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**FILED**

JUN 9 2005

SURFACE  
TRANSPORTATION BOARD

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Office of Proceedings

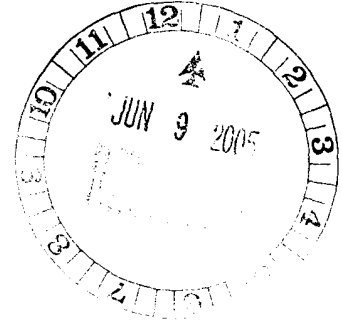
JUN 9 2005

Part of  
Public Record

**FEE RECEIVED**

JUN 9 2005

SURFACE  
TRANSPORTATION BOARD



Before the

**SURFACE TRANSPORTATION BOARD**

\_\_\_\_\_  
Docket No. AB-369 (No. 5X)

\_\_\_\_\_  
**NOTICE OF  
BUFFALO & PITTSBURGH RAILROAD, INC.  
FOR EXEMPTION OF DISCONTINUANCE**

Armstrong and Jefferson Counties, Pennsylvania

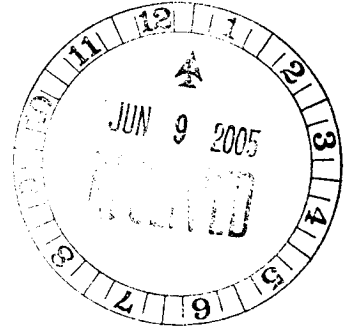
\_\_\_\_\_  
ERIC M. HOCKY  
GOLLATZ, GRIFFIN & EWING, P.C.  
Four Penn Center  
Suite 200  
1600 JFK Blvd.  
Philadelphia, PA 19103  
(215) 563-9400  
Attorneys for Buffalo & Pittsburgh Railroad, Inc.

Dated: June 8, 2005

Before the  
**SURFACE TRANSPORTATION BOARD**

**NOTICE OF  
BUFFALO & PITTSBURGH RAILROAD, INC.  
FOR EXEMPTION OF DISCONTINUANCE**

Armstrong and Jefferson Counties, Pennsylvania



This Notice of Discontinuance is given pursuant to the requirements of 49 C.F.R.

§1152.50.<sup>1</sup> In accordance with such requirements, Buffalo & Pittsburgh Railroad, Inc.

("Applicant") hereby states as follows:

1. The exact name of Applicant is Buffalo & Pittsburgh Railroad, Inc.
2. Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.
3. The relief sought is the discontinuance of a portion of the line of railroad operated by Applicant which runs between milepost 22.0 south of Brookville in Jefferson County, Pennsylvania, and milepost 62.0 in Mahoning in Armstrong County, Pennsylvania.<sup>2</sup> Applicant intends to operate over the track between milepost 22.0 and between milepost 56.0 and milepost 62.0, as private sidetracks or spurs. See Norfolk Southern Railway Company – Abandonment Exemption – In Mecklenburg County, NC, STB Docket No. AB-290 (Sub-No. 247X) (served

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<sup>1</sup> The owner of the line, Pittsburg & Shawmut Railroad, LLC ("PSR LLC") is simultaneously filing a petition for exemption to allow it to abandon the line. See Docket No. AB-976(X). Although the proceedings have not been consolidated, BPRR and PSR LLC filed a joint Environmental / Historic Report.

<sup>2</sup> The previous operator merged with and into Applicant as of January 1, 2004. Buffalo & Pittsburgh Railroad, Inc., Allegheny & Eastern Railroad, Inc., Pittsburg & Shawmut Railroad, Inc., and Bradford Industrial Rail, Inc. - Corporate Family Transaction Exemption, STB Finance Docket No. 34447 (served January 22, 2004).

April 9, 2004); Missouri Pacific Railroad Company – Abandonment Exemption – In Marion County, IL, ICC Docket No. AB-3 (Sub-No. 77X) (served June 21, 1989).

4. A detailed map of the subject line showing the exact location of the rail line to be abandoned and its relation to other rail lines in the area, highways, water routes and population centers is attached hereto as Exhibit A.

