



823569

Eric M. Hocky
Direct Dial 215 840 8523
Email ehocky@thorpreed.com



September 9, 2008

ATTORNEYS AT LAW SINCE 1895

VIA OVERNIGHT DELIVERY

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

Re Buffalo & Pittsburgh Railroad, Inc
- Exempt Abandonment -
In Erie and Cattaraugus Counties, NY
STB Docket No. AB-369 (Sub-No. 7X)

Dear Secretary Quinlan:

Enclosed for filing please find the original and 10 copies of the Supplement to the Environmental/Historic Report being filed in connection with the above-referenced abandonment.

Please time stamp the extra copy of the letter to indicate receipt and return it to me in the self-addressed stamped envelope provided for your convenience.

Please let know if there are any questions about the filing. I thank you for your assistance.

Respectfully,

Eric M. Hocky
Eric M. Hocky

ENTERED
Office of Proceedings
SEP 10 2008
Part of
Public Record

EMH/cdl

Enclosures

cc David J. Collins (w/encl)

Pittsburgh

Pennsylvania

Princeton

Washington

Thorpe Reed & Armstrong, LLP
400 Market Street, Suite 200
Harrisburg, PA 17105-2535
215 829 9900
215 829 4688 Fax

STB01

Before the
SURFACE TRANSPORTATION BOARD

Buffalo & Pittsburgh Railroad, Inc.
- Exempt Abandonment -
Erie and Cattaraugus Counties, New York

STB Docket No. AB-369 (Sub-No. 7X)

SUPPLEMENT TO
ENVIRONMENTAL/HISTORIC REPORT

Eric M. Hocky
THORP REED & ARMSTRONG, LLP
One Commerce Square
2005 Market Street
Suite 1910
Philadelphia, PA 19103-7041
(215) 640-8500

Attorneys for
Buffalo & Pittsburgh Railroad, Inc

Dated: September 9, 2008

Before the
SURFACE TRANSPORTATION BOARD

Buffalo & Pittsburgh Railroad, Inc.
- Exempt Abandonment -
Erie and Cattaraugus Counties, New York

STB Docket No. AB-369 (Sub-No. 7X)

SUPPLEMENT TO
ENVIRONMENTAL/HISTORIC REPORT

On August 18, 2008, Buffalo & Pittsburgh Railroad, Inc. ("Applicant") filed an Environmental/Historic Report in connection with its proposed abandonment of two segments of its line of railroad, known as the 3rd Subdivision, which run in a southerly direction from Milepost 4.0 in the City of Lackawanna in Erie County, New York through Milepost 8.4 in the Town of Orchard Park, Erie County, New York (Segment 1) and from Milepost 8.4 in the Town of Orchard Park, Erie County, New York to Milepost 36 in Ashford¹, Cattaraugus County, New York (Segment 2) (together, the "Subject Line"). Applicant is filing this Supplement to clarify the description of the Subject Line in response to an additional comment, and to include some information that was not available at the time the Environmental / Historic Report was filed.

Environmental Supplement

As indicated in the Environmental Report, section 13(c), notice of the proposed abandonment was published in The Buffalo News and The Salamanca Press on August 12, 2008. Attached as a supplement to Exhibit D are the respective proofs of publication.

¹ This endpoint was previously erroneously identified as being in Springville, New York. See discussion in Historic Supplement below.

Applicant received an additional written response from Cattaraugus County which is attached hereto as a Supplement to Exhibit B. On further review, it appears that the initial description of Segment 2 listed the wrong town for ending Milepost 36. Milepost 36 located just over the county line in Ashford, Cattaraugus County (and not in Springville, the last town before crossing the county line, as was mistakenly indicated in the Environmental/Historic Report and consultation letters). Thus, the description of the right of way in the Historic Report, section 2, should be corrected accordingly. Applicant had previously discussed the end point with Cattaraugus County (see Environmental /Historic Report, Exhibit C, Response Log), and does not believe that the error would change any of the comments previously received. An amended Response Log reflecting the letter from Cattaraugus County and Applicant's response is attached as a supplement to Exhibit C.

Applicant attached a milepost listing of structures over 50 years old along the proposed abandonment. Attached as a supplement to Exhibit F is an amended listing of structures. Also attached as Exhibit G are the photographs of the structures that were not available at the time the original report was filed.

Respectfully submitted,

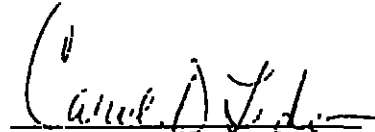

Eric M. Hocky
THORP REED & ARMSTRONG, LLP
One Commerce Center
2005 Market Street, Suite 1910
Philadelphia, PA 19103
(215) 640-8500

Attorneys for
Buffalo & Pittsburgh Railroad, Inc.

Dated: September 9, 2008

-
CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of September, 2008, I served a copy of the foregoing Supplement to Environmental/Historic Report on the persons listed on the attached services list by first class mail, postage prepaid.



Carol D. Lydon, Paralegal
THORP, REED & ARMSTRONG, LLP
One Commerce Square
2005 Market Street, Suite 1910
Philadelphia, PA 19103
(215) 640-8500

SERVICE LIST

Office of the Governor
State of New York
State Capitol
Albany, NY 12224

NYS Department of Transportation
50 Wolf Road
Albany, NY 12232
(518) 457-6195

Alan E. Taylor, Regional Director
NYS Department of Transportation
Region 5
100 Seneca Street
Buffalo, NY 14203
(716) 847-3238

Jack McKeon, Deputy Commissioner
Office of Administration
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-0001
(518) 402-9401

Abby M. Snyder, Regional 9 Director
NY Dept. of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203
(716) 851-7200

NY Dept. of Environmental Conservation
Fish, Wildlife and Marine Resources
625 Broadway
Albany, NY 12233-4750
(518) 402-8924

NY Dept. of Environmental Conservation
Fish, Wildlife and Marine Resources, Region 9
270 Michigan Avenue
Buffalo, NY 14203
(716) 851-7000

NY Dept. of Environmental Conservation
Lands and Forests
625 Broadway, 5th Floor
Albany, NY 12233
(518) 402-9405

NY Dept. of Environmental Conservation
Lands and Forests, Region 9 – Erie County
270 Michigan Avenue
Buffalo, NY 14203
(716) 851-7000

NY Dept. of Environmental Conservation
Land and Forests, Region 9 – Cattaraugus County
215 South Work Street
Falconer, NY 14733-1497
(716) 665-6111

NY Dept. of Environmental Conservation
NY Natural Heritage Program
625 Broadway, 5th Floor
Albany, NY 12233-4757
(518) 402-8935

Division of Coastal Resources
NYS Department of State
99 Washington Avenue, Suite 1010
Albany, NY 12231-0001
(518) 474-6000

Chris Collins, Erie County Executive
Rath Building
16th Floor, Room 1600
Buffalo, New York 14202
(716) 858-8500

Crystal J. Abers, Chairman of Cattaraugus County
303 Court Street
Little Valley, NY 14755
(716) 938-9111

US EPA Region 2
290 Broadway
New York, New York 10007-1866

U.S. Environmental Protection Agency
Western New York Public Information Office
186 Exchange Street
Buffalo, New York 14204

U.S. Fish and Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9589
(413) 253-8200

U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, NY 13045
(607) 753-9334

U.S. Army Engineer Division
Great Lakes & Ohio River Division
550 Main Street
Room 10032
Cincinnati, OH 45202-3222

U.S. Army Engineer District, Buffalo, CEI.RB
1776 Niagara Street
Buffalo, NY 14207-3199
(716) 879-4200

Regional Director, National Park Service
Northeast Region
U.S. Custom House
200 Chestnut Street, 5th Floor
Philadelphia, PA 19106
(215) 597-7013

USDA, Natural Resources Conservation Service
New York State Office
Ron Alvarado, State Conservationist
441 E. Salina Street, Room 520
Syracuse, NY 13202-2450
(315) 477-6504

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

New York State Historic Preservation Office
Pebbles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189

Steve Doleski
NYS-DEC (Erie Cty.)
270 Michigan Ave.
Buffalo, NY 14203-2999

Ken Taft, Deputy Regional Permit Administrator
NYS-DEC (Cattaraugus Cty)
182 East Union, Suite 3
Allegany, NY 14706-1328

EXHIBIT B



CATTARAUGUS COUNTY

OFFICE OF THE COUNTY ATTORNEY

DENNIS V. TOBOLSKI
County Attorney

NICHOLAS A. DICERBO, SR.
Assistant County Attorney

August 22, 2008

Fric M. Hocky, Esq.
THORP REED & ARMSTRONG LLP
400 Market Street, Suite 200
Philadelphia, Pennsylvania 19106

**Re: Buffalo & Pittsburgh Railroad, Inc. – Exempt Abandonment in Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

Dear Mr. Hocky:

Crystal Abers, Chairman of the Cattaraugus County Legislature, gave my office a copy of your August 15, 2008 Environmental/Historic Report filing in connection with the above-referenced abandonment.

