



Eric M. Hocky
Direct Dial 215 640 8523
E-mail ehocky@thorpreed.com

22667

ATTORNEYS AT LAW SINCE 1895

VIA ELECTRONIC FILING

Hon. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street SW
Washington, DC 20024

June 25, 2008

Re. Allegheny & Eastern Railroad, Inc -
Abandonment Exemption - In Elk and Cameron Counties
Docket No. AB-854 (X)
Reply of Applicant to Opposition of Troha to Any Additional
Extension

Dear Secretary Quinlan

I am writing on behalf of the Applicant to respond to the Opposition of Robert Troha to Any Additional Extension of Time filed with the Board on June 10, 2008. Petitioner previously sought identical relief that was denied by the Board in a decision served March 7, 2008 (the March Decision).

As recognized by the Board in its previous denial, so long as the parties are willing to continue negotiations, the NITU negotiating period may be extended. March Decision at 2. Further, even Petitioner in its Opposition acknowledges that when good faith negotiations are continuing it is appropriate to grant extensions. Opposition at 5. See also March Decision at 2. While Applicant believes that its consent to continue negotiating is all that is required to justify the extension, in fact Applicant's response to the extension request (filed the same day as the Opposition), advised the Board "Applicant has sent what it believes is a final form of agreement to West Creek Recreational Trail Association for execution. The agreement anticipates that closing will be held within 60 days after execution by both parties." The undersigned can now advise the Board that in fact the parties have both executed the agreement for purchase and interim rail banking was that being circulated. The agreement provides that closing will occur within 60 days of execution - prior to the expiration of the currently requested extension.

As Petitioner admits, the role of the Board in trail use matters is largely ministerial. Opposition at 5-6. Now that the parties have reached agreement on the terms of purchase and rail banking, the Board should grant the extension necessary to allow the parties to consummate the transaction.

Pittsburgh

Philadelphia

Princeton

Wheeling

Thorp Reed & Armstrong LLP
One Commerce Square
2005 Market Street
Suite 1910
Philadelphia, PA 19103
215 640 8500
215 640 8501 Fax

Hon Anne K Quinlan
Page 2

June 25, 2008

Applicant will advise the Board when closing has occurred

Respectfully,



Eric M Hocky

cc West Creek Recreational Trail Association (by email)
David A Cohen, Esq (by email)

EMH/e