

Attorney To Decide Whether County Is Liable For Injuries

SEP 24 1982

LITTLE VALLEY — The Cattaraugus County Legislature has asked the county attorney to determine if the county can be held liable for injuries a person may receive while riding excursion trains of the New York and Lake Erie Railroad.

The shortline railroad, owned and operated by Robert O. Dingman, was found to have several "deficiencies" during recent state and federal railroad inspections, legislators were told.

County Industrial Development Agency Director Carol Milks, noting that the excursions bring in extra money for the railroad, said, "The state Department of Transportation," which has given the railroad subsidies in the past, "is fully aware of the excursions."

She assured legislators that "if the

areas that need attention on the track-age, involving lines between Little Valley and Salamanca, demand correction, the trips will be stopped."

Nicholas Augustini, D-Allegany, first questioned the danger by referring to the fall excursions and previous trips to the county fair between the village and Salamanca. "People were riding on chairs in open gondola cars, when the tracks may not be safe enough to haul freight, let alone people," he said.

Augustini said he and others are concerned that injury to a passenger could involve the county in a lawsuit.

At least three trips are planned for Sunday as part of Salamanca's Falling Leaves Festival.

Don B. Winship, R-South Dayton, questioned Augustini's motives, asking if they were not directed at Saturday's excursion train ride aimed at raising funds for the campaign coffers of John Kalamanka, Republican candidate for sheriff.

"It was not politically motivated," Augustini told *The Post-Journal* this morning. "I don't care who's riding on it. If there are deficiencies on the line, there should be no passengers on it."