>benefit</b> 61:19 <b>best</b> 84:6 88:2 89:19,21 108:16 111:13 112:5 117:15
<b>able</b> 112:7	<b>agreed</b> 15:14 40:21 45:21 115:14	<b>anybody</b> 33:21 34:7 50:18	<b>Atlantic</b> 12:13 12:14,16 13:3 16:24 21:20 22:12 23:16 54:6 60:4,5,7 60:10 61:9,18 61:20 65:12 66:19 67:2,23 67:24,25 73:10 74:3 76:4,20 79:9,12 80:7,8 91:16 92:6 99:12 106:9	<b>back</b> 7:17 8:3,4 14:15 15:7 25:8 27:3,18 27:21,23 32:8 37:4 39:7,14 43:16 48:24 50:4,23 54:11 56:22,25 73:23 83:12 87:25 88:18 90:11,13 98:10	<b>best</b> 84:6 88:2 89:19,21 108:16 111:13 112:5 117:15
<b>absolute</b> 69:6 70:25 71:9 72:5 89:25	<b>agreement</b> 15:9 16:6 18:18 20:4 21:13,25 23:11 30:7 32:16 34:24 36:16,23 39:14 40:25 43:18 46:14 48:3 76:24 80:5 90:21,22 92:3 92:11,13,17,19 92:19,23 93:5 93:7,23 105:11 106:7 113:14 114:9	<b>apparently</b> 31:12	<b>Atlantic's</b> 73:11	<b>background</b> 6:9 8:19	<b>beware</b> 26:21 <b>bicycle</b> 85:9 <b>bicyclist</b> 83:23 <b>big</b> 102:6 108:16 <b>Bill</b> 81:16
<b>absolutely</b> 100:25 111:15 111:17	<b>agreements</b> 9:17 9:22,25 14:8 14:18,21 15:13 17:20 33:8 91:18,22	<b>appeared</b> 116:7	<b>Atlantic-NY</b> 18:16 113:13	<b>Balcerski</b> 18:15 21:8,9 22:5,7 22:11 113:13	<b>binoculars</b> 81:16 <b>Binnewater</b> 25:12 38:17
<b>access</b> 45:23	<b>agrees</b> 41:10 42:16 44:12 77:24	<b>Appellant</b> 1:3	<b>attach</b> 24:24	<b>ballistic</b> 27:9 29:14	<b>bit</b> 84:25
<b>accessory</b> 50:12	<b>ahead</b> 68:24 80:11	<b>appended</b> 50:3	<b>attached</b> 18:2 91:2 99:2	<b>bar</b> 3:16	<b>blast</b> 60:24 61:4
<b>Accord</b> 109:12	<b>air</b> 109:12	<b>appendix</b> 99:8	<b>attachment</b> 23:21 45:12 47:11,23	<b>Based</b> 39:8 94:10	<b>blocked</b> 86:4,6
<b>account</b> 74:16 75:7	<b>Albany</b> 30:19,23 110:15,18,25 111:12	<b>appraiser</b> 6:13	<b>attachments</b> 23:19 79:24 106:15,16,17 106:18,20	<b>basically</b> 95:3,5	<b>blocking</b> 84:14
<b>accounting</b> 74:16	<b>Albert</b> 98:12,24 101:21 103:11	<b>appropriate</b> 39:24 105:17	<b>attention</b> 39:15 69:13	<b>bear</b> 61:2	<b>board</b> 55:5
<b>accurate</b> 116:13 117:15	<b>alerted</b> 64:11	<b>approximate</b> 32:9	<b>attorney</b> 71:19 88:11	<b>BEATTY</b> 2:7	<b>board</b> 55:5
<b>acknowledged</b> 45:5 47:5	<b>alleviated</b> 108:25	<b>approximately</b> 8:16 97:3	<b>attorneys</b> 3:5 42:5,25 78:19	<b>bed</b> 70:19 84:6 87:18	<b>bodily</b> 41:14 78:4
<b>acquired</b> 13:15 14:25	<b>allowed</b> 17:24 40:19	<b>area</b> 7:25 8:4,5 21:15 24:16 26:22 29:12 30:15 40:20 54:19 57:14 63:16 65:6,22 75:9 80:15 88:23 100:19 103:12 107:15	<b>August</b> 18:13 113:12	<b>beginning</b> 87:4	<b>body</b> 49:20
<b>acquiring</b> 9:9	<b>alterations</b> 85:7	<b>areas</b> 6:6 7:12	<b>auspices</b> 11:4	<b>begun</b> 3:23	<b>bonafide</b> 71:7
<b>acquisition</b> 95:7	<b>altruistic</b> 84:2	<b>arising</b> 41:18 78:8	<b>authored</b> 18:14 19:7 113:12,20	<b>behalf</b> 41:16 78:6	<b>Boston</b> 89:13,14
<b>action</b> 3:18 42:3 42:23 65:2 78:17	<b>ambiguous</b> 107:24	<b>arrangements</b> 15:4 21:16 30:4 36:19 59:13 91:14	<b>authority</b> 41:4 94:16 100:7	<b>believe</b> 12:25 17:4,5,7,9 23:22,23 24:4 25:24 30:7,10 31:7 52:2 57:25 58:7,8,9 80:10 95:8 96:14 100:18 102:4 103:17 105:17 106:25 108:15 110:22	<b>bottom</b> 69:13
<b>actions</b> 41:13 42:18 78:3	<b>amended</b> 45:20	<b>ascertained</b> 22:21,23	<b>authorization</b> 57:23	<b>bring</b> 67:5	<b>bought</b> 88:13,16 88:17
<b>active</b> 11:25 86:24	<b>Americas</b> 16:18 21:9	<b>asked</b> 11:22 12:3 28:8 56:23 90:11 96:22 112:15	<b>authorized</b> 41:24 42:22,22 78:14 80:16	<b>brackets</b> 44:24 45:2	<b>box</b> 16:14
<b>activity</b> 40:14	<b>amount</b> 94:19	<b>asking</b> 101:22 102:25		<b>branch</b> 82:25	<b>bracket</b> 44:24 45:2
<b>acts</b> 41:21 78:11	<b>analysis</b> 89:8	<b>aspect</b> 84:9		<b>bridge</b> 54:21 65:4 84:14 85:10,10	<b>briefly</b> 90:23 93:5
<b>actual</b> 85:21 101:16		<b>aspects</b> 53:11		<b>bring</b> 67:5	<b>broadband</b> 49:4
<b>add</b> 99:6 108:13		<b>asserted</b> 41:16 78:6		<b>brought</b> 41:16 78:6	<b>brought</b> 41:16 78:6
<b>addition</b> 3:14 39:22		<b>assess</b> 44:10,14		<b>Bruck</b> 13:24,25 14:2,3 16:11 20:17	<b>Buffalo</b> 89:13,14
<b>additional</b> 44:10 44:14 45:2,17 45:25 46:4 47:2 112:15		<b>assessed</b> 46:5			
<b>address</b> 5:13,20		<b>assigned</b> 13:16			
<b>addressed</b> 18:15 19:8 113:13,20		<b>associated</b> 11:11 62:18			
<b>adequate</b> 65:20		<b>Association</b> 6:12 6:21			
<b>adjacent</b> 39:24 83:18 110:8		<b>assume</b> 11:14			
<b>adjudicate</b> 40:16		<b>assuming</b> 56:10			
<b>adjustments</b> 62:3		<b>As-Built</b> 19:19			

110:13 building 101:8 built 18:19 44:19 46:20 57:9 65:18,20 73:12 93:15 97:4,10 97:12 102:24 103:2,22 110:24 113:15 bundle 69:10 buried 10:3 25:18,21,22 26:9,18 31:16 31:22 48:24 58:2,13 62:16 63:23 64:3 81:2 bury 32:2 48:25 burying 27:2 31:11 59:4 60:12 business 9:21 24:25 106:14 107:7 109:18	23:18 24:8,16 24:18,21 28:10 28:21,23 35:13 43:24 45:13 47:12,23 48:8 48:12 51:15,16 53:15 75:12,17 76:6 79:18 call 26:22 69:12 called 5:3 11:17 62:12 88:5 110:21 calling 50:15 canals 70:2 capacity 6:2 22:18 27:12 48:6 care 61:21 67:4 carried 16:21 carrier 70:8 107:3 carry 66:3,3 carrying 66:9 cars 109:25 case 1:10 17:8 58:9,10 64:5 91:16 93:9 cause 42:19 caused 42:8 43:3 43:9,11 78:22 cement 60:22 center 70:6,18 70:18 74:23 Central 20:4 23:17 28:19 49:8 51:14 53:16 58:23 59:25 65:23 66:14 75:12 76:7,15,22 81:4,5,10,14 82:20 92:5,13 92:20,21 93:8 93:16,20,21,25 101:12 102:11 103:3,14 104:3 104:15 105:25 106:5,13 111:2 114:10 certain 17:24 21:16 32:22,23 certificates 6:16 certify 117:11 cetera 105:22 chain 71:3,12 change 38:7,9,13 40:16	changed 17:5,6 29:25 44:18 