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June 7, 2007

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

RE: Finance Docket No. 34905, *Village of Croton-on-Hudson, New York v. Buffalo Southern Railroad, Inc., et al.*

Dear Secretary Williams:

The Village of Croton-on-Hudson (the "Village") is responding to the decision of the Surface Transportation Board (the "Board") served in the above-entitled proceeding on June 6, 2006.

On April 30, 2007, Judge McMahon of the US District Court for the Southern District of New York vacated the preliminary injunction against the Village and dismissed the complaint brought by the Buffalo Southern Railroad, Inc. ("BSOR"). The Board dismissed the Notice of Exemption filed by BSOR in *Buffalo Southern Railroad, Inc. – Acquisition and Operation Exemption – Line in Croton-On-Hudson, NY*, STB Finance Docket No. 34903 (STB served June 6, 2007) (the "*Decision*").

In the *Decision*, the Board stated: "Because the related complaint filed by the Village of Croton-On-Hudson (the Village) in STB Finance Docket No. 34905 involves a request to prohibit the operations for which BSR was seeking authority pursuant to the notice of exemption, the complaint will also be dismissed. The dismissal of the complaint, however, will not be effective for 20 days in order to give the Village an opportunity to oppose dismissal. Unless the Village demonstrates within 20 days of the service date of this decision why its complaint should not be dismissed, dismissal will take effect automatically at the end of the 20-day period without further order from the Board."

The proceedings that gave rise to the Village's complaint have been dismissed. Therefore, the Village consents to and requests the dismissal of its complaint without prejudice to the position that it took in the complaint that BSOR's operations were either unregulated operations over private track, or that unlawful operations without required advance authorization from the Board.

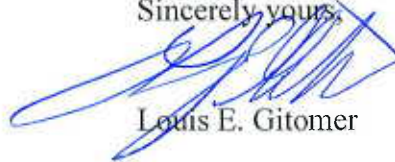
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This letter is being efiled. By my signature below, I certify that a copy of this letter has been served by electronic mail and first class mail postage pre-paid on all parties of record.

Sincerely yours,



Louis E. Gitomer