5. The representative of Applicant to whom correspondence should be sent is:

Eric M. Hocky, Esquire  
GOLLATZ, GRIFFIN & EWING, P.C.  
Four Penn Center  
Suite 200  
1600 JFK Blvd.  
Philadelphia, PA 19103  
(215) 563-9400

6. The line to be discontinued traverses United States Postal Service ZIP Codes 15472, 15663, 15770, 15778, 15847, 16232, 16259, 17821 and 17844.

7. The property proposed for discontinuance is located in a rural area. The use of the line for trail or other purposes will need to be determined in the related abandonment proceeding filed by PSR, LLC.

8. Applicant proposes to consummate the abandonment on or after July 29, 2005.

9. Applicant certifies that:

(a) No local traffic has moved over the line for at least two years, and overhead traffic has been rerouted over other lines.<sup>3</sup>

(b) No formal complaint by a user of rail service on the line, or a state or local government entity acting on behalf of such user, regarding cessation of service over the line

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<sup>3</sup> Applicant became the operator as of January 1, 2004, but is the successor by merger to the previous operator. See footnote 2 above.

either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the two year period.

10. Although no employees of Applicant will be affected by the abandonment, Applicant recognizes that this abandonment will be made subject to the employee protective conditions in Oregon Short Line Railroad Co.--Abandonment--Goshen, 360 I.C.C. 91 (1979).

11. An environmental/historic report in accordance with the requirements of 49 C.F.R. §§1105.7 and 1105.8 was filed with the Board on May 17, 2005. As noted in the report, Applicant has complied with the notice requirements of 49 C.F.R. §1105.11. On May 26, 2005, Applicant sent to Pennsylvania's State Historic Preservation Office the completed Section 106 forms that had been requested.

12. Applicant has complied with the notice requirements of 49 C.F.R. §1152.50(d)(1). Copies of the notices are attached hereto as Exhibit B.

Respectfully submitted,

ERIC M. HOCKY  
GOLLATZ, GRIFFIN & EWING, P.C.  
Four Penn Center  
Suite 200  
1600 JFK Blvd.  
Philadelphia, PA 19103  
(215) 563-9400  
Attorneys for Buffalo & Pittsburgh Railroad, Inc.

DATED: June 8, 2005

### VERIFICATION

I hereby verify on behalf of Buffalo & Pittsburgh Railroad, Inc., under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

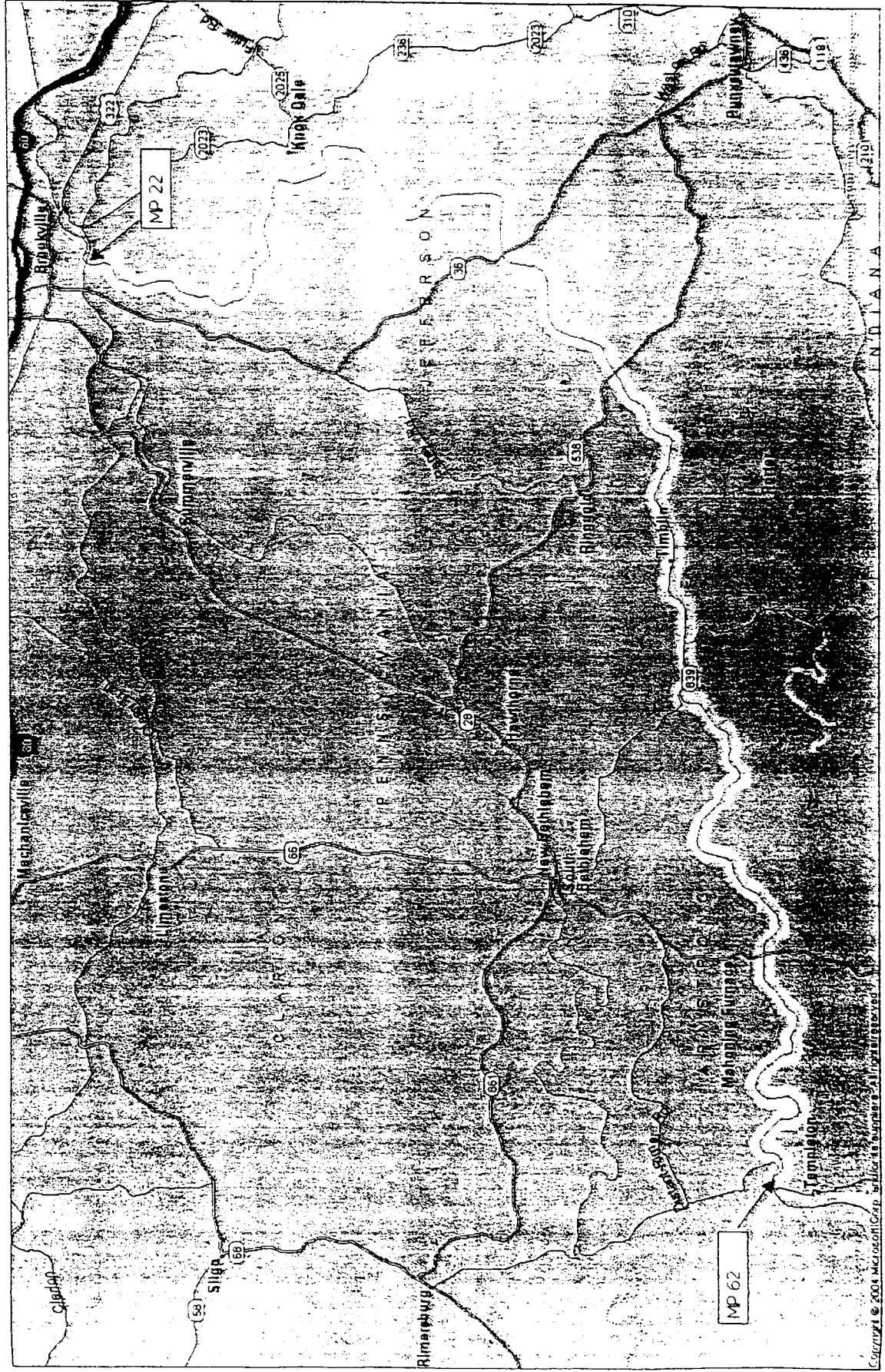
Executed on June 8, 2005.