46:19 99:16,23 99:24 changes 18:3,5 23:5,7 37:20 37:22,24 38:3 38:6,18,25 44:8 87:3 100:3 charge 60:6 105:21 Charles 54:9 68:25 71:4,13 89:23 96:2 Chas 19:20 114:6 check 33:21 64:13 circled 82:15 circumstances 43:7,8,9 citizen 83:19 84:17 City 1:5 88:24 89:12,13 98:12 105:12,14 106:21 108:7 110:13 111:12 claim 42:3,22 78:17 claims 41:13 78:3 clarify 14:11 105:20 clarity 37:7 classes 17:25 clause 42:12 43:21 46:13 79:4 clear 101:22 close 82:3 closed 42:6 45:16 78:20 coax 30:19 38:24 coaxial 30:25 31:2,6 38:22 48:23 column 35:15 come 26:23 58:18 59:23,23 59:24,24,25 87:25 107:4 coming 84:13 89:9 comments 5:18 35:14,15	commercial 109:24 common 91:11 communication 29:13 communications 5:25 6:24 11:4 17:7 27:10 29:15 45:8 47:9 105:24 companies 23:9 23:18 24:2,8 24:18 25:4 28:11,11,18,23 28:24 38:10 51:7 65:20 68:8 90:16 91:4 93:22 106:19 107:8 107:18,19 company 9:10 11:12,17,18,20 11:24 12:18,20 12:22,23 13:9 14:4 15:6,10 15:22 16:12,16 16:22 17:2 19:9 20:6,22 21:19 22:10,13 23:16,21 24:6 24:14,14,22 26:3,19 30:20 30:22 31:5,8 34:15 36:20 47:17 51:11,14 51:24 52:3 53:15 54:6 58:2 61:16 62:17 63:10 67:21 71:6 72:3 76:13,23 80:16 81:23 90:17 92:15 93:22 95:8,25 96:7,12 97:10 98:2 99:10 102:12 103:13 104:16,20,25 107:13,22 110:20 113:21 114:11 company's 6:22 compensate 48:7 49:5,5 compensated 95:11 compensation	48:11,22 100:23 105:4,5 concerned 94:4 concerning 83:14 concrete 60:22 condemnation 11:13 99:25 100:19 104:12 condemned 104:10 Conduct 3:10 conduit 10:3 65:12 66:18 67:2 conduits 66:23 69:5 73:8 confidence 34:2 configuration 66:4 73:20 103:3 confirmation 83:5 conflicts 42:18 congestion 109:13 conjecture 31:15 conjunction 51:2 95:14 Connecticut 88:11 connection 41:18,22 42:2 53:19 78:8,12 78:16 consent 44:24,24 45:15 46:23,24 47:14 consents 39:22 consider 7:5,6 consideration 44:11,14 46:5 considerations 108:18,19 consisting 16:4 18:11 19:4,22 20:8 113:9,11 113:19 114:7 114:11 Consolidated 95:8 constitutes 116:12 constriction 84:10 constructed 41:4 44:19 46:19	59:16 96:13 construction 40:2,3 44:7 45:25 50:24 52:7 54:19 55:13 57:21 58:19 59:5 67:9 69:24 72:23 83:3 86:4 94:11,17 94:17 95:7,13 consultant 7:20 54:9 consulted 65:19 consulting 19:20 68:25 114:6 consumption 111:25 contact 29:23 59:10 contacted 59:16 62:25 contacting 54:23 59:21 contemplated 29:11 54:17 content 46:11 contention 97:17 context 77:22 contiguous 84:19 CONTINUED 114:3 Continuing 43:17 continuous 96:2 contract 46:14 50:7 78:25 contracts 77:4 contrary 45:4 47:4,5 controlled 4:4 conversation 14:24 conversion 17:11 convey 64:20 corner 66:8 69:14 corporation 14:25 16:17 20:5 41:17 78:7 92:14 114:10 correct 9:11,12 9:13 56:5,9 57:7 64:2
<p style="text-align: center;"><b>C</b></p>					
c 2:2 5:2 46:10 115:2 116:2,2 117:2,2 cable 10:2,3 23:21,23 25:11 25:21,22 26:18 26:19 27:5,11 29:12,13,15,20 29:22 30:8,19 30:21,25 31:3 31:7 33:15 38:13,18,19,22 46:10 58:2,13 58:15,16 59:5 60:3,12 62:16 63:23,25 66:9 73:24 75:24 76:13,16,16,18 76:21,22 81:7 93:21 98:21 99:22,23 102:15 107:2 107:16 cables 18:24 19:12,15 25:17 25:20 26:2,11 26:15 27:2 30:24 31:15,19 35:10 37:21 113:17,22,23 cablevision					

66:21,22 71:8 72:10,11 74:12 75:14 79:8 89:4 93:17 96:4,23 102:22 corridor 110:7 corridors 89:15 corruption 67:8 cost 87:12 costs 41:25 78:15 108:24 counsel 3:25 22:12 115:14 counties 106:8 country 87:5 County 1:5 21:15 35:21 41:6 51:20 100:3,4 104:12 104:15 106:13 117:7 COUNTY/CL... 116:5 course 8:24 23:15 51:18 53:13 76:3 courses 6:15,19 6:21,23 Court 1:1,7 117:9 covenants 41:10 77:24 cover 18:12 19:5 21:5 35:24 113:12,19 covered 21:13 99:13,17 100:15 105:11 Coykendall 111:3,4,5,6 craft 8:11 craftsmen 33:13 create 35:22 criticism 85:4 cross 62:4 69:5 69:25 70:23 103:5,6,8 crossed 75:18 93:13 101:23 102:17,17 crosses 81:22 84:24 crossing 9:17,22 9:25 14:7,17 27:24 29:3 46:4,7,8,9,9 54:20 55:12	57:23 58:25 70:15 71:10 84:11 85:22 93:9 101:17 102:3,10 103:15 crossings 11:25 12:5,6 15:3 18:19 21:17,24 22:2,20 23:2 23:10 25:3 27:14 32:17 34:22 35:18,24 36:15,21,24 45:2,17 47:2 50:10 70:7 75:17 88:15 99:7,16 100:15 105:10 113:15 custodial 106:5 custodian 105:25 106:10 106:14 C.P.L.R 3:8 4:3	109:13,15 deed 15:8,20 16:2,7 17:12 17:23 20:10,12 20:15 41:19,19 41:20,24 44:2 45:18,19,23 50:7 77:2,17 78:9,9,10,14 79:15 97:21 98:19,22 99:13 99:17 100:16 113:8 deeds 36:3 deemed 4:2 45:19 deep 31:16,17 defend 41:11 77:25 define 22:3 definitely 58:20 105:2 degrees 6:16 demographics 86:23,25 department 18:16 21:7 51:18 59:8,10 62:25 113:14 depending 86:22 106:18 Deponent 115:15 deposition 3:20 3:25 4:7 115:4 115:10,16 116:10,14 Depositions 3:10 describe 8:9,23 10:8 32:19 73:11 85:12 101:7 110:6 described 110:7 describing 81:21 design 30:2 54:16,17 67:14 112:9 designated 63:8 designed 93:20 desirable 22:24 details 25:20 dichotomies 26:17 diesel 109:2,7 difference 10:15 32:20 different 38:23	18:9 34:21 35:5 36:4 37:7 50:2 doing 9:2 26:4 106:23 110:14 dollars 68:21 domain 10:24 11:5,10 54:12 100:21,22 doubt 111:17 drawing 63:9 65:11 73:3,13 74:24 75:16 drawings 50:9 ducks 55:25 duct 46:6 63:21 63:24 64:5 73:20 74:16 76:21 ductal 74:5 ducts 64:4 74:2 74:4,13,14,20 75:7 76:4,5,6 76:14,16,18 due 54:8 55:21 68:25 108:21 109:14 duly 5:4 18:6 116:8 Dutchess 106:8 106:9 duties 8:9,23 22:11 d/b/a 16:12	18:9 34:21 35:5 36:4 37:7 50:2 doing 9:2 26:4 106:23 110:14 dollars 68:21 domain 10:24 11:5,10 54:12 100:21,22 doubt 111:17 drawing 63:9 65:11 73:3,13 74:24 75:16 drawings 50:9 ducks 55:25 duct 46:6 63:21 63:24 64:5 73:20 74:16 76:21 ductal 74:5 ducts 64:4 74:2 74:4,13,14,20 75:7 76:4,5,6 76:14,16,18 due 54:8 55:21 68:25 108:21 109:14 duly 5:4 18:6 116:8 Dutchess 106:8 106:9 duties 8:9,23 22:11 d/b/a 16:12	easements 9:6 10:10,11 11:25 36:3,9 easement-relat... 22:25 east 66:10 67:6 81:4 82:14,16 82:18 ecological 108:18 edge 66:16 81:24 82:2 effect 40:21 69:3 Effective 20:7 92:15 114:11 eight 16:4 31:16 74:3 113:10 either 10:18 33:7 elaborate 23:20 83:16 electric 20:5 23:18 28:20 35:12 43:24 65:23 66:15 75:20 76:7 79:18 81:2,3,6 81:11,15 82:4 82:14,20 92:14 92:21 101:23 102:14 105:23 114:10 electrical 45:13 47:12,24 electricians 73:25 eliminated 82:24 eminent 10:24 11:5,10 54:12 100:20,22 emissions 87:24 109:10 111:22 employed 9:15 employee 14:3 employer 10:23 ended 88:7 engineer 6:4,5,7 8:17,20 51:19 58:19 79:2 engineering 6:9 6:21,22 8:13 8:14,15,18,19 29:20 54:9,10 59:7,10 68:17 engineers 9:24 19:21 114:6 engineer's 9:4 enjoyment 83:23 enter 49:25 92:8
