



GRANTED

Office of
Proceedings

DECISION ID NO.: 46136
DECIDED DATE: 11-13-17
SERVICE DATE: 11/14/2017
APPROVED: [Signature]

Acting Director

☒ Extended to 5-6-18



November 3, 2017

244667



VIA UPS OVERNIGHT

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

ENTERED
Office of Proceedings
November 6, 2017
Part of
Public Record

Attention: Cynthia Brown

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

Dear Ms. Brown:

On behalf of both parties, we write today to thank the Surface Transportation Board for the recent extension granted to us for the deadline for negotiations between Buffalo & Pittsburgh Railroad, Inc. and Erie Cattaraugus Rail Trail, Inc.

As you are aware, we have been focused on negotiations and again, we hope to consummate a deal before the end of the year but as of today, no formal agreement has been reached.

Therefore, 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 do anticipate completing them by year-end. Accordingly, the Proponent requests a 180-day extension of the NITU negotiation deadline to **May 6, 2018** (180 days from the November 7, 2017 expiration date). Buffalo & Pittsburgh Railroad, Inc. has acknowledged that it will concur

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November 6, 2017

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HOPKINS SORGI & ROMANOWSKI PLLC

Attorneys at Law

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Chief, Section of Administration
Surface Transportation Board
November 3, 2017

Page 2

with this request and will file a letter of concurrence once a copy of this letter is filed with the Board.

Enclosed is 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).

By my signature below, I certify service upon Eric M. Hocky, Clark Hill PLC, 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 **November 3, 2017.**

Respectfully submitted,

HOPKINS SORGI & ROMANOWSKI PLLC



Marc A. Romanowski, Esq.

/rmg

Enc.

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