Your report indicates that Milepost 36 is located in the Village of Springville, Cattaraugus County, New York. The Village of Springville is located in Erie County. The maps which are incorporated as part of your report seems to indicate that MilePost 36 is located in Cattaraugus County in the Town of Ashford.

You may wish to verify this matter with the railroad.

If you have any further questions, please feel free to contact my office.

Sincerely,

Dennis V. Tobolski, Esq.
County Attorney

DVT/JLM
cc: Crystal Abers

EXHIBIT C

**SUPPLEMENTAL
ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
FOR THE 3rd SUBDIVISION ABANDONMENT**

**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
Office of the Governor State of New York State Capitol Albany, NY 12224		Environmental consult ltr: 6/2/08	
NYS Department of Transportation 50 Wolf Road Albany, NY 12232 (518) 457-6195		Environmental consult. ltr: 6/2/08	
Alan I. Taylor, Regional Director NYS Department of Transportation Region 5 100 Seneca Street Buffalo, NY 14203 (716) 847-3238		Environmental consult ltr 6/2/08	Letter 7/14/08 Abandonment will have no environmental effects.

**SUPPLEMENTAL
ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
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**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
Jack McKeon, Deputy Commissioner Office of Administration New York State Department of Environmental Conservation 625 Broadway Albany, New York 12233-0001 (518) 402-9401		Environmental consult ltr 6/2/08	
Abby M Snyder, Regional 9 Director NY Dept. of Environmental Conservation 270 Michigan Avenue Buffalo, NY 14203 (716) 851-7200	Russ Biz (716) 372-0645	Environmental consult ltr (cc: only): 6/2/08	7/8/08 – T/C from Russ Biz, calling for A. Snyder. They have no problems but two remarks Concerned if there are contaminants left behind in the ballast materials. Also advises that because of recent legislation, railroad ties cannot be used in water environments No need to call unless we have questions.

**SUPPLEMENTAL
ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
FOR THE 3rd SUBDIVISION ABANDONMENT**

**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
NY Dept. of Environmental Conservation Fish, Wildlife and Marine Resources 625 Broadway Albany, NY 12233-4750 (518) 402-8924		Environmental consult ltr (cc only) 6/2/08	
NY Dept. of Environmental Conservation Fish, Wildlife and Marine Resources, Region 9 270 Michigan Avenue Buffalo, NY 14203 (716) 851-7000		Environmental consult ltr (cc only): 6/2/08	
NY Dept. of Environmental Conservation Lands and Forests 625 Broadway, 5 th Floor Albany, NY 12233 (518) 402-9405		Environmental consult ltr (cc only): 6/2/08	

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ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
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AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
NY Dept. of Environmental Conservation Land and Forests, Region 9 – Erie County 270 Michigan Avenue Buffalo, NY 14203 (716) 851-7000		Environmental consult ltr (cc only) 6/2/08	
NY Dept. of Environmental Conservation Land and Forests, Region 9 – Cattaraugus County 215 South Work Street Falconer, NY 14733-1497 (716) 665-6111		Environmental consult. ltr (cc. only) 6/2/08	

SUPPLEMENTAL
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FOR THE 3rd SUBDIVISION ABANDONMENT

Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
NY Dept. of Environmental Conservation NY Natural Heritage Program 625 Broadway, 5th Floor Albany, NY 12233-4757 (518) 402-8935	Tara Seoane. Info. Services (518) 402-8935	Environmental consult ltr (cc only). 6/2/08	6/23/08 – Rec'd letter that includes a report of rare or state-listed animals, plants, natural communities and significant habitats in the vicinity of abandonment. Unclear if action is necessary – sent same to E/H. 6/24/08 – Per l/c send courtesy copies to Division of Environmental Permits in the regional offices as suggested by 6/18/08 letter. Prepared draft letter to (sent to E/H for review 6/24) Steve Doleski NYS-DEC (Erie Cty.) 270 Michigan Ave. Buffalo, NY 14203-2999
			Ken Iait, Deputy Regional Permit Administrator NYS-DEC (Cattaraugus Cty) 182 East Union, Suite 3 Allegany, NY 14706-1328 8/7/08 – T/C from Anne Oyer, Wetlands Division. Advised that part of the abandonment is in a protected wetlands. Will need a permit before proceeding Via email, she provided web address with information on permits.

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STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
Division of Coastal Resources NYS Department of State 99 Washington Avenue, Suite 1010 Albany, NY 12231-0001 (518) 474-6000	Gary Heighl, (518) 486-3047	Coastal consult ltr: 6/2/08	T/C 6/20/08 – site is outside the coastal zone, no comment is necessary Will send letter confirming same. 6/30/08 – Received letter
Chris Collins, Erie County Executive Rath Building 16 th Floor, Room 1600 Buffalo, New York 14202 (716) 858-8500		Environmental consult ltr 6/2/08	

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**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
Crystal J. Abers, Chairman of Cattaraugus County 303 Court Street Little Valley, NY 14755 (716) 938-9111	Crystal Gross, (716) 938-2442	Environmental consult. ltr 6/2/08	T/c 6/6/08 – Concern re: end point of railroad – it runs close to nuclear fuel site - will this affect? Sent email to M. Burns re: clarification. 6/10/08 rec'd email from M Burns "end point of the track removal will be from the north at the plant. The Fox Valley at-grade crossing south of the plant will remain and be maintained as will track to the connection near Route 242 " T/C to Ms Gross on same date – left message with this information.
			6/11/08 – Message from C Gross, she needs add'l information Email to M Burns
			T/C 6/11/08 with C Gross, portion of the rail will remain for switching needs at the plant Information complete
			8/22/08 – Letter from Dennis V. Tobolski, Esq., County Atty for Cattaraugus County advising that the endpoint, MP 36 is located in Ashford, Cattaraugus County rather than in Springville as our report indicated. E. Hocky confirmed with client that Ashford is correct Will call Mr. Tobolski and advise that we will address same in our supplemental report.
			9/5/08 – T/C to Mr Tobolski Left message
			9/8/08 – T/C to Mr Tobolski He is not available. Left message with secretary that Ashford is correct and we will address same in supplemental report which will be filed this week Left number if he needs to call me.

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STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
US EPA Region 2 290 Broadway New York, New York 10007-1866		Environmental consult ltr 6/2/08	6/30/08 – Received letter with guidelines for report.
U.S. Environmental Protection Agency Western New York Public Information Office 186 Exchange Street Buffalo, New York 14204		Environmental consult. ltr: 6/2/08	
U S. Fish and Wildlife Service Northeast Regional Office 300 Westgate Center Drive Hadley, MA 01035-9589 (413) 253-8200		Environmental consult ltr: 6/2/08	Received letter 6/12/08 – need to check website for requested actions. Checked website and printed county information – we should not have to do anything unless contacted by state otherwise

**SUPPLEMENTAL
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**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
U.S. Fish and Wildlife Service New York Field Office 3817 Luker Road Cortland, NY 13045 (607) 753-9334		Environmental consult. ltr. 6/2/08	Received fax form letter 6/12/08, **need to check website for applicable information and instructions 6/16/08 – Checked website for endangered species information. Ran searches for Eric and Cattaraugus Cty No threatened or endangered species in Erie; three in Cattaraugus Per website, as long as we receive no response from the NY Dept of Env. Conservation or the Natural Heritage Foundation – no need to do anything else We'll wait and see.
U.S. Army Engineer Division Great Lakes & Ohio River Division 550 Main Street Room 10032 Cincinnati, OH 45202-3222		Environmental consult ltr 6/2/08	

SUPPLEMENTAL
ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
FOR THE 3rd SUBDIVISION ABANDONMENT

Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
U.S. Army Engineer District, Buffalo, CELRB 1776 Niagara Street Buffalo, NY 14207-3199 (716) 879-4200	Brian Young (716) 879-4246	Environmental consult ltr. 6/2/08	7/7/08 - T/C with Brian Young, Army Corps of Eng. Wants to know if we will be coming down and removing as we go or coming in from another way? And what will be done with rails and ties? 7/8/08 – E mail. M Burns. Ties and rail will be removed by a bid contractor using both on-track and off road equipment. If possible, we will use the existing tracks to move the material to a central location. Both rail and cross-ties will be sold for re-use, if possible or for scrap. Here is access from a few road crossings 7/9/08 – T/C with B. Young. Relayed information. Okay.
Regional Director, National Park Service Northeast Region U.S. Custom House 200 Chestnut Street, 5 th Floor Philadelphia, PA 19106 (215) 597-7013		Environmental consult ltr. 6/2/08	

