

1
2 done was that there was a buried electric
3 line, underground electric line from a
4 Central Hudson pullbox on the east side of
5 the Thruway in the vicinity of the Central
6 Hudson Gas and Electric Pole 66501, New
7 York Tel 23, and that underground cable
8 proceeded on the southerly side, ran from
9 the southerly side from Pole 23 to --
10 underground to a pole -- to a pole, Central
11 Hudson Gas and Electric 168295, just in
12 front of the Railroad overpass, and then
13 went aerial to -- north westerly to a pole
14 New York Tel 28, Central Hudson Gas and
15 Electric 168297.

16 Q You got me, Bill.

17 MR. RAHL: Off the record.

18 (Discussion held off the
19 record.)

20 MR. RAHL: On the record.

21 Q Are you describing a line that
22 crosses the Wallkill Valley Railroad
23 Company that is shown on the As-Built as
24 the edge of pavement?

25 Would that be a fair statement,

1

2 that the edge of pavement line on the
3 As-Built would be pretty close to following
4 the unknown electric line that traverses
5 Wallkill's property?

6

And I'll show you that

7

(Indicating).

8

A Yeah --

9

Well, no.

10

Q This, this right here. This line

11

right here is the one I'm referring to

12

(Indicating).

13

A It's indicated on the map

14

Underground Electric from the east side of

15

the Thruway by 508, circled 508 to --

16

Q The east side of Wallkill?

17

A -- to --

18

Q -- it has to get to the east side

19

of Wallkill and it didn't go up the pole.

20

A To Central Hudson and Gas Electric

21

pole 168295.

22

So that it turned out to be an

23

unlicensed and unauthorized line

24

underground, and that should be eliminated

25

by now because it probably has a branch to

1

2

the hotel.

3

4

5

6

Q During or after the construction phase of the Whiteport facilities, did you or your office request a confirmation of information?

7

A Could you repeat that?

8

MR. RAHL: Strike that.

9

Off the record.

10

(Discussion held off the

11

record.)

12

MR. RAHL: Back on the record.

13

Q Was there any discussion

14

concerning the rail trail?

15

A Yes, there was.

16

Q Could you elaborate?

17

A Well, I -- I was interested in the

18

rail trail because I lived adjacent to the

19

rail trail and as a citizen I was very

20

interested. I loved the rail trail. I

21

loved its purpose, and I know it's a

22

interim use of a railroad and it provides

23

enjoyment to me as a walker and a bicyclist

24

and my son, and I was very interested in

25

maintaining and preserving it. I think

1

2 it's one of the most altruistic things that
3 could be done in the interim use of a
4 railroad knowing that the railroad
5 right-of-way is very valuable and the
6 highest and best use of the railroad bed
7 will always be a railroad.

8

And so I was quite interested in
9 that aspect of it and the possible
10 constriction of the rail trail at the
11 Whiteport crossing, so --

12

Q The restriction, by "restriction,"
13 do you mean the Thruway coming in and
14 filling in a bridge and blocking off the
15 rail trail?

16

A Well, I -- I -- I was interested in
17 it personally, and as a citizen and as a
18 protector of the environs that this rail
19 trail be left contiguous and not
20 interrupted because it runs from Gardiner
21 all the way to Kingston.

22

Q And as per the As-Built, what
23 happened to the railway where the Thruway
24 crosses?

25

A Well, there was quite a bit of

1
2 public outcry about maintaining it, and the
3 Thruway, you know, entertained the
4 criticism and we had hoped for a
5 reconciliation to make all parties happy.
6 And then we found out that the Thruway was
7 not going to make any special alterations
8 in their plan to maintain the safety of
9 pedestrian and bicycle traffic through the
10 bridge -- tunnel -- the tunnel, not bridge,
11 overpass tunnel.

12 I don't know how you would describe
13 it. It turned out to be a tunnel like
14 structure.

15 Q This tunnel, is this on the highway
16 or the railroad? Where is this tunnel
17 located in relationship to the rail trail?

18 A Well, this tunnel is actually on
19 the road, that of Whiteport Road under the
20 Thruway.

21 Q And how far away is the actual
22 railroad crossing from this tunnel?

23 A Oh, I would say about five hundred
24 feet. According to the map I think it's
25 176 and 353.

1

2 Q So is it my understanding that
3 you're saying that the Thruway's
4 construction plans blocked off the
5 railroad?

6 A Yes, they blocked off the railroad
7 or rail trail, you know, one and the same,
8 and I said that for a mere expanse of
9 maybe, I don't know, 65 feet or 80 feet
10 wide that they interrupted miles of rail
11 trail, and I thought that that was a great
12 travesty.