---	--	--	--	--	---

entered 37:9 50:8 56:15 92:10 entertained 85:3 entirely 50:8 entities 43:25 45:14 47:13,24 51:4 52:10,12 79:19 94:13 entitled 16:2 18:17,23 19:10 19:13,19 20:3 70:10 113:8,14 113:16,22,23 114:5,9 entity 16:25 41:18 78:8 environment 87:22 environmental 111:14,20 environs 84:18 equipment 68:22 94:18,20,21 established 39:9 39:12 estate 6:13 69:9 69:11 104:21 et 105:22 Ethan 1:2,8 2:3 13:15 14:25 evaluated 89:17 event 44:7 eventually 29:7 29:7 evidence 15:20 exact 72:14 examination 1:15 3:13,16 3:23 5:8 examined 3:21 5:6 example 34:9 excavates 26:24 excavating 56:13 excludes 47:18 exclusive 47:16 excuse 7:13 43:6 51:12 69:12 exercise 10:24 11:9 exercises 44:13 exhibit 15:25 18:11,22 19:4 19:18 20:2,10 20:10,12,19	21:2,4 34:23 35:8,16 36:7 36:12 37:11,13 37:14 56:15 57:6,11,12 59:6,19 63:11 63:12 66:8 69:19,19 73:14 75:22,24 77:11 77:13 79:15 92:8,9,16 99:3 99:5,7,21,22 101:9,10,11,16 113:8,11,16,18 114:5,8 exhibits 17:25 23:3 35:7 37:10 49:20 50:3 98:18,25 113:6,7 114:2 114:4 existed 23:4 existence 69:23 existing 12:6 18:24 19:12,15 21:14 22:25 35:10 37:20 44:9,18,20 45:6,11 46:3,6 46:18,21 47:6 47:10 53:24 57:12,15 113:17,22,23 exonerate 80:7 expanded 44:18 46:18 expanses 86:8 expansion 44:8 expenses 41:25 78:15 expert 7:3,8,12 69:9 104:21,21 109:19 111:9 expertise 6:7,16 8:6 experts 34:5 42:6,25 78:20 explain 9:19 10:15 11:2 12:17 17:22 38:2 42:10 46:12 53:7 93:5 98:15 99:20 101:24 106:4 explained 111:18	expressly 45:5 45:14,21 47:5 47:13,25 extinguished 33:6 100:17,20 <hr/> F F 116:2 117:2 facilities 9:7 10:22 17:25 21:24 23:3,9 29:25 30:3 33:14 35:12,13 35:14 36:23 39:21,23 40:6 40:8,13 41:5 41:22 44:9,18 44:19 45:6,11 45:25 46:3,18 46:20 47:6,10 50:25 52:8 53:19 57:9,13 60:11 61:17,21 66:2 75:25 78:12 80:11 83:4 90:18,24 90:25 93:18 105:16 108:9 facility 27:11 29:16 31:9 36:24 44:21 54:17,18 56:9 57:22 74:6 98:22 101:6 109:23 facility's 101:8 facing 55:25 fact 58:14 95:18 facts 50:12 fails 33:7 failure 3:14,24 fair 81:25 90:5 Fairview 2:4 Falls 24:11,16 24:20 28:20 false 71:21 familiar 11:23 17:14 20:21 31:10,14 99:11 far 6:17 7:22 57:16 59:4,16 72:7 76:22 85:21 88:19 94:4 104:17 Farm 27:7 31:20 favorably 21:19 FAX 50:17	February 16:3,8 17:24 20:16 113:9 Federal 11:4 12:24 fee 32:23,25 53:25 64:18 69:4,5,8,10 70:7,21,25 71:9,9,16 72:4 72:9 89:25 96:3 97:17,19 105:15,15 108:8,8 feels 40:14 fees 42:5,25 78:19 108:20 feet 31:16,17 70:5,17 72:16 74:17 75:7 85:24 86:9,9 fell 87:8 felt 54:7 fiber 23:25 24:24 25:2 29:2,9 30:8 38:19,22 108:5 fibers 38:24 field 7:3 18:5 33:21,22,24 34:7 Fields 30:23 fifth 106:17 filing 4:6 filling 84:14 final 56:2 65:14 finally 17:4,6,10 find 29:19 37:22 89:25 finding 55:10 89:23 finished 56:14 firm 41:17 78:7 first 5:3 21:5 24:4 28:3 33:12 70:20 71:22 five 85:23 fixtures 90:25 Florida 5:15 focus 41:3 followed 91:14 following 82:3 follows 5:7 foot 72:19 105:22 foregoing 116:9	117:14 foreman 60:20 form 3:12 10:9 87:5 100:9 115:12 former 54:21 formerly 22:8 forth 33:16 106:16 found 28:12 48:9 48:13 62:16 85:6 106:22 foundation 17:16 four 21:10,17,23 21:23 28:2 32:16 35:21,24 36:2,15,21,24 39:13,16,18 74:2 75:2,8 76:3 fourth 106:17 four-inch 64:4 four-year 32:13 frame 52:9 franchise 105:15 108:8 franchises 17:2 freight 87:7,15 87:23 108:22 109:2,4,8,11 109:15 front 32:25 81:12 frost 108:21 fuel 87:12 109:3 109:7 111:25 further 22:3 42:10 106:4 110:6 future 45:6,11 46:3 47:7,10 <hr/> G gallons 109:2,7 Gardiner 84:20 Gas 20:5 23:17 28:19 65:23 66:14 76:7 81:6,11,14 82:20 92:13,21 114:10 general 9:21 20:3 45:23 70:3 92:12 98:4 114:9 generally 10:18	97:20 generated 35:2 58:20,22 generating 58:24 gentleman 111:4 getting 68:11 Gil's 27:7 31:20 give 14:19 15:12 39:16 40:25 96:21 given 30:25 45:22 100:8 gives 10:20 43:4 giving 36:11 go 33:20,22 34:6 37:4 64:14 80:10 82:19 88:12 94:25 96:8 goes 87:3 going 12:11 31:8 39:14 41:7 43:22 44:4 51:23 54:6,11 54:20 61:6 73:23 77:21 79:21 85:7 108:6 Golden 100:5 good 11:5 21:20 23:10 76:11 gotten 50:13 Government 12:24 Governor 89:7 Grantee 16:20 39:22 41:10,21 42:16 43:4,7 44:12,15,22 45:5,22 46:16 46:22 47:6,18 77:24 78:11 79:7 Grantee's 41:22 78:12 grantor 16:15 39:20,25 40:9 40:11 41:11,12 41:23 42:9,21 43:3,5,6,10 44:9,13,20,23 45:15,24 46:16 46:20,23 47:15 48:2 77:25 78:2,13,23 great 86:11
--	--	--	--	--	---

grew 87:24	103:17 108:21	20:9 21:3	initial 59:15,18	103:4	114:9
gross 28:16,17	highest 84:6	33:14 34:25	initialed 16:10	inventory 18:18	July 1:11
ground 73:8,10	88:2 89:21	35:4,17 37:7	20:16	18:23 19:11,14	jumped 103:19
73:12	108:16 111:13	52:10 63:11	initially 56:5	22:19 24:5	junction 88:19
growth 88:22	112:5	identifying	67:10,12	27:13 28:3,13	June 19:6 37:15
guess 88:5 97:7	highway 51:17	26:11,14	initiative 109:13	28:14,14 32:10	70:12 96:17
103:10	75:9,9 85:15	impact 40:6	injury 41:14	32:14 33:12,17	113:20