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**Buffalo & Pittsburgh Railroad, Inc. -- Abandonment -- Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
USDA, Natural Resources Conservation Service New York State Office Ron Alvarado, State Conservationist 441 E. Salina Street, Room 520 Syracuse, NY 13202-2450 (315) 477-6504		Environmental consult ltr: 6/2/08	
Mr. Richard A. Snay Chief, Spatial Reference System Division United States Department of Commerce NOAA, N/NGS2 SSMC3, Room 8828 1315 East-West Highway Silver Spring, MD 20910	Simon Monroe	Environmental consult. ltr: 6/2/08	Received email 8/5/08 stating that there are 39 geodetic survey marks in the described area. We should consult with the NGS if these marks will be disturbed

**SUPPLEMENTAL
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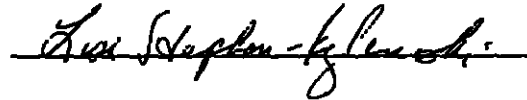
**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
New York State Historic Preservation Office Pebbles Island Resource Center P.O. Box 189 Waterford, NY 12188-0189	Dan McEneny, Historic Register (518) 237-8643. ext. 3257 <i>Don Jack Angelo, (518) 237-8643, x3205</i>	Historical consult ltr 6/2/08	T/C. 6/10/08 with D. McEneny. Wants to know if state or federal money is being used? <i>No</i>. Will not make a comment until surveys are complete. Met with E. Hocky, 6/13/08 – advised to complete Project Review Cover forms and call office for more instructions T/C 6/16/08 – per McEneny - they will not do anything until we have surveys performed. There's nothing for us to do other than hire someone to perform surveys. Will email EH with same 6/19/08 – Talked to EH about t/c with D. M. Will get information about survey consultants. May need to include M. Burns or their local counsel in process. <i>T/C 6/23/08 – Mr. Angelo called to inquire about the exact endpoint of the abandonment. Gave him same, no other action necessary</i>

EXHIBIT D

Lisa Stephan-Kozlowski

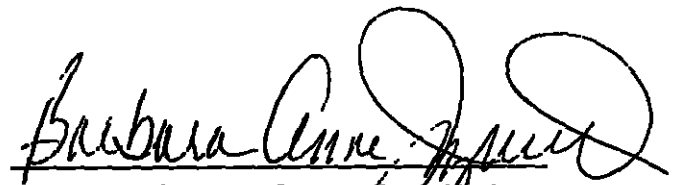
of the City of Buffalo, New York, being
duly sworn, deposes and says that
he/she is Principal Clerk of THE
BUFFALO NEWS, DIV OF
BERKSHIRE HATHAWAY, INC.,
Publisher of the BUFFALO NEWS, a
newspaper published in said city, that
the notice of which the annexed printed
slip taken from said newspaper is a
copy, was inserted and published
therein 1 time, the insertion being on
the 12th day of August 2008



Date Ad Ran 8/12/08

Sworn to before me this  day

of August, 2008


Notary Public, Erie County/New York

BARBARA ANNE JUZWIAK
Notary Public, State of New York
Appointed in Niagara County
My Commission Expires 06/30/2010

740 Personal

DIVORCE Verizon
Brockway, Aysa: 300
Delaware Ave., 854-7888
FLORIDAMover & return
cargo, weekly 839-4308
SEARCHING for the right
musician/vocalist for your
band? Place your ad in
the "Musicians" column
#673. Advertise 3 lines for
4 days for only \$15. Call
858-5555

ST JUDE, Thank you for
giving me a miracle
E M

741 Voice

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Live 1-800-252-0224
\$2/min. 18+ CC or Check
Hot & Wild Local Singles
Listen & Respond FREE!
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716-852-4800 Curious?
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750 Legal/Public

**NOTICE OF INTENT TO
ABANDON RAIL
SERVICE**

Buffalo & Pittsburgh
Railroad, Inc. ("BPRR")
gives notice that on or
about September 3, 2008,
it intends to file with the
Surface Transportation
Board, Washington, DC
20423, either a notice of
exemption pursuant to
the provisions of 49 CFR
1152 Subpart F, or a peti-
tion for exemption pursu-
ant to the provisions of 49
USC 10502 and 49 CFR
1152 Subpart G, under
STB Docket No. AB-369
(Sub No. 7X) permitting
the abandonment of two
segments of its line of
railroad, known as the
3rd Subdivision, between
Milepost 4.0 in the City of
Lackawanna in Erie Coun-
ty, New York and Milepost
8.4 in the Town of Or-
chard Park, Erie County,
New York (Segment 1),
and between Milepost 8.4
in the Town of Orchard
Park, Erie County, New
York and Milepost 36 in
Village of Springville, Cal-
taugus County, New
York (Segment 2), a total
of 32.0 miles. These
line segments traverse
through United States
Postal ZIP Codes 14218,
14127, 14075, 14033 and
14141.

The Board's Section of

The Board's Section of
Environmental Analy-
sis (SEA) will generally
prepare an Environmen-
tal Assessment (EA),
which will normally be
available 25 days after
the filing of BPRR files a
notice of exemption, or
60 days after the filing of
BPRR files a petition for
exemption. Comments
on environmental and
energy matters should
be filed no later than 15
days (in the case of a
notice), or 30 days (in the
case of a petition), after
the EA becomes avail-
able to the public and will
be addressed in a Board
decision. Interested per-
sons may obtain a copy of
the EA or make inquiries
regarding environmental
matters by writing to the
SEA, Section of Environ-
mental Analysis (SEA),
Surface Transportation
Board, 395 E Street,
S.W., Washington, DC
20423-0001 or by calling
that office at (202) 245-
10295.

Appropriate offers of
financial assistance to
continue rail service can
be filed with the Board.
Requests for environmen-
tal conditions, public use
conditions, or rail bank-
ing/trails use also can be
filed with the Board. An
original and 10 copies of
any pleading that raises
matters other than envi-
ronmental issues (such
as trails use, public use,
and offers of financial as-
sistance) must be filed
directly with the Board's
Office of the Secretary,
Surface Transportation
Board, 395 E Street,
S.W., Washington, DC
20423-0001 (See 49 CFR
1104.1(a) and 1104.3(a)),
and one copy must be
served on applicant's re-
presentative (See 49 CFR
1104.12(a)). Questions
regarding offers of finan-
cial assistance, public
use or trails use may be
directed to the Board's Of-
fice of Public Assistance,
Governmental Affairs
and Compliance at (202)
245-0238. Copies of any
comments or requests
for conditions should be
served on the applicant's
representative Eric M.
Hocky, Esquire, Thomp-
son Reed & Armstrong, LLP,
One Commerce Square,
2005 Market Street, Suite
1910, Philadelphia, PA
19103.

Salamanca Press
36 River Street
Salamanca, NY 14779

**Proof of Publication of Notice in
The Salamanca Press**

**State of New York ,
Cattaraugus County**

Account 1027
Thorp, Reed & Armstrong

Deb Rodriguez of the City of Salamanca in said county, being duly sworn, doth depose and say that she is the clerk of the Salamanca Press, a public newspaper in Salamanca

In said county, and that the legal notice of which the annexed is a printed copy, cut from said newspaper, was printed and published in the regular edition and issue of said newspaper, 1 time(s) on the 12, of August 2008

Włodzisław Rodziński

Subscribed and sworn before me, the 14 day of May, 2008

Debra M. Vecchiarelli
Notary Public in and for Cattaraugus County

APRIL M. VECCHIARELLA #4815706
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN CATTARAUGUS COUNTY
MY COMMISSION EXPIRES AUGUST 31, 2024

Date	lines	Description	Rate	Amount
8/12	110	Noticed of intent to abandon	0.385	\$42.35
--		TOTAL		\$42.35

**All accounts are due and payable 15 days after invoiced
A monthly service charge of 1-1/2 percent will be added to past due balances**

**NOTICE OF INTENT
TO ABANDON
RAIL SERVICE**

Buffalo & Pittsburgh Railroad, Inc. ("BPRR") gives notice that on or about September 3, 2008, it intends to file with the Surface Transportation Board, Washington, DC 20423, either a notice of exemption pursuant to the provisions of 49 CFR 1152 Subpart F, or a petition for exemption pursuant to the provisions of 49 USC 10502 and 49 CFR 1152 Subpart G, under STB Docket No. AB-369 (Sub No. 7X) permitting the abandonment of two segments of its line of railroad, known as the 3rd Subdivision, between Milepost 4.0 in the City of Lackawanna in Erie County, New York and Milepost 8.4 in the Town of Orchard Park, Erie County, New York (Segment 1), and between Milepost 8.4 in the Town of Orchard Park, Erie County, New York and Milepost 36 in Village of Springville, Cattaraugus County, New York (Segment 2), a total of 32.0 miles. These line segments traverse through United States Postal ZIP Codes 14218, 14127, 14025, 14033 and 14141.