  
Name: David Collins  
Title: President

**EXHIBIT A**

**MAP**

# Brookville to Mahoning Abandonment



**EXHIBIT B**  
**10 DAY NOTICES**

213 WEST MINER STREET  
PO BOX 796  
WEST CHESTER, PA 19381  
TELEPHONE 610.692.9116  
FACSIMILE 610.692.9177  
WWW.GGELAW.COM

**G&E** GOLLATZ  
GRIFFIN  
& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

May 23, 2005  
VIA: FIRST CLASS MAIL

Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

RE: Buffalo & Pittsburgh Railroad, Inc. -  
Discontinuance Exemption  
STB Docket No. AB369 (No. 5X)

Pittsburgh & Shawmut Railroad, LLC -  
Abandonment Exemption  
STB Docket No. AB976 (X)

Dear Sirs and/or Madams:

This letter is to advise you that Buffalo & Pittsburgh Railroad, Inc. ("BPRR") will be filing a verified notice of exemption pursuant to the provisions of 49 CFR 1152 Subpart F in STB Docket No. AB369 (No. 5X), and that Pittsburgh & Shawmut Railroad, LLC ("PSR LLC") will be filing a verified petition for exemption pursuant to the provisions of 49 USC 10502 and 49 CFR 1152 Subpart G in STB Docket No. AB976 (X). BPRR and PSR LLC intend to file with the Surface Transportation Board on or about June 6, 2005.

PSR LLC proposes to abandon its line of railroad which runs in a southwest direction from milepost 22.0 south of Brookville in Jefferson County, Pennsylvania to milepost 62.0 in Mahoning in Armstrong County. BPRR will discontinue its operations over the line at the same time. This line traverses through United States Postal ZIP Codes 15472, 15663, 15770, 15778, 15847, 16232, 16259, 17821 and 17844.

BPRR and PSR LLC plan to retain the track between milepost 22.0 and milepost 24.0, and between milepost 56.0 and milepost 62.0, and operate them as private sidetracks or spurs. BPRR and PSR LLC intend to salvage the remainder of track between milepost 24.0 and milepost 56.0.

