



October 18, 2017

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VIA UPS OVERNIGHT DELIVERY

Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

ENTERED
Office of Proceedings
October 19, 2017
Part of
Public Record

Re: *Buffalo & Pittsburgh Railroad, Inc. - Abandonment Exemption - In Erie and Cattaraugus Counties, New York STB Docket No. AB-369 (Sub-No. 7X)*

Dear Sir/Madam:

On behalf of both parties, we write today to respectfully request an extension of the deadline for negotiations between Buffalo & Pittsburgh Railroad, Inc. and Erie Cattaraugus Rail Trail, Inc.

We are cognizant of the fact that we are seriously delinquent in our request which is due simply to an oversight of the deadline which was May 11, 2017. Should you agree to grant the extension, we promise to be diligent in our efforts to request any future extensions in a timely manner and well before the expiration date, should an agreement not be reached. However, we have been focused on negotiations and hope to consummate a deal before the end of the year.

This request is filed on behalf of Erie Cattaraugus Rail Trail, Inc. (Proponent) to request an extension of the deadline for negotiations with Buffalo & Pittsburgh Railroad, Inc. regarding the Notice of Interim Trail Use in the above-noted proceeding with respect to the rail line between Milepost 8.4 in the Town of Orchard Park, Erie County, New York and Milepost 36 in the Town of Ashford, Cattaraugus County, New York, a total distance of 27.6 miles. Proponent understands that Buffalo & Pittsburgh Railroad, Inc. has not consummated the abandonment.

Buffalo & Pittsburgh Railroad, Inc. and the Proponent do not anticipate being able to consummate an agreement regarding the NITU prior to the expiration of the NITU deadline, but wish to continue negotiations. Accordingly, the Proponent requests a 180-day extension of the NITU negotiation deadline to **November 7, 2017** (180 days from May 11, 2017 expiration date). Buffalo & Pittsburgh Railroad, Inc. has acknowledged that it will concur with this request and will file a letter of concurrence once a copy of this letter is filed with the Board.

Enclosed our credit card payment form in the amount of \$500.00 on behalf of Erie Cattaraugus Rail Trail, Inc. for the Board's filing fees in accordance with 49 CFR 1002.2(e)(1).

FILED

October 19, 2017

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FEE RECEIVED

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HOPKINS SORGI & ROMANOWSKI PLLC

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By my signature below, I certify service upon Eric M. Hocky, Clark Hill PLC (*counsel for Buffalo & Pittsburgh Railroad, Inc.*), Joseph V. Kocsis, Jr., Western New York Railway Historical Society, Inc. and Tom Alworth, New York State Office of Parks, Recreation and Historic Preservation, by U.S. Mail, postage prepaid, first class, on **October 18, 2017**.

Respectfully submitted,

HOPKINS SORGI & ROMANOWSKI PLLC



Marc A. Romanowski, Esq.

/rmg
Enc.

cc: Eric M. Hocky, Clark Hill PLC
Joseph V. Kocsis, Jr., Western New York Railway Historical Society, Inc.
Tom Alworth, Deputy Commissioner for Natural Resources, New York State Office of Parks