

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ENTERED
Office of Proceedings
September 8, 2020

**CATTARAUGUS LOCAL
DEVELOPMENT CORP.**

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Docket No. FD_36435

NOTICE OF EXEMPTION

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Part of
Public Record

SUPPLEMENTAL AFFIRMATION IN SUPPORT OF NOTICE OF EXEMPTION

ROBERT J. McLAUGHLIN, an attorney duly appointed to appear before the Courts of the State of New York and the Federal Courts of the United States, affirms under the penalties of perjury the following:

1. I am a member of McLaughlin Law, P.C., attorneys for the Petitioner, Cattaraugus Local Development Corp. As such, I am fully familiar with all the facts and circumstance herein.

2. On September 1, 2020, the Petitioner filed a Notice of Exemption in order to complete the abandonment of a portion of the Dunkirk Branch of the Erie Lackawanna Rail line, State of New York.

3. Specifically, the Notice of Exemption states that the Petitioner seeks to acquire from the Erie Lackawanna Railway Company a portion of a rail line (USRA Line 1250 or the "Line") extending roughly 12.14 miles from Cattaraugus County Road #6 in the Town of New Albion, Cattaraugus County (Milepost 426.5), to the City line of the City of Salamanca in the Town of Salamanca (near Milepost 414.1), Cattaraugus County, State of New York.

4. I note the potential discrepancy between the Milepost distance between Mileposts 426.5 and 414.1 (12.4 miles) and the length of the rail line sought to be acquired (12.14). The reason for this difference is the location of the City line of the City of Salamanca.

5. The land located in the City of Salamanca, New York is owned by the Seneca Nation of Indians. Accordingly, the decision was made by the Petitioner in 2000 not to seek any part of the rail line in the City of Salamanca.

6. The closest Milepost marker, upon information and belief, to the southern most boundary of the portion of the rail line which is the subject of the Exemption Notice is Milepost 414.1. The actual Milepost, if it existed, would be 414.36.

7. Any portion of the rail line north of Milepost 426.5 remains, upon information and belief, under the control and ownership of the Cattaraugus County Industrial Development Agency.

WHEREFORE, your affirmant respectfully requests that the Notice of Exemption be considered without further delay.

Dated: Albany, New York
September 8, 2020



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