guy 38:15,20	102:18 109:10	111:19,20	42:7,19 43:2	33:19,21 34:10	justify 79:22
66:17	109:14,22	impacts 108:23	64:12 78:4,21	34:20 35:9,17	
	highways 69:23	implementate	insofar 86:17	37:12,13,14,16	<b>K</b>
<b>H</b>	108:24	89:16	109:20	37:17,19,21,23	K 5:2
H 18:14 19:7,20	Hill 100:5	improve 109:12	inspect 39:21	37:25 38:4,6,7	keep 77:22
54:10 68:25	historically	improvement	40:12	39:2 48:14	kind 104:19,24
71:4,13 74:18	12:19	111:22,23	inspected 60:18	101:11 106:23	kindly 101:7
113:13,20	history 6:25	inch 63:8,18,20	inspection 39:23	113:15,17,22	Kingston 1:5
114:6	12:18	inches 75:2	46:2	113:23	31:21 84:21
hand 117:18	his/her 116:10	incidental 45:9	instance 108:20	investigators	98:12 101:13
Handing 63:13	hold 41:12 72:9	47:9	instituted 30:13	42:6 78:20	101:20 105:12
77:15	78:2	include 45:20	67:8,10 71:11	investing 54:7	105:15 106:21
happen 88:5	holds 96:3	47:19	instructor 6:13	invited 51:25	108:8 110:25
110:23	hoped 85:4	included 54:20	7:10	52:3	knew 20:14
happened 55:18	hostile 105:3	includes 35:10	intact 87:19	involved 23:9	33:25
62:5,6,8,9	hot 38:16	47:20 93:16	integrated 60:22	51:8 52:11	know 6:8 9:23
84:23 95:4	hotel 83:2	including 3:10	intelligent 112:7	54:25 55:23	12:2 13:14
101:14,25	housing 88:22	30:15,22 42:4	intercontinental	56:4 58:24	14:20 17:8
103:16	Hudson 7:24 8:4	42:24 78:18	27:9 29:14	61:13 64:25	25:20 29:8
happy 85:5	20:4 23:17	Incorporated	interest 55:8	Iron 25:11 27:8	30:13,21 31:15
hard 111:3	24:10,15,23	54:10 71:4	106:11	29:17	34:21 37:19
harmless 41:12	28:19,21 49:3	Incorporation	interested 83:17	Island 7:24	42:23,24 48:12
78:2	49:8 51:15,15	71:14	83:20,24 84:8	issue 62:18 71:7	48:18 53:10,11
head 67:18,20	51:16 53:16	increase 109:14	84:16	issues 13:18	58:19 59:4,13
heading 117:13	58:23 60:2	increased 87:11	interestingly	36:21 108:12	59:17 61:4,19
hear 11:21	65:23 66:14	87:11,12,23	89:6	ITT 13:4	64:10,21 65:24
heard 11:16	75:12 76:7,15	increases 87:13	interim 83:22		68:16,19,20,21
13:13 26:7	76:22 81:4,6	incurred 42:2	84:3 86:24	<b>J</b>	71:5 72:15
27:6 31:15	81:11,14 82:20	78:16	88:12,16 89:2	jail 99:13 100:4	80:17 83:21
61:2	92:5,13,20,21	indemnify 41:11	interior 102:8,23	100:4 101:6,8	85:3,12 86:7,9
held 7:15 14:13	93:8,16,20,21	77:25	103:19	101:24 102:4	87:8,13 93:2
22:15 25:6	94:2 101:12	Index 1:4	Internat 6:10	102:24,25	94:19 95:6
27:16 28:6	102:11 104:3	indicate 32:9	International	103:5,8,15,21	98:11,21
32:6 37:2 39:5	104:15 105:25	34:18 76:3	6:11,20	January 20:7	104:17 107:4,5
43:14 49:12	106:6,13 107:2	indicated 70:6	interpretation	92:15 114:11	107:13,21
50:21 52:19,25	107:14 114:10	75:21 82:13	79:3	Japanese 31:5,8	110:23
56:20 57:19	Hudson's 103:3	indicates 74:18	interrupted	Jersey 30:23	knowing 84:4
61:23 70:8	103:14	Indicating 35:16	84:20 86:10	job 8:9 68:18	knowledge 39:8
81:18 83:10	hundred 85:23	73:21 82:7,12	interstate 89:11	jobs 9:8	48:5,17,18
90:8 98:8	96:24	96:18	108:23 109:22	John 1:2,8 2:3	49:2,7,10
105:8		Industries 23:24	interval 32:13	13:15 14:25	51:21 58:5
helped 87:5	<b>I</b>	industry 7:4	39:9,12	16:11 19:8	74:8 76:8
hereinafter	idea 52:6 76:12	information	inventoried	34:11,13,14	80:14 93:25
16:15,19	identification	14:20 29:19	102:13	37:16 50:16	94:9,10 95:10
hereof 115:8	15:24 18:10,21	50:12 55:2	inventories 18:4	62:10 113:21	96:11 101:4,14
116:12 117:14	19:3,17,25	70:9 83:6	27:25 28:4	joint 20:3 75:19	117:16
hereto 3:6	21:23 35:11	96:20 108:13	29:2 32:10	77:8 91:18	known 13:25
hereunto 117:18	identified 23:2	informed 23:6	33:10 34:19	92:2,11,12,19	44:2 66:13
high 24:11,15,20	29:3 35:19	infrastructure	37:8 39:10	92:25 93:7	101:20
28:20 102:2,7	identify 16:5	65:19	48:10 80:18	105:24 106:7	Kyoto 109:12

L		M			
L 5:2,2	line 35:11 38:21	M 5:2	meetings 52:22	near 65:22	5:5 116:24
laid 87:16	59:15,18,19,20	Ma 30:12	52:23 53:4,9	necessary 54:8	117:10
land 39:24 40:9	59:22 60:7,25	Main 25:13	member 6:10,11	need 63:2,4	note 50:6 69:18
41:23 45:23	61:6 63:11	maintain 54:18	104:22	65:25 89:10	69:22 73:16
72:5 78:13	71:22 74:9	60:10 85:8	men 68:22	needed 50:14	99:6
97:21 104:13	75:18,20 81:3	109:22	mentioned 6:17	needs 50:18	noted 17:25
lands 60:13 62:4	81:3,21 82:2,4	maintaining	22:4 24:7	86:25 87:12	18:25 19:12,15
93:14 95:24	82:10,23 88:6	83:25 85:2	mere 33:4 86:8	negligence 42:9	35:10 37:21,25
Lane 5:15	89:18 101:19	40:4 46:2	merger 13:3,4	43:10,11 78:23	38:25 112:25
late 14:23	101:23 102:3,7	108:20,24	met 53:11	negotiate 9:16	113:17,22,23
law 7:9 70:3	102:14 103:12	111:21	method 40:2	9:22 17:19	117:13
86:14 98:4	103:13,18	major 53:13	Metro-North	negotiated 21:19	notes 69:13,16
lawyer 17:8	linear 45:23	67:15,18,21	88:13,16	negotiations	96:16
layman 71:19	lines 25:3,3 29:2	106:11	mid 7:24 8:4	15:16	notice 74:24
layouts 73:24	29:6 30:14	making 36:18	middle 102:3	Net 24:15	94:15
lead 11:12 25:23	31:11,22 32:3	man 104:22	Mile 88:8,8,10	networks 24:25	notification
leading 15:16	48:8,13,19,22	management	88:20	never 58:3,4	100:11
learn 11:20 13:8	48:23,24 72:8	8:12,13	miles 86:10	64:2	notified 18:7
Lee 22:8,10	73:11 74:25	Manhattan 8:2	military 27:10	new 1:1,7,13 2:4	21:18
left 8:11 84:19	75:21 80:15,21	map 57:11 70:10	29:14 31:19	5:6 6:14 8:6,7	notifying 21:9
left-hand 66:8	103:15,16	70:11,16 82:13	military-type	8:8 12:5,5,21	noting 34:21,21
69:14	104:2 107:17	85:24 95:22,24	29:13	16:14,16,16,18	notwithstanding
leg 38:16	linkage 88:23	97:24	millions 108:22	16:19,22,25	45:3 47:3
legal 16:21,24	list 28:10 106:21	mark 18:9 26:23	mine 13:16	17:10 20:6	number 20:19
18:16 21:7	listed 111:18	marked 15:24	minimum 70:5	23:16 26:19	21:5 26:23
22:11 23:17	little 105:19	18:10,21 19:3	minus 74:17	29:23 30:11,19	35:16 37:14