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing if BPRR files a notice of exemption, or 60 days after the filing if BPRR files a petition for exemption. Comments on environmental and energy matters should be filed no later than 15 days (in the case of a notice), or 30 days (in the case of a petition), after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the SEA, Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative. Enc M Hocky, Esquire, Thorp Reed & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1910, Philadelphia, PA 19103.

EXHIBIT F

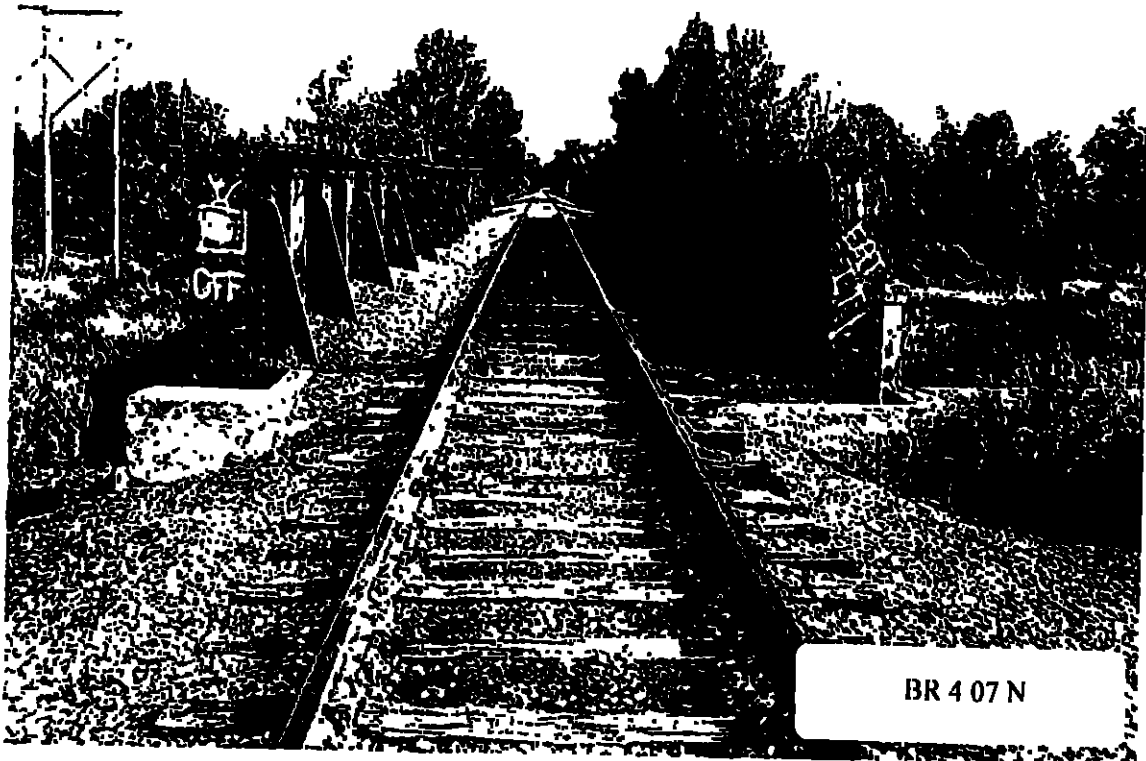
**BUFFALO & PITTSBURGH RAILROAD
NEW YORK STATE BRIDGE SUPPLEMENTAL INVENTORY**

MAIN LINE

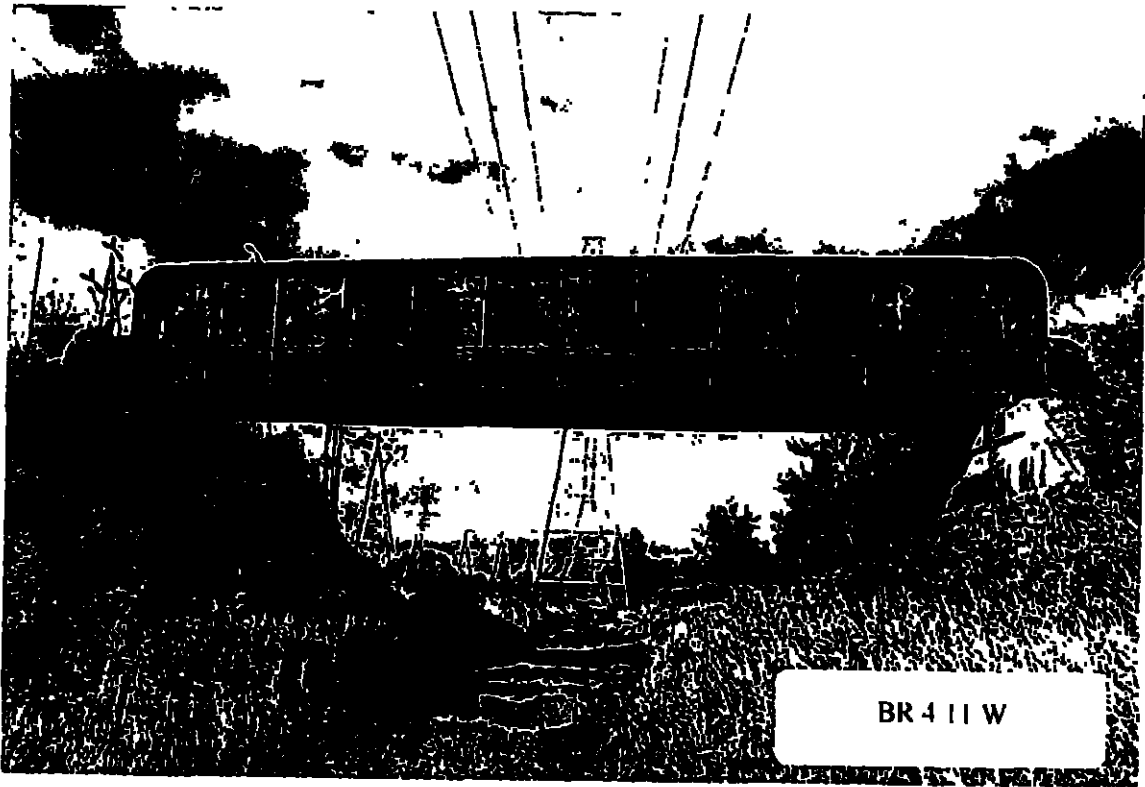
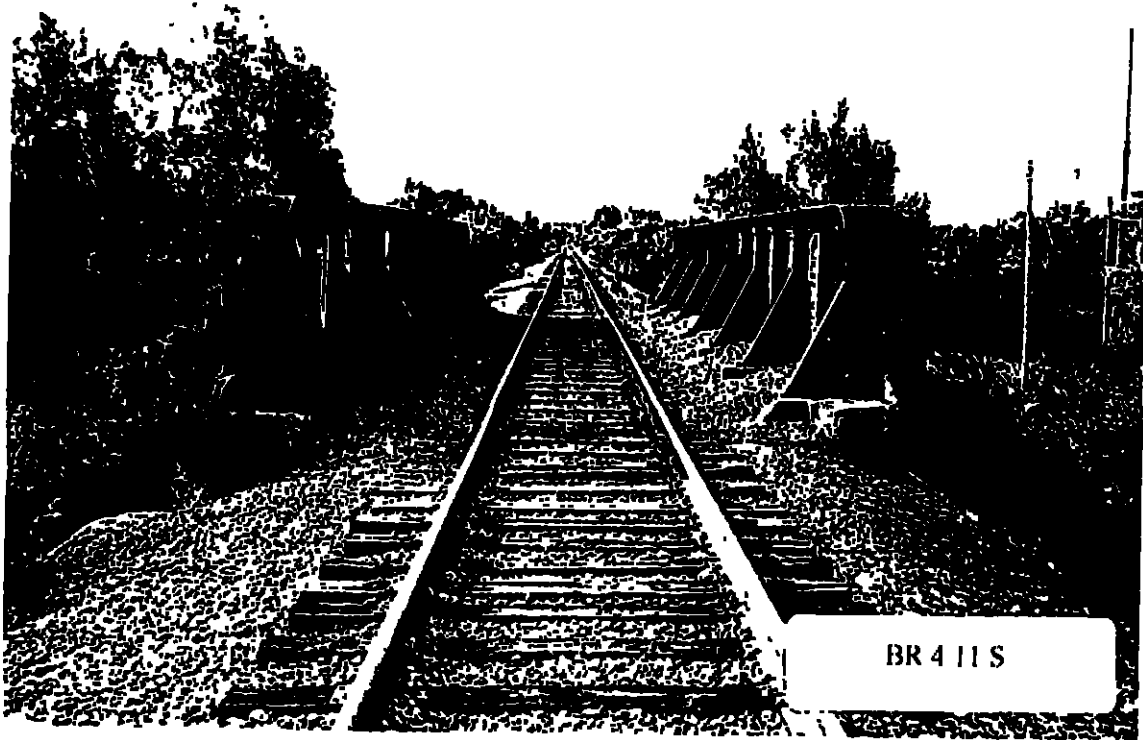
BRIDGE #	# SPANS	TYPE	LENGTH	CROSSING	BUILT
4.07	2	TPG	130'-0"	Conrail	1907
4.11	1	TPG	60'-0"	Abandoned railroad	1915
4.27	4	IBMS	196'-0"	New York Throughway	1957
5.56	1	TPG	100'-0"	Abbott Road	1987
5.98	1	TPG	106'-0"	Mile Strip Road	1970
6.42	1	Conc. Arch	6'-0"	Stream	1911
6.63	1	TPG		U.S. Route 20	1956
7.45	1	IBMS		Stream	Unknown
7.47	OH	IBMS		U.S. Route 219	1970
7.50	OH	IBMS		U.S. Route 219	1970
8.33	OH	Conc.		U.S. Route 20A	1985
9.02	1	TPG	93'-6"	Route 272	1968
11.03	1	Conc. Arch	12'-0"	Stream	1910
15.20	1	Conc. Arch	10'-0"	Gold Mine Creek	1911
16.66	1	Timber	8'-0"	Stream	Unknown
17.4+	1	Rail top		Cattle pass	Unknown
17.68	2	Rail top	12'-0"	Cattle pass	1911
18.72	1	Conc. Arch	12'-0"	Stream	1912
18.88	OH	Conc./IBMS	30'-0"	Valley Road	1952
18.97	1	TPG	95'-6"	Cazenovia Creek	1904
20.98	1	TPG	70'-0"	Hazel Hollow Creek	1915
21.13	OH	Timber	58'-0"	Mill Street	1908
21.29	1	TPG	60'-0"	Stream	1913
21.92	1	DPG	30'-0"	Spring Brook	1913
22.91	2	IBMS	76'-0"	Stream	1975
23.84	1	TPG	85'-9"	Cazenovia Creek	1904
24.38	1	TPG	85'-9"	Stream	1914
24.73	2	Timber	22'-0"	Stream	1929
24.80	4	Timber	43'-4"	Stream	1931
25.61	1	Timber	8'-3"	Cattle pass	1931
27.52	1	IBMS	24'-0"	Stream	1923
28.06	2	IBMS	23'-0"	Stream	1923
29.01	2	CMP	6'-0"	Stream	1959
31.89	13	DPG/DRT	779'-9"	Cattaraugus Creek	1897
32.32	OH	Temp. Steel Bridge	106'-0"	Eddies Road	2008-temp
32.96	2	IBMS	79'-0"	Abandoned Road (formerly Rand Road or Hayes Road)	1957
33.82	1	Conc. Arch	12'-0"	Stream	1911
34.38	1	TPG	95'-6"	Buttermilk Creek	1904
34.85	2	DPG	60'-6"	Campbells Creek	1916
35.92	1	Conc. Arch	16'-0"	Buttermilk Creek	1911