13 Q What is the purpose of rail trails
14 from your understanding in the law?

15 A What is that?

16 Q What is the purpose of rail trails
17 insofar as being --

18 What is the purpose of rail trails
19 with regards to railroads from your
20 understanding?

21 A Well, a rail trail, as it turns
22 out, ought to be, depending on the
23 demographics of the population, is usually
24 an interim use of a active railroad that,
25 according to the demographics and needs and

1

2

population, modes of transportation

3

available, changes as times goes by.

4

In the beginning the railroads

5

helped form the country, then we had the --

6

we had the automobile and tractor trailers

7

that transport freight, and then the

8

railroads, you know, sort of fell by the

9

wayside.

10

But then, as the population

11

increased and the traffic increased and the

12

cost of fuel increased or the needs of

13

population increases, you know, put

14

pressure for mass transportation and rail

15

freight that they would regenerate because

16

they were very well laid out originally,

17

they were the -- most of the railroad

18

right-of-way and the railroad bed was

19

intact, and it's a very valuable resource.

20

21

And as a population and pressure of

22

the environment and transportation of

23

pedestrians and rail freight increased, as

24

the population grew and now even emissions,

25

that the railroads would come back into

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

prominence and reuse as a highest and best use railroad.

And I also -- I've also seen this happen in the -- I guess it's called the Wassaic line from Pawling. Where the railroad ended it had gone out to Ten Mile -- Wassaic and Ten Mile River and it stopped at Pawling, and it was a rail trail from Pawling to Ten Mile River and it was purchased by an attorney from Connecticut and he let it go to interim use as a rail trail. And then Metro-North bought the rail and he did get a -- he did have licensed crossings on that and during that interim use, and then Metro-North bought the -- bought that section of railroad that he owned back and re-established a railroad as far as out to the last junction station at Ten Mile River and is now operating as a railroad and it provides for the growth of residential housing in that area because of its linkage to Westchester and New York City.

Q So what you're saying is that rail

1

2

trails are an interim use of railroad

3

property so that they may be returned to

4

railroad use again; is that correct?

5

A Yes, yes.

6

And interestingly enough, after

7

that occurrence, Governor Pataki's office

8

did an analysis of rail transportation

9

because they could see this coming, this

10

need for rail trail, and there was a master

11

plan in New York State and interstate to

12

have rail traffic from New York City to

13

Buffalo and from New York City to Boston

14

and from Boston to Buffalo, and so they

15

were looking at the railroad corridors that

16

were available to implementate (sic) this,

17

and they evaluated the Wallkill Valley

18

Railroad line or part of the Old West

19

Shoreline as being the best and most viable

20

railroad right-of-way to -- to return to

21

its highest and best use as a railroad.

22

Q Would it be safe to say after your

23

dealings with Charles Sells in finding out

24

that the property, as the As-Built says,

25

fee simple absolute, did you find -- I'm

1

2

sorry.

3

MR. RAHL: Strike that

4

question, please.

5

Q Would it be fair to say what --

6

MR. RAHL: Strike that.

7

Off the record.

8

(Discussion held off the

9

record.)

10

MR. RAHL: May I have the last

11

question I asked read back.

12

(At which time, the requested

13

portion of testimony was read back

14

by the reporter.)

15

MR. RAHL: On the record.

16

Q As utility companies, are there

17

occasions where one company would use the

18

poles or underground facilities of another?

19

A Yes.

20

Q Can you --

21

A By agreement.

22

Q By agreement.

23

Can you briefly state what those

24

facilities are?

25

A By "facilities," you mean fixtures

1

2

attached thereto?

3

Q Well, if there are utility
4 companies other than Verizon.

5

A Structures?

6

Q And --

7

Yes.

8

A Structures?

9

Q Yes.

10

A Okay.

11

Yes. The common structure is

12

poles, utility poles.

13

Q Are there special procedures that
14 must be followed with arrangements with
15 these poles?

16

A Yeah. In the case of Bell Atlantic
17 and successors and predecessors, there's
18 joint pole usage agreements.

19

Q Are these --

20

MR. RAHL: I'm sorry. Strike

21

that.

22

Q Are there any special agreements,
23 written or unwritten, with regards to
24 Verizon and other parties with regards to
25 split use?

1

2

A Yes. There's a Joint Pole

3

Agreement --

4

Q I would like --

5

A -- between Central Hudson and Bell

6

Atlantic.

7

MR. RAHL: At this time I would

8

like to enter an Exhibit 6, or

9

actually just refer you to Exhibit

10

6. It's already entered.

11

Q Is that the Joint Pole Agreement?

12

A Yes. It says, "General Joint Use

13

Pole Agreement Between Central Hudson Gas

14

and Electric Corporation and The New York

15

Telephone Company Effective January 1st,

16

1986," and this is Plaintiff's Exhibit 6.