113:14	107:24 111:3	19:17,25 20:18	75:8	30:22,23 41:3	43:18 46:13
legitimate 71:7	lived 83:18	50:2 74:25	missile 27:5	41:5 44:7 45:2	66:9,13 69:18
letter 18:13 19:6	located 75:13	113:6 114:2	31:20	45:16 46:25	69:22 74:18
21:6,6 22:6	85:17 105:11	markers 26:18	Mode 109:21	51:2,18 57:13	79:15 101:9,11
36:14 37:15	location 35:11	26:20 29:22	modes 87:2	60:13 62:19	109:2,6
113:12,19	38:23 44:17,22	31:13	modification	64:6 65:22	numbers 35:12
let's 37:4 38:3	46:10,17,22	marking 80:25	40:17,18 56:8	66:13 70:3	NYNEX 13:2,2
51:16 53:8	95:12 98:11	MARVIN 2:7	61:7,8 62:24	72:6,22 73:4	N.T.B 16:10
73:18,19	110:4	mass 87:14	64:15 76:20	79:11 81:6,14	20:17
liabilities 42:2	locations 7:22	109:4	money 54:7	88:24 89:11,12	<b>O</b>
78:16	21:10 33:25	master 89:10	Monticello 8:4	89:13 92:14	O 115:2
liability 79:23	35:18 44:21	match 38:5	motion 3:17	94:12 95:14	object 3:11,14
liaison 12:4	46:21	material 94:18	motor 109:11,15	96:9 97:12	obligate 68:12
license 10:5,6,8	long 7:18,24	94:20	Mountain 16:13	98:5 100:4	obtain 11:9
10:16,17 18:17	10:19	materials 40:3	25:12 27:8	103:21 107:13	Ocala 5:15
30:7 32:15,19	longer 32:24	95:14	29:17 38:6,14	109:19 110:5	occasionally
32:20,22 33:3	74:12	matter 7:12 9:21	move 3:12,15	110:10,12,13	94:21
33:4,6,7 35:22	look 73:7,19	115:6 116:10	municipal 10:4	110:14 111:2	occasions 90:17
35:23 36:23	74:23 75:2	mean 43:5 52:13	municipalities	111:12 114:10	occupation 6:2
94:3 106:23	95:19,23	84:13 90:25	51:8 105:21	117:5,11	occupations
113:14	looking 36:12	102:20 111:18	<b>N</b>	newly 44:19	45:3,17 47:2
licensed 6:13	68:4 73:14,15	means 47:16	N 2:2 113:2	46:19	occupy 107:15
88:15 102:10	73:19 89:15	meet 33:7 62:12	115:2	Nicholas 13:24	occurrence 89:7
licenses 17:3	95:22 108:15	66:2	name 5:10,19	nickname 14:2	October 12:21
21:17,21 36:2	looks 74:21	meeting 51:4,7	12:19 13:24	Nicolas 16:11	offering 107:23
36:4	101:19	51:21,25 52:4	16:21 17:10	20:17	office 16:13
licensing 21:24	looped 29:17	52:5,6,14,15	23:17 26:13	normal 8:24	34:18 35:2
100:7 106:15	loss 42:20	52:25 53:2,5	102:5 111:4	north 81:13	83:5 89:7
limitation 42:4	lot 15:15 54:7	55:24 94:23	nation 29:16	NORTHERN	offices 16:18
42:24 78:18	102:23 103:20		NE 5:15	1:1,7	official 22:18
	loved 83:20,21			Notary 3:21,22	

officially 27:12	88:18 102:5	88:10	66:19,23 73:8	population	private 10:3
Oh 24:12 28:17	111:6	pay 44:12 46:16	75:25 76:21	86:23 87:2,10	75:10
37:11 53:6	owner 97:18	68:9 104:15	94:8	87:13,21,24	privilege 42:20
65:14 67:22	owners 9:23	105:14 106:3	Plaintiff's 15:25	portion 27:21	privy 80:17
70:17,24 73:22	owns 97:16	108:7	18:11,22 19:4	56:25 90:13	Pro 2:3
75:5 85:23		payable 44:15	19:18 20:2,18	position 22:5	probably 13:12
97:5 102:2,20		paying 39:15	21:4 35:8,15	positively 58:11	58:18 62:23
okay 35:6 36:11		48:21	37:12 66:8	possible 84:9	82:25 107:15
36:12 37:24		PD 63:8,18,20	69:19 92:16	108:2,3,4	problem 102:7
41:7 63:4 64:7		63:21	113:7 114:4	possibly 23:21	problems 72:23
69:18 71:2		pedestrian 85:9	plan 55:13 67:9	107:3	procedures
73:22 77:16		pedestrians	71:24 85:8	power 10:24	91:13
91:10		87:23	89:11	33:15 45:9	proceed 60:14
old 31:20 89:18		peer 13:16,20	plans 51:23	47:9 80:3,4	76:15
omissions 41:21		people 9:9 33:23	53:16 56:14	102:19	proceeded 35:22
78:11		55:23	62:2 72:20	preconstruction	54:16 81:8
once 55:16		percent 96:24	86:4	51:3,6 52:14	proceeding 42:3
one-by-four		106:2	plant 30:21	52:15 53:2,5	42:23 78:17
63:8,18,20		period 7:21	plastic 64:4 74:2	55:24 94:23	105:3
open 43:11		32:24 41:3	74:14,15,20	predecessors	proceedings
45:10		permission 48:2	75:7 76:4,5	91:17	41:14 78:4
opening 5:17		71:23 72:4	plausible 80:9	predetermined	117:12
operating 16:23		permit 63:3,4	play 107:4	65:24	process 54:12
88:21		64:13,13	player 53:14	prefer 55:5	100:21
operational		permits 10:5,6,9	please 5:10,13	premiere 20:25	proffered 72:21
27:10 29:15		perpetuity 10:19	5:21 8:10,25	prepare 11:8	program 30:13
opinion 55:11		32:25 97:22	9:19 14:11	prepared 33:19	31:10 32:2
opposite 100:4		person 7:6 22:4	16:6 18:8	34:20	48:25
optic 25:2 30:8		41:15,17 71:20	20:11 21:3	present 2:6 5:20	programs 26:25
orange 26:18,20		78:5,7	32:9 42:11	5:21 33:9	29:24
29:22		personally 14:20	55:18 63:12	51:25 54:13	progress 68:20
order 22:19		34:11 84:17	69:17 90:4	106:25	100:2
58:19,22		116:7	101:17	presented 35:6	prohibited 45:14
100:22		pertinent 96:21	plus 7:19 34:2	preserving	47:13,25
ordered 58:16		phase 50:24 83:4	74:10,17 75:7	83:25	project 51:3,19
organization		94:11	point 32:19	president 19:8	52:11 56:5
61:7 104:23		phone 14:4 25:3	49:14,17 60:16	34:14 62:11	58:3 67:11,15
original 3:24 4:6		30:14 31:22	65:21 70:15	113:21	67:15,17,19,20
16:24 54:12		32:2 48:23	72:17 94:2	pressure 87:14	68:13 94:12,13
98:17 99:21,22		63:10,21	108:19	87:21	95:2,15 99:13
originally 58:21		Phonetic 102:6	pole 20:3 35:11	pretty 76:11	101:15,24
87:16 110:24		Photogramme...	38:15,15,20,20	82:3	103:2,9,15
ought 86:22		19:22 114:7	65:22,23 66:12	previous 57:4	prominence 88:2
outcome 54:3		physical 18:23	66:13,15,20,20	previously 40:21	promulgate
outcry 85:2		19:10,13 35:9	67:7 75:18	price 21:20,20	112:7
outline 5:18		37:11,17	81:6,9,10,10	principal 16:13	proper 49:23
outside 65:2,6,8		101:10 113:16	81:13 82:19,21	16:17 109:17	properly 66:16
72:14		113:22,23	91:18 92:2,11	principally	properties 10:4
overhead 25:17		picture 56:11	92:13 105:22	51:22	10:4,21 98:3
26:6 75:21		108:16	105:25 106:2,7	print 58:20,21	property 7:5,9
overpass 53:20		pier 76:13,21	106:11 114:9	prior 14:8,10,18	9:23 11:10
54:22 57:17		place 29:9 80:11	poles 24:24	50:24 54:23	41:15 42:8
60:23 62:19		115:7 116:11	75:19 90:18	55:10,13 56:3	43:2 55:11
65:7 66:13		117:13	91:12,12,15	56:14 57:10,21	57:24 61:10