EXHIBIT G

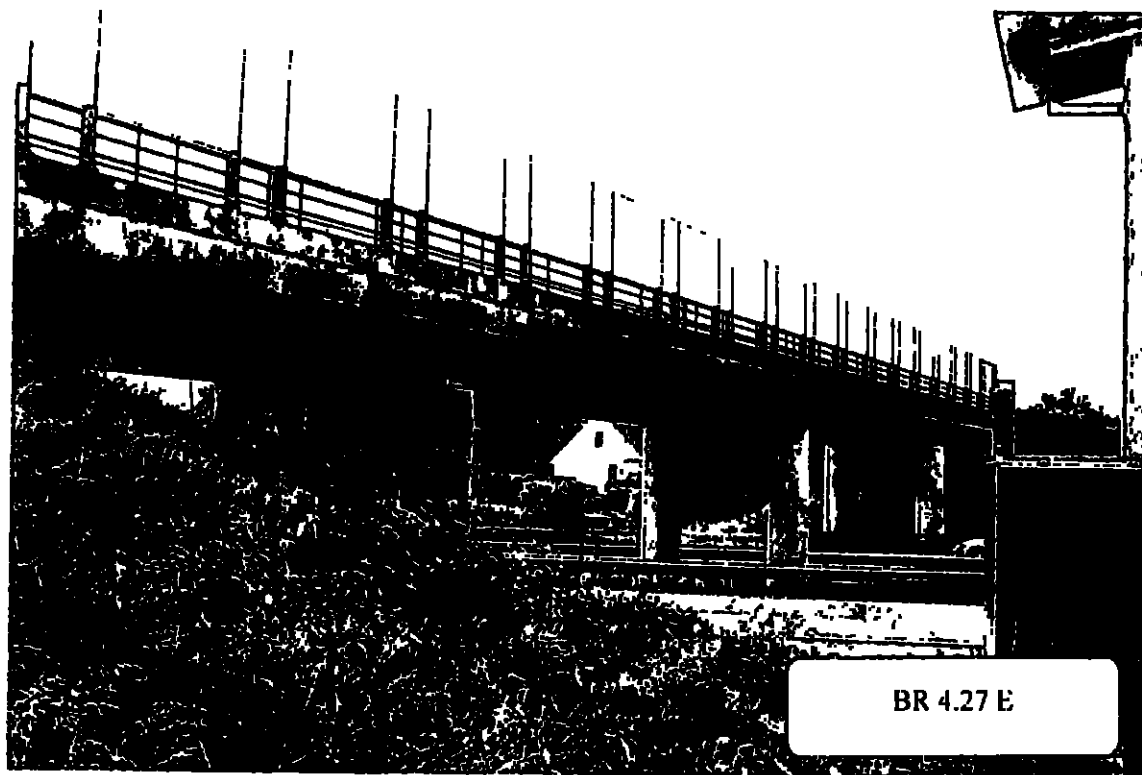
Buffalo & Pittsburgh Railroad - 3rd
Subdivision



Buffalo & Pittsburgh Railroad - 3rd
Subdivision



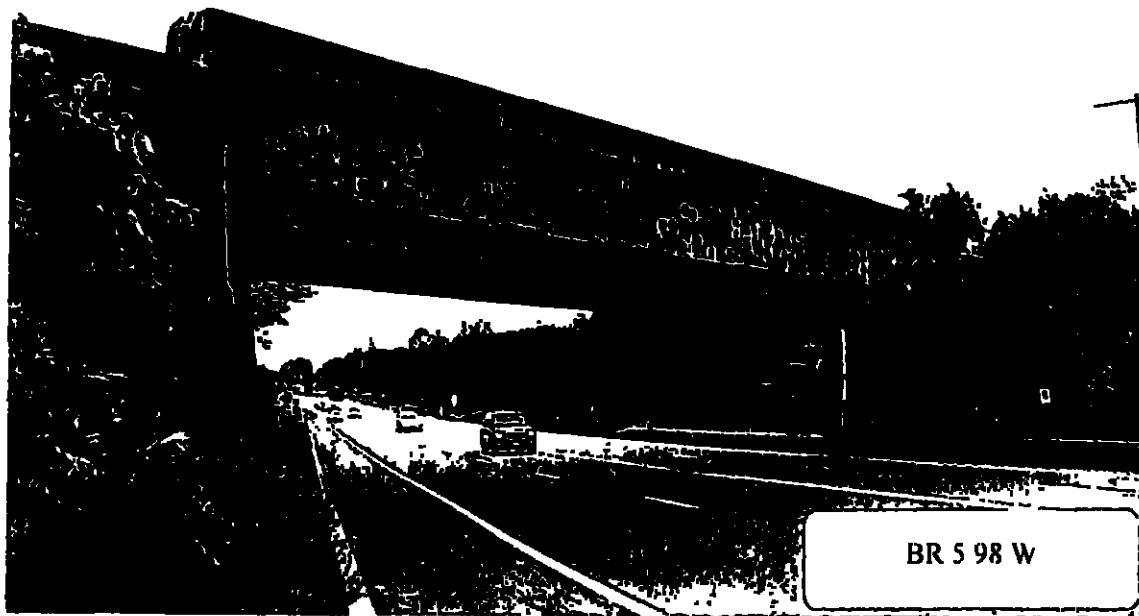
Buffalo & Pittsburgh Railroad - 3rd
Subdivision