17

Q Did Verizon have an agreement with

18

Wallkill for Whiteport Road as per this

19

agreement, the joint agreement between

20

Central Hudson and Verizon?

21

A Central Hudson Gas and Electric?

22

Q Say yes or no, did they have an

23

agreement?

24

A I would say no, because we had solo

25

poles tel use only, and we had some joint

1

2 poles also, but, you know, not over and
3 through.

4

Q Was Wallkill affected by this
5 agreement, and if yes, briefly explain?

6

A Was Wallkill affected by?

7

Q The joint agreement between Verizon
8 and Central Hudson.

9

A In the case of crossing the
10 Wallkill Valley Railroad each party secured
11 their own right-of-way, so I would say no,
12 because we secured separate rights of way
13 wherever we crossed the Wallkill Valley
14 railroad, the lands that traversed it.

15

Q Verizon built the As-Built, which
16 includes Central Hudson and Time-Warner;
17 correct?

18

A It was -- these facilities were
19 available, were available to be used by
20 Central Hudson. They were designed to be
21 used by Central Hudson and the cable
22 television company, TV companies, but there
23 was no agreement in writing for them to use
24 it. It was proposed.

25

Q To your knowledge, does Central

1

2 Hudson or Time-Warner, at this point, have
3 any license rights to be in those trenches
4 as far as Verizon is concerned?

5 A I am not aware of any.

6 I did retire in 2003 and I am not
7 aware of any -- and I am not aware that
8 anything was placed, although it very well
9 may be but I have no knowledge of that.

10 Q Based on your knowledge, during the
11 construction phase of the Whiteport Road
12 project and the New York State Thruway
13 project were there any entities who used
14 the property belonging to Wallkill?

15 A I did notice that the Thruway
16 Authority used the railroad property for
17 construction, to store construction
18 material and some equipment, and it was
19 quite, you know, quite a significant amount
20 of material and sometimes equipment,
21 occasionally equipment.

22 Q Did the Thruway at any time in your
23 preconstruction meeting make any statements
24 with regards to the title of Wallkill or
25 did they just tell Verizon to just go do

1

2 the project?

3 A They basically said that --

4 Q What happened there?

5 A They basically said that they had
6 secured the right to do any, you know, any
7 construction by an acquisition from, I
8 believe it was, Consolidated Rail Company,
9 and they said not to worry about it.

10 Q To your knowledge, was Wallkill
11 ever compensated for the use of the
12 property at the Whiteport Road location in
13 reference to storage of construction
14 materials and in conjunction with the New
15 York State Thruway project?

16 A Yeah.

17 Well, I had discussed that very
18 fact with Mr. Rahl, and he says -- he had
19 said, "Look at all this stuff that they
20 have here," and he said, "I didn't get one
21 dime for them using the property."

22 Q Looking at the As-Built map again,
23 did the Thruway -- as I look at the
24 As-Built map it shows that the lands of the
25 Wallkill Valley Railroad Company, in

1

2 accordance to Charles Sells, are continuous
3 and that the Thruway holds no fee there; is
4 that correct, Mr. Strecker?

5 A (No response.)

6 Q Does the right-of-way of the
7 Wallkill Valley Railroad Company, according
8 to the As-Built, go directly through the
9 New York State property?

10 A Yes, it does.

11 Q And when was, to your knowledge,
12 the Wallkill Valley Railroad Company
13 constructed?

14 A 1917 I believe.

15 The Wallkill Valley Railroad? It's
16 down here in the notes, the Wallkill Valley
17 Railroad dated June 30th of 1917
18 (Indicating).

19 Q That's the survey from which the
20 information was taken, Mr. Strecker.

21 Can you give me an answer pertinent
22 to the question I asked? That's not
23 correct.

24 A I am not a hundred percent sure,
25 but I think 1866.

1

2 Q Thank you. 1866.

3

4

Can you tell me approximately when
you think the Thruway was built?

5

A Oh, I think that that was '78 --

6

No, 1955 --

7

No, 1954 I guess, because I was

8

real young at the time.

9

Q Now, then, you're stating that the

10

Wallkill Valley Railroad Company built its

11

right-of-way in 1866 or thereabouts, and

12

New York State Thruway built its

13

right-of-way after 1953 or thereabouts?

14

A Right.

15

Q What is your understanding with

16

regards to real property as to who owns the

17

fee when there is a contention of dates?

18

Does the earlier property owner retain the

19

fee with two utilities?

20

A Well, a right-of-way generally runs

21

with the land and the deed and in

22

perpetuity.

23

Q My question to you is this again:

24

On the As-Built map as per what Sells has

25

provided are they stating that the Wallkill

1

2

Valley Railroad Company has an avenue still

3

through the properties of the Thruway?

4

A Yes, by the General Railroad Law of
the State of New York.

5

6

Q Thank you.

7

MR. RAHL: Off of the record.