81:12 85:11		paved 30:8 48:8	92:25 93:2	59:5,19 62:2	66:12 71:10
owned 63:5,6		58:4,14,16,16	106:10	71:24 80:20	72:2 78:5,22
64:18 71:16		62:17 65:13	police 80:2,4	101:7 108:6	82:5 89:3,24

94:14,16 95:12 95:21 96:9 97:16,18 100:2 103:5 proportionately 106:3 proposed 37:16 57:13,16 64:22 68:16 93:24 102:4 103:22 protected 43:5,6 71:6 protector 84:18 provide 11:6 24:24 provided 3:8 4:2 97:25 provides 83:22 88:21 providing 107:19 provision 39:17 41:2 proximity 103:10 public 3:22,22 5:5 11:5 85:2 107:20 116:24 117:10 publicly-filed 50:11 pull 64:6 pullbox 81:4 purchased 88:11 purpose 45:7 47:8 77:6 83:21 86:13,16 86:18 purposes 23:4 111:14 push 72:8 put 15:20 25:18 32:3 49:19 57:6 59:20 60:7,24 62:2,3 71:22 72:2 74:9 76:12,13 76:15,17 80:21 87:13 puts 79:5,5 putting 59:22 P.M 112:25	33:17 71:20 qualifying 69:8 quality 109:12 question 3:11,15 27:19 28:8 49:9 52:17 54:4 55:9 56:18,23 57:4 60:8 70:21 90:4,11 96:22 97:23 105:19 108:7 109:16 questions 112:15 quite 84:8,25 94:19,19 102:8	16:12 17:18 19:9 20:22 22:9,13,13 25:15 26:3 30:9 34:15 35:23 36:20 40:12 50:14 51:23,24 52:3 53:15 54:15,21 60:15,23 61:12 62:11 65:4,7 66:12,13 69:24 70:3,9,11,14 70:19 72:3,15 76:25 80:6 81:12,22 83:22 84:4,4,6,7 85:16,22 86:5 86:6,24 87:17 87:18 88:3,7 88:17,19,21 89:2,4,15,18 89:20,21 93:10 93:14 94:16 95:25 96:7,12 96:15,17 97:10 98:2,4 99:9,25 100:12 101:3 102:12 104:9,9 104:16,20,25 110:20 111:7 111:11 113:21 railroads 86:19 87:4,8,25 108:17 railway 84:23 ran 81:8 rate 44:16 ratified 15:18 reach 72:18 read 27:18,21 39:16 40:25 41:7,8 42:12 44:4 56:22,25 69:16 77:21 79:21 90:11,13 115:15 READING 16:9 39:19 41:9 44:6 69:21 77:23 real 6:13 7:5,9 69:9,10 97:8 97:16 104:21 realignment 53:18 reality 56:2	realized 68:10 68:17 rearrange 61:16 rearranged 99:23 rearrangement 53:18 reasonable 42:5 42:25 78:19 rebuilt 57:17,17 recall 25:4 29:8 recapitulating 65:17 recommendati... 73:6 reconcile 57:16 reconciled 12:7 reconciliation 85:5 reconnection 60:17 62:18 reconstruction 62:20 record 5:11,14 7:14,16,17 14:12,14,16 20:13 22:14,16 22:17 25:5,7,8 27:15,17,23 28:5,7 32:5,7,8 36:25 37:3,5 37:10 39:3,4,6 39:7 43:13,15 43:16 49:11,13 49:25 50:6,20 50:22,23 52:18 52:20,21 56:19 56:21 57:18,20 61:22,24 81:17 81:19,20 83:9 83:11,12 90:7 90:9,15 98:7,9 98:10 105:7,9 recorded 50:9 117:11 records 29:21 reduced 115:12 reduction 109:10 refer 43:17 92:9 103:12 reference 57:6 61:25 66:18 95:13 referred 16:15 16:19 34:22 98:18	referring 40:24 56:16 82:11 99:3 refers 41:20 78:10 103:13 reflect 75:23,24 refresh 77:22 refuse 101:20 103:11 regard 27:2 48:19 regarding 9:5 22:9,12 27:25 36:14,18 37:13 37:16 63:2 regardless 46:10 80:3 regards 6:18 14:21 15:13 21:2 28:25 30:3,4,14 37:8 58:15 63:7 79:16,17 86:19 91:23,24 94:24 97:16 101:6,12 111:10 regenerate 87:15 related 10:21 39:23 relates 40:19 relating 33:14 relationship 17:17 43:23 85:17 106:5 release 79:22 relocated 99:24 relocation 40:5 44:8 53:18 remainders 106:3 remember 14:23 24:6,9 26:4,4 29:24 30:18 58:12 60:17 renewal 40:4 repair 40:4 64:12 79:6 repeat 55:9 64:7 70:20 83:7 replace 64:6 replacement 40:5 46:10 reported 1:25 33:18 40:15 reporter 5:5 27:22 57:2	90:14 115:11 117:10 reporting 34:2 request 22:19 73:4 83:5 99:10 requested 15:2 27:20 50:15 56:24 90:12 115:10 requests 9:5 require 44:23 46:23 required 9:24 70:5 rerouted 104:5,6 104:7,8 researched 62:15 reserved 3:13,18 112:17 reserves 44:10 residential 88:22 resolution 53:17 resolve 12:4 36:20 62:18 68:15 resolving 13:18 resource 87:19 respect 102:14 102:15 respective 3:5 Respondents 1:6 response 56:6 96:5 responsibility 42:17 79:4,23 80:2,8 responsible 59:3 78:25 79:16 restitution 15:4 restriction 84:12 84:12 retain 97:18 retained 31:4,6 retire 94:6 retired 22:10 return 3:24 89:20 108:6 returned 89:3 reuse 31:8 88:2 review 15:2 22:24 34:10 46:2 68:17 79:15 reviewed 17:15 re-established
	<b>R</b>				
	R 2:2 5:2,2 116:2 117:2 Rahl 1:2,8 2:3 5:9 7:14,17 13:15 14:12,15 15:2,19 16:11 18:8 19:8 21:16 22:14,17 25:5,8 27:15 27:18,23 28:5 32:4,8 34:12 34:13,14 36:25 37:4,16 39:4,7 43:13,16 49:11 49:14,24 50:17 50:23 52:16,21 56:17,22 57:3 57:18 59:2 61:22 62:10,23 81:17,20 83:8 83:12 90:3,6 90:10,15 91:20 92:7 95:18 98:7,10 101:3 101:5 105:7 112:13 113:4 113:21 rail 83:14,18,19 83:20 84:10,15 84:18 85:17 86:7,10,13,16 86:18,21 87:14 87:23 88:9,12 88:14,25 89:8 89:10,12 95:8 108:25 109:4,8 railroad 11:17 11:24 12:9 13:14 14:24 15:3,5,5,10,22				
	<b>Q</b>				
qualifications 6:18 qualified 33:13					

88:18	108:21	second 18:17	shown 58:25	110:16,18	station 88:20
re-evaluating	Roberta-Anne	19:10 21:22	66:4,7 81:23	southerly 81:8,9	98:12,24 99:18
65:16	1:25 5:4 117:9	36:22 107:22	shows 26:17	spare 63:23	101:13,20
right 3:10 8:22	117:20	113:14,21	57:12,13,15	speaking 50:16	102:19 103:11
10:20 11:3,15	Rockwell 38:19	secretive 27:6	63:19 70:14	special 85:7	103:18
12:15 13:22	Room 21:8	section 39:15,16	73:17 74:15	91:13,22	status 5:22
14:2 23:14	Rosendale 1:13	39:18 66:5	95:24	specialized 6:15	stenographical...
39:20 40:12	2:4 16:14 26:5	73:16 77:11,13	shudder 26:9	specific 10:21	117:12
43:4,22 44:4	41:6 48:20	77:18 79:14,17	sic 44:9,11,12,13	14:19	stewards 23:10
44:10,13 45:22	51:17 53:12	79:17,21 88:17	44:15,20,22	specifically	stipped 5:17
47:21 52:24	60:19,21 63:2	sections 66:7	45:5,15,22,24	24:19 98:22	stipulate 49:16
55:7 64:19,20	63:6,6 64:8,17	secure 9:3 21:17	48:2 89:16	103:14	49:19
64:20 65:10	71:16,18 72:5	31:19 76:14	side 66:10 67:6	specificity 15:12	STIPULATED
67:23 69:25	Route 25:13,14	77:9	81:4,8,9 82:14	specified 10:22	3:4
70:10,25 71:25	38:21 99:24	secured 64:14	82:16,18 106:9	specifies 46:15	STIPULATIO...