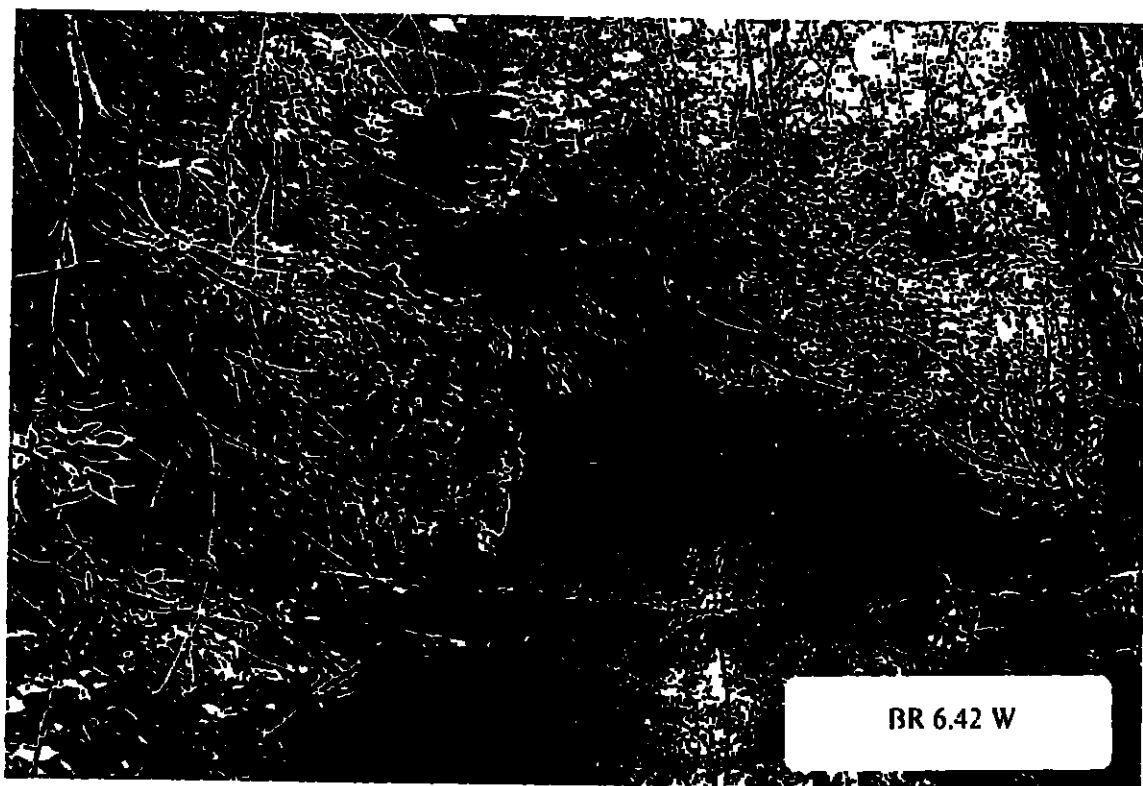
Buffalo & Pittsburgh Railroad - 3rd
Subdivision



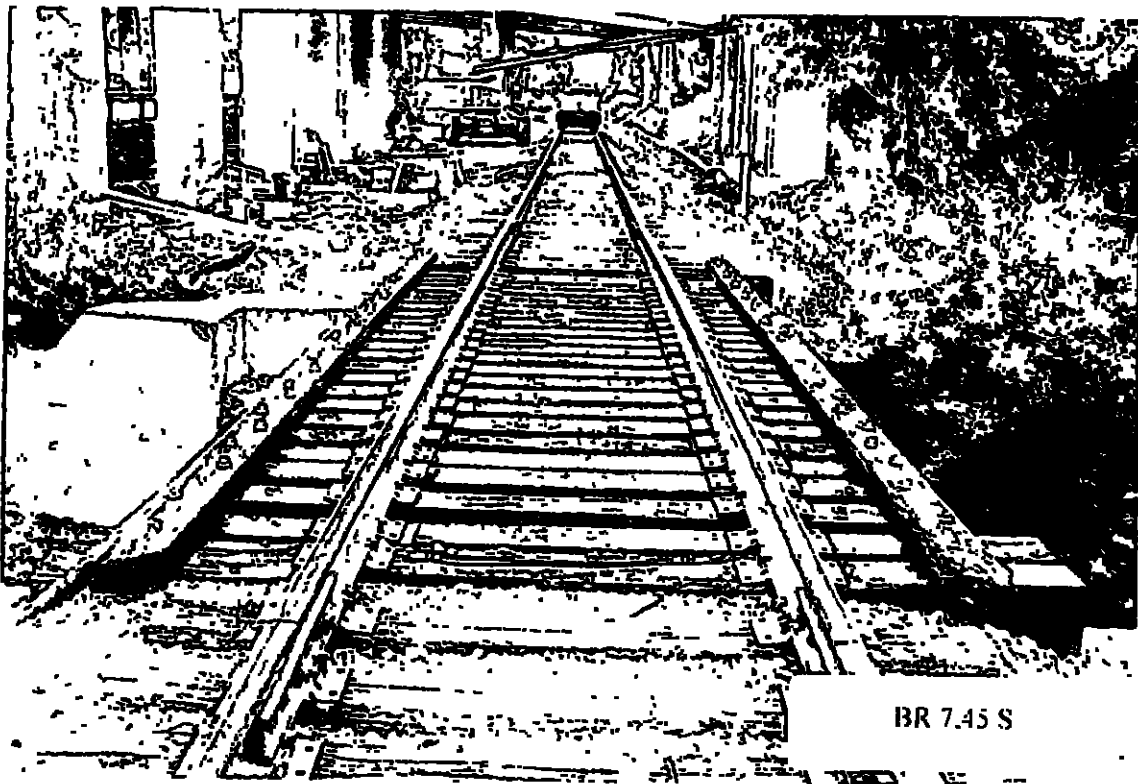
Buffalo & Pittsburgh Railroad - 3rd
Subdivision