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

Pennsylvania Public Utility Commission

May 23, 2005

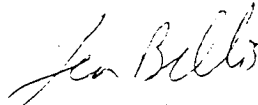
Re: Notice of Abandonment

Page 2 of 2

Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

BPRR and PSR LLC filed an Environmental/Historic Report with the Surface Transportation Board on May 17, 2005, and will provide a copy upon request.

Very truly yours,



Leanore D. Bellis  
Paralegal

cc: Kevin Bowser  
William V. Gentilman  
Eric M. Hocky, Esquire

213 WEST MINER STREET  
PO Box 796  
WEST CHESTER, PA 19381  
TELEPHONE 610.692.9116  
FACSIMILE 610.692.9177  
WWW.GGELAW.COM

**GC&E** GOLLATZ  
GRIFFIN  
& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

May 23, 2005  
VIA: FIRST CLASS MAIL

Pennsylvania Department of Transportation  
400 North Street  
8<sup>th</sup> Floor  
Harrisburg, PA 17120

RE: Buffalo & Pittsburgh Railroad, Inc. -  
Discontinuance Exemption  
STB Docket No. AB369 (No. 5X)

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GOLLATZ, GRIFFIN & EWING, P.C.

PHILADELPHIA

WILMINGTON

Pennsylvania Department of Transportation

May 23, 2005

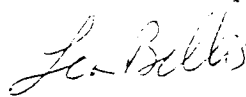
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Very truly yours,



Leanne D. Bellis  
Paralegal

cc: Kevin Bowser  
William V. Gentilman  
Eric M. Hocky, Esquire

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WEST CHESTER, PA 19381  
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& EWING  
ATTORNEYS - AT - LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

May 23, 2005  
VIA: FIRST CLASS MAIL

Mr. Dave Dorfman  
Policy and Programs Division  
Military Surface Deployment and Distribution Command  
Transportation Engineering Agency  
720 Thimble Shoals Blvd., Ste. 130  
Newport News, VA 23606-4537

RE: Buffalo & Pittsburgh Railroad, Inc. -  
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STB Docket No. AB369 (No. 5X)

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GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

Military Surface Deployment and Distribution Command

May 23, 2005

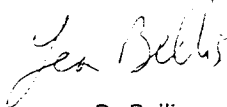
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Leanne D. Bellis  
Paralegal

cc: Kevin Bowser  
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DIRECT DIAL 610.350.4132  
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May 23, 2005  
VIA: FIRST CLASS MAIL

Office of Chief of Forest Service  
U.S. Department of Agriculture  
Auditor's Building  
201 14th Street S.W. and Independence Ave., S.W.  
Washington, DC 20250

RE: Buffalo & Pittsburgh Railroad, Inc. -  
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GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

U.S. Department of Agriculture

May 23, 2005

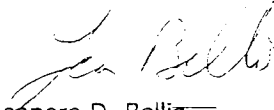
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GRIFFIN  
& EWING  
ATTORNEYS AT LAW

LEANORE D. BELLIS  
DIRECT DIAL 610.350.4132  
lbellis@ggelaw.com

May 23, 2005  
VIA: FIRST CLASS MAIL

National Park Service  
National Center For Recreation  
and Conservation  
Org. Code 2220  
1849 C Street, NW  
1201 Eye Street  
9<sup>th</sup> Floor  
Washington, DC 20240-0001

National Park Service  
Land Resources Division  
1849 C Street, NW  
1201 Eye Street  
9<sup>th</sup> Floor  
Washington, DC 20240-0001

RE: Buffalo & Pittsburgh Railroad, Inc. -  
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GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

National Park Service

May 23, 2005

Re: Notice of Abandonment

Page 2 of 2

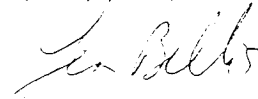
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Very truly yours,

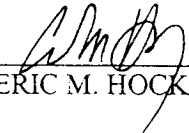


Leánore D. Bellis  
Paralegal

cc: Kevin Bowser  
William V. Gentilman  
Eric M. Hocky, Esquire

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a copy of the foregoing Notice of Abandonment was served on the persons shown on the attached list by first class mail, postage prepaid.