72:8 73:21	100:18 103:19	66:17 76:19	106:12	Spelling 102:6	3:2
74:7,11 82:10	104:8	77:9 93:10,12	sign 115:16	split 91:25	stopped 88:9
82:11 95:6	routed 27:7	95:6	signage 26:10,14	Springtown 31:3	storage 95:13
97:14 102:3	row 55:25	security 27:9	signature 21:6	ss 117:6	store 94:17
107:9,12	RR 16:14	31:18,18	Signed 116:21	stability 40:7	story 65:17
rights 3:8 4:2	Rule 4:3	see 16:7,10	significant 40:6	stage 55:15	streams 70:2
10:14 69:11	Rules 3:9	25:25 38:3	94:19	stages 55:15	Strecker 1:16
77:5,10 93:12	run 110:9,11,15	51:16 53:8	significantly	stand 26:24	5:12,20 16:5
94:3 100:8	110:19	63:12 75:3	109:11	Starpolli 102:5	18:14 19:7
right-of-way 6:4	running 111:11	77:13 89:9	silo 31:20	102:23 103:20	20:9 49:15,18
6:7,12,20 7:4,9	runs 84:20 97:20	101:16	simple 64:18	started 12:20	96:4,20 108:14
8:17,17,18,20	110:8,13	seen 88:4	69:6,10 70:25	53:16	109:17 112:1
8:22 9:5,10		Sells 19:20 54:10	71:9 72:4	starting 24:23	112:11 113:4
14:5 53:24		54:24 55:11	89:25	65:21	113:13,20
54:2,14 60:14	S	68:25 71:4,13	site 61:4 102:4	starts 42:15	115:5 116:8,18
60:16 61:12	S 2:2 5:2	89:23 96:2	situated 66:15	start-up 24:13	Street 25:13
65:3,9 66:11	safe 89:22	97:24 114:6	size 25:19 37:20	24:14	98:13,24
67:6 69:2,7	safety 85:8	semi-retired	38:13 46:11	state 5:6,10,13	101:21 103:11
70:23,25 72:16	109:14 111:22	5:23	Sizes 18:24	6:14 8:6,7,8	streetlight 38:16
77:8 84:5	satisfy 58:3 66:9	separate 36:4	19:11,14 35:9	41:4 51:2,18	streets 105:16
87:18 89:20	saved 109:3,7	45:12 47:11,22	113:17,22,23	57:14 60:13	108:9
93:11 96:6	savings 111:21	48:3 93:12	skill 117:16	62:19 70:3	strength 40:7
97:11,13,20	111:25	separation 30:11	skilled 33:23	72:6,22 73:4	strike 3:12,15
104:9,10,21,23	saying 24:17	35:25 42:15	slowly 41:8 44:5	89:11 90:23	32:4,4 56:17
109:19 111:9	35:25 42:15	60:25 63:14,15	sold 31:4,7	94:12 95:15	57:3 59:2 83:8
river 88:8,10,20	63:16 72:25	63:16 72:25	sole 61:19	96:9 97:12	90:3,6 91:20
106:9,12	86:3 88:25	109:9	solo 60:11 61:19	98:5 108:23	101:5
road 16:13	103:23 104:2	services 11:6	92:24	109:19 110:5	structure 65:21
25:12 31:3	111:10	49:4	solo-owned	110:10,12,15	85:14 91:11
38:7,14,17,20	says 40:10 41:19	set 115:7 116:11	75:18	112:9 116:4	Structures 91:5
41:5 44:3	46:24,25 47:3	117:18	solution 56:2	117:5,10	91:8
50:25 52:11	47:21,22 63:16	shape 100:9	60:9,12 61:17	stated 5:19 23:3	stuff 95:19
53:20 54:19	63:18 67:23	sheath 26:8	61:20 65:15	45:4 47:4 70:9	subject 7:11
57:14,17,22	74:19 78:9	sheet 36:22	67:4 68:2,6	statement 71:15	17:23 45:18
62:20 63:5	89:24 92:12	Shoreline 89:19	72:23 73:2,3	71:21,21 81:25	59:20
64:14,17,22	95:18	110:22,24	76:2	statements 5:18	sublease 108:5
72:10 85:19,19	scheduled 69:23	111:7,8	son 83:24	72:13 94:23	Subleasees
92:18 94:11	Schmitt 1:25 5:4	short 12:17	sorry 90:2 91:20	states 1:1,7	107:25
95:12 101:19	117:9,20	42:17	105:18	116:9	subscribed
102:8 103:20	schools 6:23	shorter 10:17	sort 87:8	stating 75:11	116:21
111:21	Se 2:3	Shorthand 5:5	sources 25:24	77:4 97:9,25	subsequent
roads 63:5 64:18	search 54:11	show 82:6	south 30:23	107:6	52:14,22,23

subsequently 28:2 75:25	Tax 74:17 75:8 TCI 23:22 24:7 24:20 28:20 51:15 76:17 TD 63:19 tel 66:14 75:18 81:7,14 92:25 telecommunic... 11:6 telecommunic... 6:9 8:13,15 9:6 11:24 48:24 105:23 telephone 6:22 12:22 16:16,22 16:25 20:6 23:16 26:19 29:23 30:12,20 30:22 33:15 47:17 51:11,14 58:2 60:3 61:16 62:17 65:22 76:12 79:11 92:15 103:13 114:11 television 23:23 73:25 76:17 93:22 98:21 tell 62:4,6 63:9 75:3 77:18 79:14 80:10 94:25 97:3 telling 60:6 ten 44:16 88:7,8 88:10,20 tension 102:2,7 103:18 tenure 14:9,10 14:19 term 10:17,18 10:19 32:23 terms 12:19 45:18 testified 5:7 testimony 3:12 3:15 7:7 27:21 56:25 72:7 90:13 113:3 thank 9:14 13:6 14:6 34:16 40:23 42:12 50:18 51:13 79:13 97:2 98:6,20 105:6 108:11 111:16 111:24 112:11 112:21	thereabouts 97:11,13 therefor 44:11 thereto 91:2 thing 49:23 80:24 things 8:25 30:18 84:2 think 25:12 30:24 60:9 83:25 85:24 96:25 97:4,5 105:21 third 19:13 47:19,20 107:10,11,20 113:23 third-party 23:19,20 43:24 45:12 47:11,23 77:4,20 79:18 79:24 106:15 106:16,20 107:18,19 thirty 30:2 Thirty-four 7:19 Thomas 16:11 20:17 thought 86:11 thousands 68:21 three 19:5 36:8,9 70:17 113:19 thruway 41:4 51:2,19 52:7 53:13 54:25 56:3 57:14 58:23 59:25 60:14 61:13,15 62:19,21,25 64:24,25 65:3 65:8,17 66:10 66:11 67:6,7 67:11 68:3,5 68:12,16 72:6 72:12,14,16,22 72:25 73:4 81:5 82:15 84:13,23 85:3 85:6,20 94:12 94:15,22 95:15 95:23 96:3 97:4,12 98:3 109:20 110:5,8 110:11,13,15 Thruway's 68:19 86:3 time 6:25 11:8	12:2,12,15 15:20 22:6 23:22 25:25 27:20 32:10,17 32:24 33:10,20 34:4,6 39:21 40:13 44:16,21 46:17,21 48:6 48:7 49:3,6 50:6,14 52:6,9 53:21 54:13 56:12,24 57:5 60:4,5 64:23 69:24 75:15,16 79:10 80:9 90:12 92:7 94:22 97:8 99:8,106:25 108:19 111:12 112:19,21,25 115:7 116:11 117:13 times 17:16 18:2 87:3 Time-Warner 28:23 38:18 59:24 93:16 94:2 107:2,7 107:22 title 54:11 71:3 71:13 94:24 115:7 116:12 today 7:7 49:21 76:9 80:22 toe 38:21 told 17:9 61:15 62:12 65:18 67:25 68:5 Tom 13:25 14:2 14:3 toning 80:25 tonnage 108:22 top 20:18 73:21 total 28:18 33:2 74:3 111:19 tough 61:3 Town 41:6 51:17 53:12 63:2,6 64:8,16 72:5 track 65:6 70:6 70:11 tractor 87:6 109:25 traffic 85:9 87:11 89:12 109:13 111:22 trail 83:14,18,19	83:20 84:10,15 84:19 85:17 86:7,11,21 88:9,13 89:10 trailers 87:6 110:2 trails 86:13,16 86:18 89:2 transcript 49:21 50:4 115:16 116:9,13 117:14 transfer 98:12 98:23 99:18 101:13 102:16 103:11,18 transit 109:4 transmission 43:25 45:8,13 47:8,12,24 79:19 103:15 transmissions 45:9 transport 87:7 transportation 87:2,14,22 89:8 109:8,21 109:23 111:11 112:9 transverse 46:4 traversed 93:14 traverses 82:4 travesty 86:12 trench 66:5,7 68:9 73:16,23 75:13 trenches 94:3 trespass 80:13 trestle 25:14 26:11,14 29:10 29:18,25 30:9 30:16 31:13 38:16 48:20 54:21 trestles 26:2 trial 1:15 3:18 112:21 tried 29:19 64:12 true 100:23 116:13 117:15 truly 40:16 tunnel 85:10,10 85:11,13,15,16 85:18,22 turn 110:16 turned 30:21	82:22 85:13 turns 86:21 110:18 TV 33:15 93:22 107:16 twelve 31:16,17 two 7:19 18:12 24:18 33:13 34:3,5 35:4 38:24,24 39:18 43:18 46:13 55:15 66:6,6,6 73:24,25 74:13 74:13,19,21,24 75:4,6 76:5,6 97:19 113:11 type 7:6 9:25 35:12,13 40:19 69:4,8 70:21 typewritten 115:12 typical 66:4,7 73:15,23
<b>T</b>					<b>U</b>