8

(Discussion held off the

9

record.)

10

MR. RAHL: Back on the record.

11

Q Do you know the location of the

12

City of Kingston Transfer Station on Albert

13

Street?

14

A Yes.

15

Q Could you explain?

16

A That is --

17

That was on the original 1992

18

easement as one of the exhibits referred to

19

in part of that Deed of Easement.

20

Q Thank you.

21

Do you know of a television cable

22

facility, specifically under that Deed of

23

Easement in the vicinity of the transfer

24

station at Albert Street?

25

A Yes. It's on one of the exhibits

1

2

attached to that easement.

3

Q That is Exhibit 1 you are referring to?

4

5

A Yes, Exhibit 1.

6

Q Which I might add a note, does not have the exhibit of those crossings with it at this time. The appendix, though, is available at the Wallkill Valley Railroad Company upon request.

7

8

9

10

11

A Yes, I'm familiar.

12

13

14

Q Was the Bell Atlantic service to the jail project covered by the 1992 Deed of Easement?

15

A No.

16

17

18

Q Were any wire crossings changed that were covered in the 1992 Deed of Easement to the transfer station?

19

A Yes.

20

Q Could you explain?

21

22

23

24

25

A The -- the original exhibit, the cable that was on the original exhibit was rearranged and changed and cable along Route 32 was relocated and changed and there was a condemnation of railroad

1

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.

1

2

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

3

4

MR. RAHL: Strike that.

5

6

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

7

8

9

10

11

12

13

14

15

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

16

17

Q Yes.

18

19

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

20

21

22

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

23

1

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

1
2 project was built, what was the
3 configuration of Central Hudson's wiring as
4 per the wire inventories that we did? How
5 did it cross the jail property? Did it
6 cross aerial?

7 A Aerial.

8 Q And where did it cross the jail
9 project?

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

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

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

23 Q So you're saying that --

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

1

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

4 A Had to be taken out.

5 Q And rerouted?

6 A And rerouted.

7 Q How were they rerouted?

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

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

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

18 A No.

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

1

2 A I would say it was definitely a
3 hostile proceeding.

4 Q Is that without compensation?

5 A Without compensation.

6 Q Thank you.

7 MR. RAHL: Off the record.

8 (Discussion held off the
9 record.)

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

13 A Yes.

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

17 A I believe it is appropriate.

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

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

1

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

4

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

7

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

20

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

24

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

1

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

1

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

1

2 trailers and the like?

3 A Yes.

4

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

11

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

14

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

17

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

21

22 A Yes.

23

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

26

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

29

30 Q Do you happen to know who
31 originally built the West Shoreline from
32 Kingston to Albany?

1

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,
20 the environmental impact and also the
21 savings on maintenance on the road and
22 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.)

1			
2		I N D E X	
3		TO TESTIMONY	
4	WITNESS	BY:	PAGE
	WILLIAM STRECKER	MR. RAHL	5
5			
6		TO EXHIBITS MARKED	
7	PLAINTIFF'S EXHIBITS		PAGE
8	Exhibit 1		15
9	Document entitled Deed of		
	Easement, dated the 7th day of		
	February, 1992, consisting of		
10	eight pages		
11	Exhibit 2		17
	Consisting of two pages,		
12	Cover page being a letter dated		
	August 9, 1999 authored by		
13	William H. Strecker addressed to		
	William Balcerski, Bell Atlantic-NY,		
14	Legal Department; second page		
	Entitled 1999 License Agreement -		
15	06/12/02 Inventory of "As Built" Crossings		
16	Exhibit 3		18
	Document entitled Physical		
17	Inventory 2/10/98, Sizes of		
	Existing Cables Noted		
18			
	Exhibit 4		18
19	Consisting of three pages, cover		
	page being a letter dated		
20	June 14th, 2002 authored by		
	William H. Strecker, addressed to		
21	John Rahl - President, Wallkill		
	Valley Railroad Company; second page		
22	Entitled Physical Inventory 2/10/98,		
	Sizes of Existing Cables Noted, Page 1;		
23	Third page entitled Physical Inventory		
	2/10/98, Sizes of Existing Cables Noted, Page		
24	2		
25			

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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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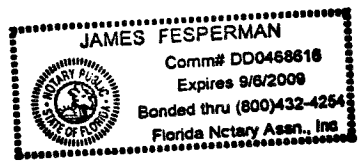
C E R T I F I C A T E

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

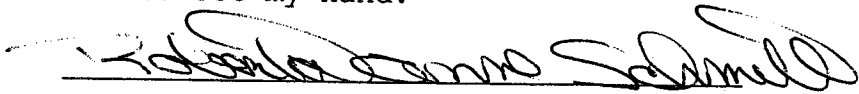
STATE OF NEW YORK)

) 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