Buffalo & Pittsburgh Railroad – 3rd
Subdivision

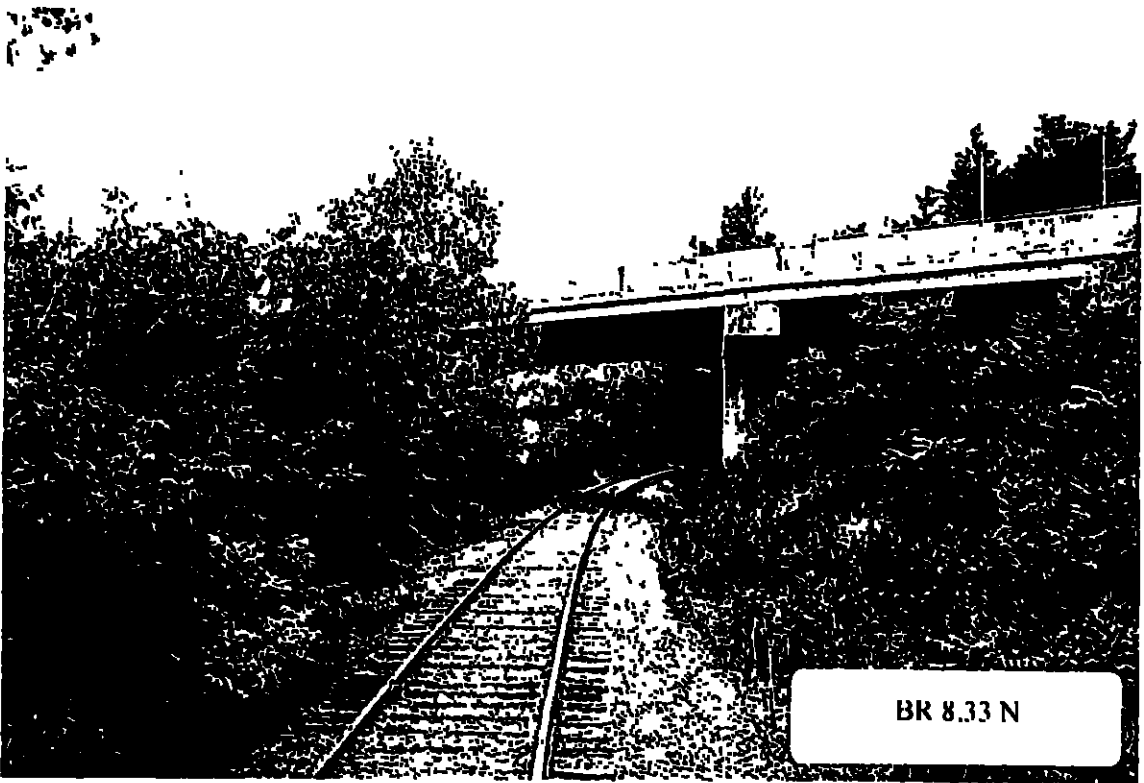


Buffalo & Pittsburgh Railroad - 3rd
Subdivision

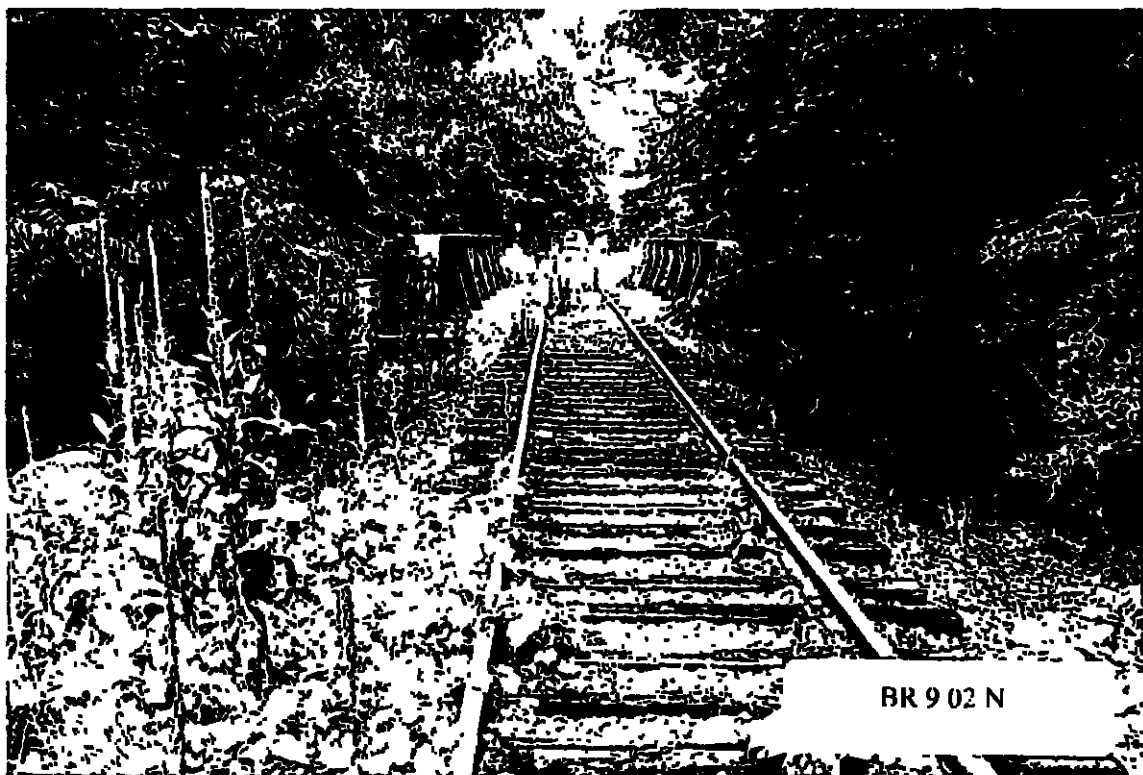


Buffalo & Pittsburgh Railroad -- 3rd
Subdivision

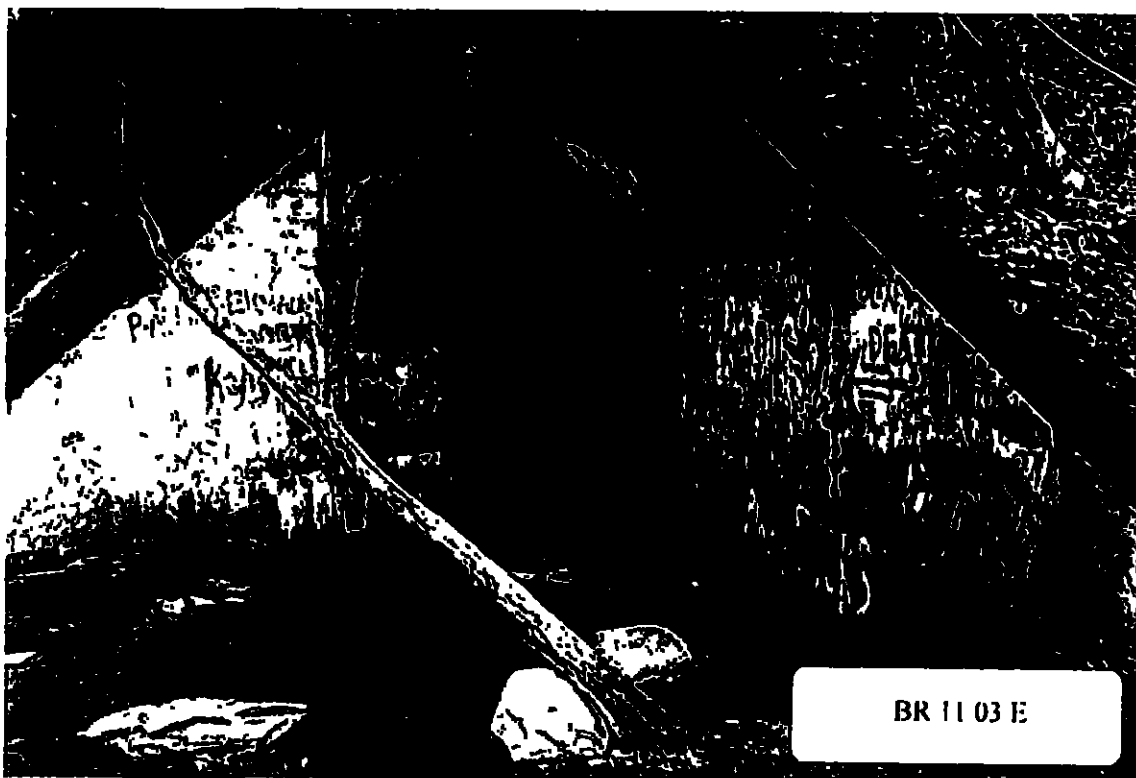