  
\_\_\_\_\_  
ERIC M. HOCKY

Dated: June 8, 2005

**SERVICE/ADDRESS LIST**

Pedro Cortes  
Secretary of the Commonwealth  
302 North Capitol Building  
Harrisburg, PA 17120

George Facer  
Park Planning Section  
Department of Conservation and Natural Resources  
Rachel Carson State Office Building  
PO Box 8767  
400 Market Street  
Harrisburg, PA 17105-8767

Pa. Dept. of Environmental Protection  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17105

Donna Duffy, Esq.  
Regional Counsel  
Pa. Dept. of Environmental Protection  
Northwest Regional Office  
230 Chestnut Street  
Meadville, PA 16335

Ronald A. Schwartz, PE  
Assistant Regional Director  
Southwest Regional Office  
Pa. Dept. of Environmental Protection  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

Lawrence J. Toth  
Environmental Planner  
PA Department of Environmental Protection  
Coastal Zone Management Program  
P.O. Box 2063  
400 Market Street, 15<sup>th</sup> Floor  
Harrisburg, PA 17105-2063

Jefferson County Commissioners  
Jefferson County Courthouse Annex  
155 Main Street  
Brookville, PA 15825

Armstrong County Commissioners  
Armstrong County Courthouse  
Suite 101  
450 East Market Street  
Kittanning, PA 16201

Environmental Protection Agency  
Region 3  
1650 Arch Street (3PM52)  
Philadelphia, PA 19103-2029

US Fish and Wildlife Service  
Northeast Regional Office  
300 Westgate Center Drive  
Hadley, MA 01035-9589

David Densmore  
Supervisor  
US Dept. of the Interior  
Fish and Wildlife Service  
Pennsylvania Field Office  
315 South Allen Street  
Suite 322  
State College, PA 16801-4805

U.S. Army, Corps of Engineers, Pittsburgh District  
2032 William S. Moorhead Federal Building  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

Northeast Region  
Regional Director  
National Park Service  
U.S. Custom House  
200 Chestnut St., Fifth Floor  
Philadelphia, PA 19106

USDA Natural Resources Conservation Service  
5601 Sunnyside Ave.  
Mailstop 5410, Room 1-1290A  
Beltsville MD 20705-5410

State Conservationist  
USDA Natural Resources Conservation Service  
One Credit Union Place, Suite 340  
Harrisburg, PA 17110-2993

Mr. Richard A. Snay  
Chief, Spatial Reference System Div.  
United States Dept. of Commerce  
NOAA, N/NGS2  
SSMC3, Room 8828  
1315 East-West Highway  
Silver Spring, MD 20910

Pennsylvania Game Commission  
Bureau of Law Enforcement  
North Central Regional Office  
1566 South Route 44 Highway  
Post Office Box 5038  
Jersey Shore, PA 17740-5038

Pennsylvania Fish and Boat Commission  
Northcentral Region  
466 Robinson Lane  
PO Box 5306  
Bellefonte, PA 16823

Ron Tibbott  
Fisheries Biologist  
Bureau of Fisheries  
Division of Environmental Service  
450 Robinson Lane  
Bellefonte, PA 16823

Pennsylvania Historical and Museum Commission  
300 North Street  
Harrisburg, PA 17120

Susan M. Zacher  
PA Historical and Museum Comm.  
Bureau for Historic Preservation  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120

Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

Pennsylvania Department of Transportation  
400 North Street  
8<sup>th</sup> Floor  
Harrisburg, PA 17120

Mr. Dave Dorfman  
Policy and Programs Division  
Military Surface Deployment and Distribution Command  
Transportation Engineering Agency  
720 Thimble Shoals Blvd., Ste. 130  
Newport News, VA 23606-4537

National Park Service  
National Center For Recreation  
and Conservation  
Org. Code 2220  
1849 C Street, NW  
1201 Eye Street  
9<sup>th</sup> Floor  
Washington, DC 20240-0001

National Park Service  
Land Resources Division  
1849 C Street, NW  
1201 Eye Street  
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Washington, DC 20240-0001

Office of Chief of Forest Service  
U.S. Department of Agriculture  
Auditor's Building  
201 14th Street S.W. and Independence Ave., S.W.  
Washington, DC 20250

T. L. Ralston  
Planning Division Director  
Armstrong County Department of Planning & Development  
402 Market Street  
Kittanning, PA 16201