T 5:2 12:23 13:24 25:11 27:2 29:11,20 30:12,14,18 31:6,11 32:2 48:19 107:3 115:2 116:2,2 117:2,2 table 13:19 take 9:4 42:17 61:21 67:4 taken 6:19 55:16 96:20 104:4 115:6,11 116:10 talk 25:16 27:4 talked 36:13 55:22 64:16 80:22 talking 25:24 63:17 71:18,19 72:15	Ulster 1:5 21:14 35:21 41:6 51:19 100:3,4 106:8,13 117:7 ultimate 42:17 67:3 76:2 79:6 unacceptable 77:5 unauthorized 82:23 underground 25:16,18 29:22 46:6,8,8 62:3 66:20 75:20 81:3,7,10 82:14,24 90:18 underlying 70:7 underneath 26:14 30:9 48:20 understand 71:8 understanding 39:17 41:2 42:11 43:20 46:13 59:9 68:7 78:24 86:2,14,20 97:15 104:11 104:14 109:18 understood 39:25 77:7 undiscovered				

32:16 Unfortunately 100:14 Uniform 3:9 UNITED 1:1,7 unknown 82:4 unlicensed 82:23 unnoticed 23:6 unreasonably 44:25 46:25 unwritten 91:23 update 37:18 upper 66:7 usage 46:6 91:18 use 11:5 17:10 20:3 41:23,24 42:20 45:10 47:10 67:25 68:6 73:2 74:12 76:7,8 76:11 77:4 78:13,14 83:22 84:3,6 86:24 88:3,12,16 89:2,4,21 90:17 91:25 92:12,25 93:23 95:11 100:22 105:15 106:7 108:9,16 111:13 112:7 114:9 usually 86:23 Utica 7:25 utilities 23:12 55:22 67:5 97:19 utility 90:16 91:3,12 utmost 33:25	50:13 51:15,16 51:22,24 52:3 53:15 54:15 60:15,23 61:11 62:11 70:11 72:3 76:24 80:5 81:22 89:17 93:10,13 95:25 96:7,12 96:15,16 97:10 98:2 99:9 100:11 101:3 102:12 104:16 104:20,25 107:2,14 110:19 111:7 113:21 valuable 84:5 87:19 Valuation 70:10 value 104:12,15 various 6:19,21 9:23 25:24 53:10 vehicles 109:24 vehicular 109:20 venture 11:11 verification 23:4 verified 23:8 54:13 71:4,12 verify 18:5 37:19 55:6 Verizon 5:25 6:3 7:2,18,22 8:21 9:10,16 11:7 12:3,8,10 13:5 14:4 15:10,22 17:6 22:5 27:13 32:3 33:11 38:10,12 48:7,7,21 49:5 58:23 59:23 67:12 68:5,6 70:22 72:21,25 73:2 79:2,8,10 79:12,16,22 91:4,24 92:17 92:20 93:7,15 94:4,25 104:14 105:14 106:2,6 106:10 108:7 Verizon/Bell 66:19 versus 75:9 vested 17:3 55:7 viable 89:19 Village 26:5	virtue 70:2 voltage 33:16 <hr/> W W 5:2 112:1 waived 4:7 waiver 3:17 4:2 walker 83:23 Walkkill 11:17 11:23 12:8,9 13:8,10,11,14 14:8,18,21,24 15:5,9,21 16:12 17:18,20 19:9 20:22 22:9,13 25:15 26:3 27:14 28:25 29:4 33:11 34:9,15 35:23 36:19 40:11 43:11 48:8,12,22 50:13 51:22,24 52:2 53:14,22 53:25 54:14 55:3,7 56:8 58:6,13 59:10 59:14,16,21 60:15,23 61:11 62:4,11 69:3,4 70:11,21 71:23 72:3 76:24 79:2 80:5 81:22 82:16,19 89:17 92:18 93:4,6,10,13 94:14,24 95:10 95:25 96:7,12 96:15,16 97:10 97:25 99:9 100:7,8,11 101:3 102:11 104:16,20,25 110:5,11,19 111:6 113:21 Walkkill's 28:25 57:24 71:10 82:5 wanted 68:13,14 71:5 wasn't 40:15 61:4 64:25 Wassaic 88:6,8 way 27:7 68:20 68:23 70:10 77:5,10 84:21 93:12 100:3,8	wayside 87:9 went 8:12,12,16 25:11 27:6,8 29:12,18 31:3 31:19 60:17,18 60:21 62:24 68:24 81:13 102:15 103:19 West 89:18 110:22,24 111:7,8 Westchester 7:24 8:3 88:23 westerly 66:12 81:13 106:12 We'll 15:7 we're 32:18 72:15 WHEREOF 117:17 Whiteport 41:5 44:2 50:25 52:8,11 53:20 54:19 55:12 56:9 57:10,14 57:16,22 62:20 83:4 84:11 85:19 92:18 94:11 95:12 wide 86:10 width 70:5,14 William 1:16 5:12 18:14,15 19:7 21:7 113:4,13,13,20 115:5 116:8,18 wire 9:16,22 10:2 14:7,17 22:19 27:14,24 35:18 58:25 61:25 66:17 99:16 100:15 103:4 105:10 wires 26:2,6 wiring 103:3 withdraw 52:16 withheld 44:25 46:25 withholding 55:2 witness 3:21 5:3 7:3,8 49:22 113:4 117:17 words 24:17 26:21 31:25 43:12 55:14 64:10 107:21	109:6,25 work 6:3 7:18,22 9:4 10:14 26:5 55:12 57:22 58:20,21,22 62:13,15 64:11 64:14 worked 7:23,23 12:18 13:17,21 working 5:21 7:2 11:7 12:3 48:6 56:3,7 79:2 workings 20:21 worry 95:9 writing 93:23 written 45:15 47:14,25 91:23 <hr/> X X 74:16 113:2 <hr/> Y Yeah 24:20 57:25 82:8 91:16 95:16 year 29:8 52:5 years 7:19,19 28:2 30:2 39:13 York 1:1,7,13 2:4 5:6 6:14 8:6,7,8 12:21 16:14,16,17,19 16:19,22,25 20:6 23:16 26:19 29:23 30:11,19,22 41:4 51:2,18 57:14 60:13 62:19 65:22 66:14 70:4 72:6,22 73:4 79:11 81:7,14 88:24 89:11,12 89:13 92:14 94:12 95:15 96:9 97:12 98:5 109:19 110:5,10,12,13 110:14 111:2 111:12 114:10 117:5,11 young 97:8 <hr/> S \$1,000 46:17	\$1,000.00 44:16 <hr/> 0 03-CV-941 1:4 06/12/02 18:18 113:15 <hr/> I I 15:25 16:14 19:12 20:7,11 20:12,19 50:3 77:11,13 79:15 99:3,5 113:8 113:22 114:11 1st 92:15 1-800 26:22 10 70:5 10:24 1:12 1029 101:19 103:13 106C 16:14 1095 16:18 21:8 115 75:7 14 63:18 74:16 14th 19:6 37:15 113:20 14X 75:7 15 113:8 168295 81:11 82:21 168297 81:15 168298 66:15 17 113:11 17th 12:21 176 85:25 18 113:16,18 114:5 1866 96:25 97:2 97:11 19 12:24 114:8 1917 70:12 96:14,17 1953 97:13 1954 97:7 1955 97:6 1966 12:21 1972 8:12,15 1980 8:16 48:25 1980s 27:3 1981 13:12 1986 12:25 20:7 92:16 114:11 1992 15:17,17 16:3,8 17:24 20:16 21:11 22:25 27:25 28:2 34:23
---	--	--	--	--	--

99:13,17 100:16 105:11 113:9 1997 52:9 1998 18:4 28:2 32:12 33:18,22 34:11 35:19 37:9,21 39:11 52:9 101:11 1999 18:13,17 30:10 36:23 113:12,14	102:17,17 103:19 104:8 33 70:17,18 72:18,19 34470 5:16 352 63:19 74:17 353 85:25 3723 21:8 376 63:19 74:18 75:8	80s 14:23 82 13:12 845-658-8200 50:16 89 8:16			
<hr/> 2 <hr/>	<hr/> 4 <hr/>	<hr/> 9 <hr/>			
2 18:11 19:15 20:10 21:2,5 36:12 37:25 79:15,17,21 101:9,10 113:11,24 2nd 5:15 2/10/98 18:24 19:11,14 35:9 37:12,18 113:17,22,23 20 116:22 2002 18:4 19:6 28:15 32:13 37:9,15,23 38:25 39:11 113:20 2003 94:6 2007 1:11 213 25:14 26:6 29:10,18 22 20:8 114:11 221 3:9 23 65:22 66:20 67:7 81:7,9 26 1:11 28 81:14 29 66:14,20	4 19:4 37:10,14 113:18 4-inch 73:24 74:2,9,14,15 74:19 75:6 76:4,5 4:11 112:25 401 38:21				
<hr/> 3 <hr/>	<hr/> 5 <hr/>				
3 18:22 35:8,16 37:10,11,13 101:11 113:16 30 70:12 30th 96:17 300 58:13 59:5 61:25 62:16 63:10 71:23 74:10 76:13,21 300-foot 60:12 3116 4:3 32 25:13 38:21 99:24 100:19	5 19:18 57:6,11 57:12 59:6,19 63:11,12 66:9 69:19 73:14 75:22,24 113:4 114:5 5-inch 73:25 76:6 503 74:25 75:2 508 82:15,15 53 105:25 5301 5:15				
<hr/> 3 <hr/>	<hr/> 6 <hr/>				
3 18:22 35:8,16 37:10,11,13 101:11 113:16 30 70:12 30th 96:17 300 58:13 59:5 61:25 62:16 63:10 71:23 74:10 76:13,21 300-foot 60:12 3116 4:3 32 25:13 38:21 99:24 100:19	6 2:4 20:2 50:3 92:8,10,16 114:8 6/12/02 21:25 36:22 38:8 65 86:9 66 70:17 72:16 66501 65:23 81:6				
<hr/> 3 <hr/>	<hr/> 7 <hr/>				
3 18:22 35:8,16 37:10,11,13 101:11 113:16 30 70:12 30th 96:17 300 58:13 59:5 61:25 62:16 63:10 71:23 74:10 76:13,21 300-foot 60:12 3116 4:3 32 25:13 38:21 99:24 100:19	7 17:24 20:16 7th 16:3,8 113:9 7-20-98 19:19 114:6 7.2 40:25 77:12 77:14,18 79:17 78 97:5				
<hr/> 3 <hr/>	<hr/> 8 <hr/>				
3 18:22 35:8,16 37:10,11,13 101:11 113:16 30 70:12 30th 96:17 300 58:13 59:5 61:25 62:16 63:10 71:23 74:10 76:13,21 300-foot 60:12 3116 4:3 32 25:13 38:21 99:24 100:19	80 86:9				