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June 4, 2007

Via Hand Delivery

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

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Office of Proceedings

JUN - 4 2007

Part of
Public Record

219 458

**RE: Finance Docket No. 35019
Western New York & Pennsylvania Railroad, LLC
-- Lease and Operation Exemption --
Certain Assets of Norfolk Southern Railway Company and
Chautauqua, Cattaraugus, Allegany and Steuben Southern
Tier Extension Railroad Authority**

Dear Secretary Williams:

The Western New York & Pennsylvania Railroad, LLC ("WNYP") hereby certifies that on April 18, 2007, a copy of the enclosed notice was posted at the workplace of Norfolk Southern Railway Company employees in compliance with 49 C.F.R. §1150.42(e). WNYP further certifies that a copy of the enclosed notice was served on the national offices of the labor unions shown on the letter transmitting the notice as required by 49 C.F.R. §1150.42(e).

WNYP files this certification letter in response to the notice issued by the Board in this docket on June 1, 2007. WNYP believed in good faith that it had satisfied the certification requirement of §1150.42(e) on May 17, 2007 when it filed its notice of exemption. The notice of exemption stated that WNYP had posted and served the labor notice required by §1150.42(e) and attached a copy of such labor notice to demonstrate compliance. In addition, the entirety of the notice of exemption was verified by WNYP's President. In any case, WNYP respectfully requests that the Board consider May 17, 2007 as the date of certification of compliance with §1150.42(e).¹

¹ By a separate filing, WNYP has requested that the Board waive the requirement under §1150.42(e) to give the Board at least 60-day advance notice of compliance with the posting and service requirement. That waiver is pending before the Board.

Honorable Vernon A. Williams
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Ten copies of this letter and notice are enclosed for filing with the Board. Please acknowledge receipt of this filing by countersigning the attached extra copy of this letter and notice and return to me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Janie Sheng', with a long, sweeping flourish extending to the right.

Janie Sheng
Attorney for Western New York &
Pennsylvania Railroad, LLC

Enclosure

Cc. Gordon McDougall (via hand delivery)

April 17, 2007

**D.M. Hahn, International President, BLET
Edwin D. Hill, International President, IBEW
F. Leo McCann, President, ATDA
W.D. Pickett, International President, BRS
Freddie M. Simpson, President, BMWED
Paul C. Thompson, International President, UTU**

Gentlemen:

Pursuant to Surface Transportation Board regulations at 49 C.F.R. Section 1150.42(e), Western New York & Pennsylvania Railroad, LLC (WNYP) hereby provides a copy of a notice to Norfolk Southern employees that will be posted tomorrow, April 18, 2007.

Yours very truly,

**William D. Burt
President and Chief Operating Officer**

**WDB/
Enclosure**

NOTICE TO NORFOLK SOUTHERN EMPLOYEES

April 18, 2007

Pursuant to Surface Transportation Board regulations at 49 C.F.R. § 1150.42(e), Western New York & Pennsylvania Railroad, LLC ("WNYP") hereby provides notice to the employees of the Norfolk Southern Railway Company ("NS") that WNYP intends to lease (or sublease, as applicable) the following lines from NS:

- The Buffalo Line between milepost BR 44.7 +/- at Machias Junction, New York and MP 134.0 at Driftwood, Pennsylvania;
- The Farmers Valley Secondary between MP FV 0.0 and MP FV 6.6,
- The Olean Branch between MP YS 114.5 and MP YS 116.9 (the West Olean siding); and
- All associated sidings, sidetracks, yards, or facilities presently operated by NS that are accessed via the lines above, including that portion of WNYP's Hornell-Meadville main line within the interlocking limits of CP-OLEAN.

As a result of the transaction, WNYP expects to have employment opportunities as shown on the attached list. This information is preliminary and subject to change. The type and number of employees to be hired, and their compensation, may vary significantly from the positions set forth herein. No representation is made that positions will be held open for any period of time.

Generally, WNYP employment benefits include (but are not limited to):

- Railroad Retirement benefits
- Medical and dental insurance
- Life insurance
- Holidays
- Paid time off
- 401(k) plan

WNYP will select employees on the basis of some or all of the following criteria and other considerations: (1) demonstrated work ethic that is customer-driven and customer-oriented; (2) commitment and ability to work within a short line team environment; (3) demonstrated stable work history and commitment to safety, including but not limited to a record of compliance with safety and operating rules; (4) commitment to being accountable for work product; (5) ability to communicate effectively, both orally and in writing; (6) relevant work experience and ability to perform duties, with or without reasonable accommodation, required for particular job; (7) results of personal interview(s); and (8) demonstration of relevant work skills through non-discriminatory testing. No one factor listed above will be determinative in the employee selection process.

Candidates will be selected without regard to race, creed, color, religion, national origin, sex, age, marital status, disability, veteran, National Guard or military reserve status, and other characteristics protected by law. Applicants who have been conditionally offered positions will be required to pass a pre-employment drug and alcohol screen, complete a medical questionnaire, and pass a physical exam.

NS employees interested in applying for employment at WNYP should write T.A. Collard, General Manager, Western New York & Pennsylvania Railroad, 69 South Dow Street, Falconer, NY 14733. This notice is being posted in accordance with the requirements of 49 C.F.R. § 1150.42(e).

<u>Job Description</u>	<u>Approximate Number To Be Hired</u>	<u>Approximate Pay Range (hourly)</u>
Engineer/Conductor	4	14.00-17.00
Conductor	3	13.00-16.00
Shop Mechanic	1	11.00-14.00
Car Inspector/ Mechanic	1	12.00-15.00
Track Supervisor	1	14.00-17.00
Track Foreman	1	13.00-16.00
Trackman	1	12.00-15.00
C&S Maintainer	2	13.00-16.00