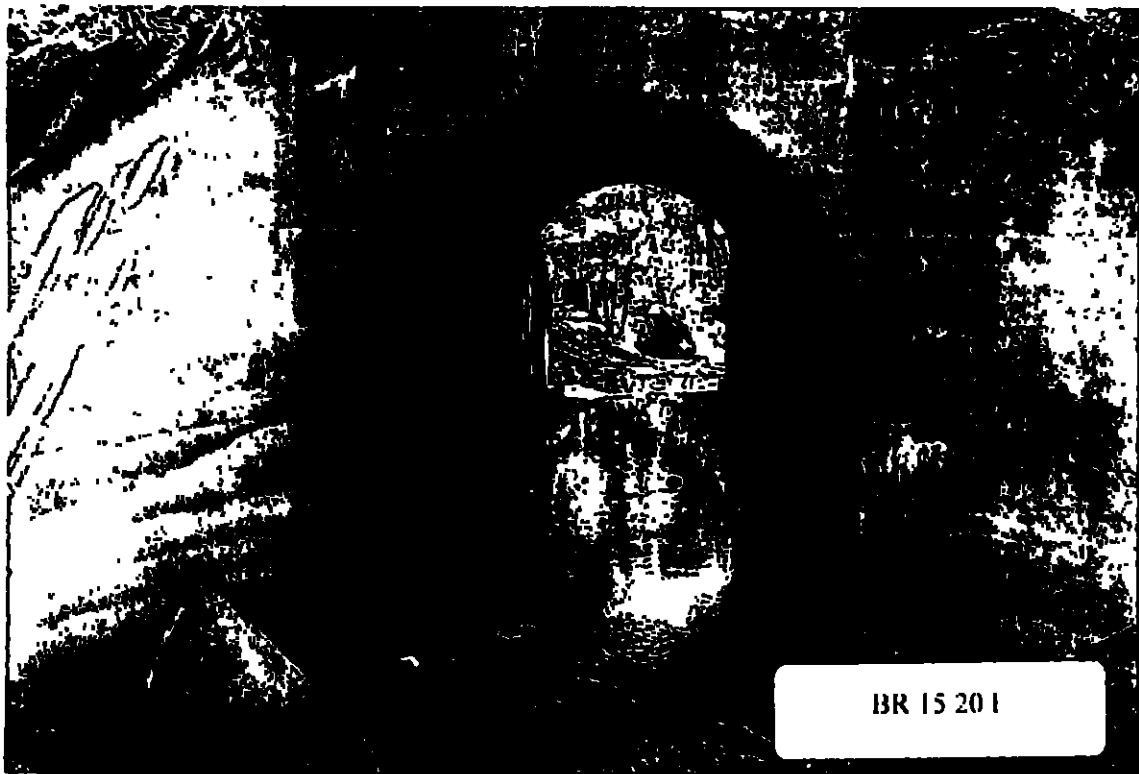


Buffalo & Pittsburgh Railroad 3rd
Subdivision

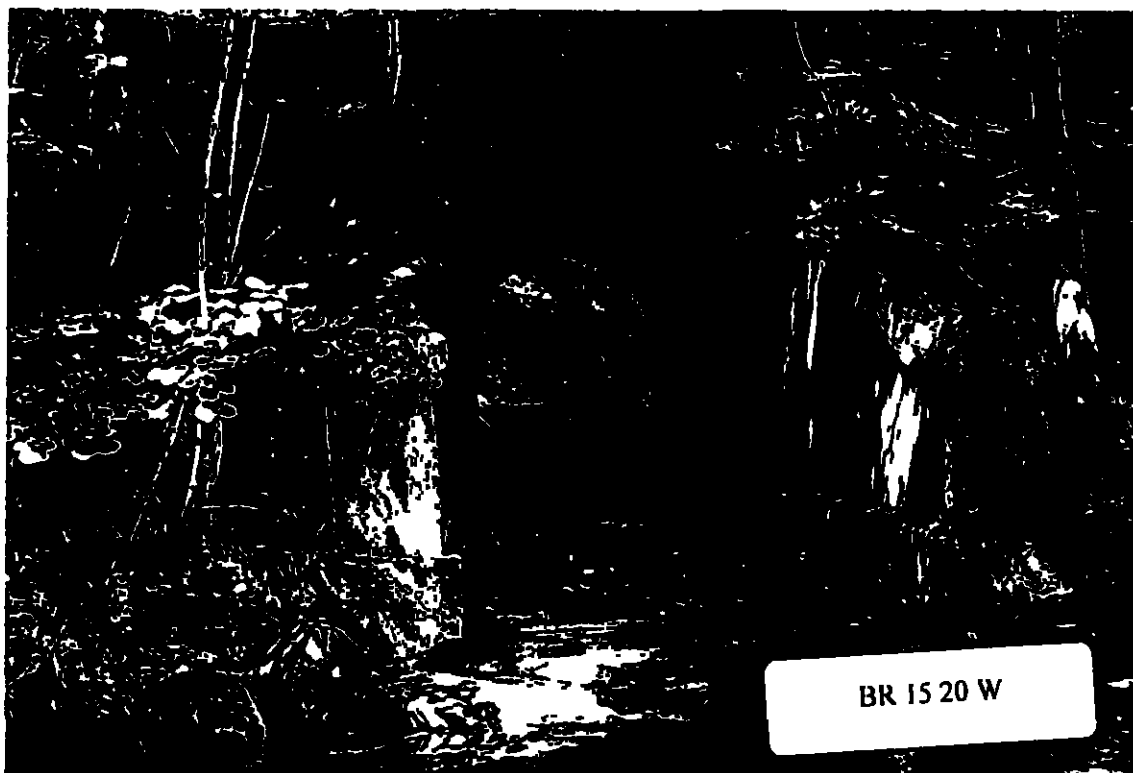


Buffalo & Pittsburgh Railroad 3rd
Subdivision

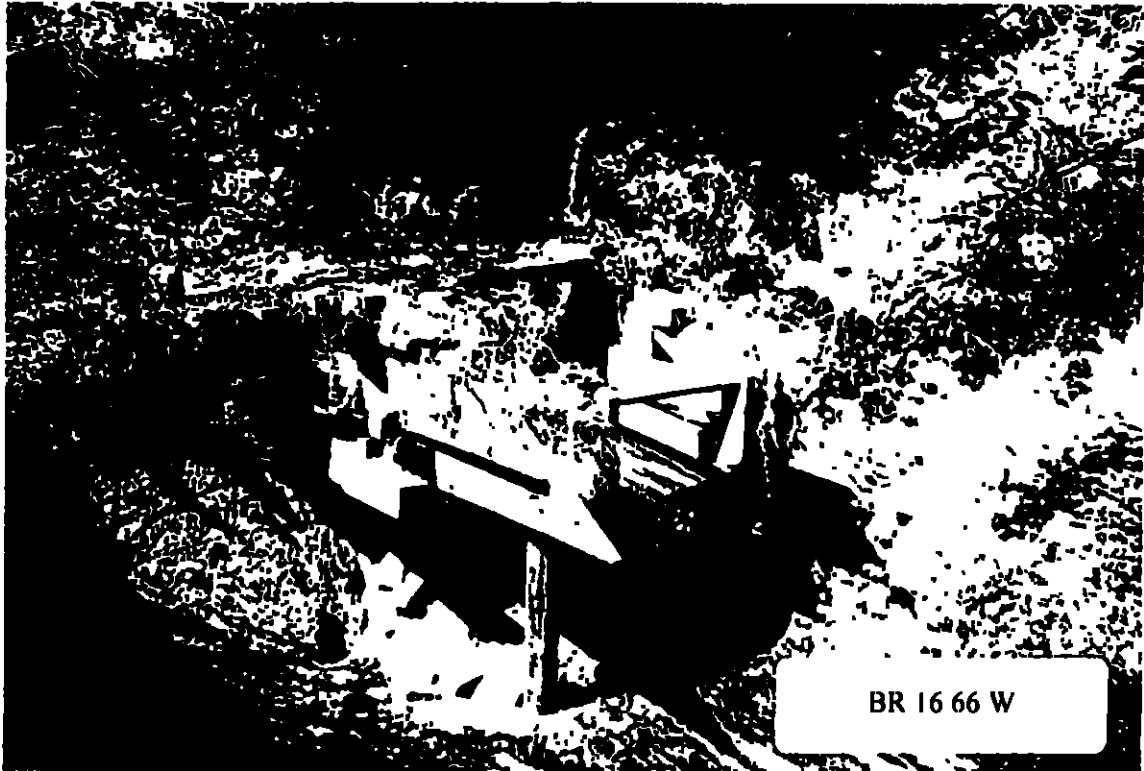




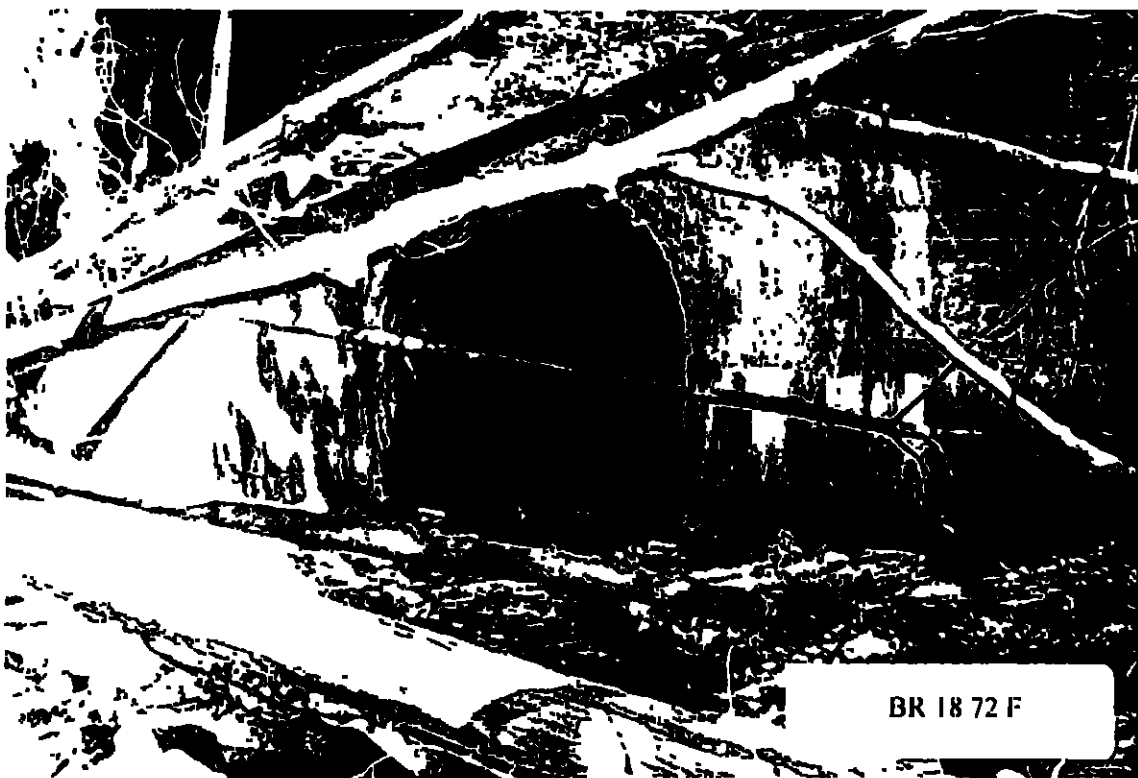
Buffalo & Pittsburgh Railroad - 3rd
Subdivision



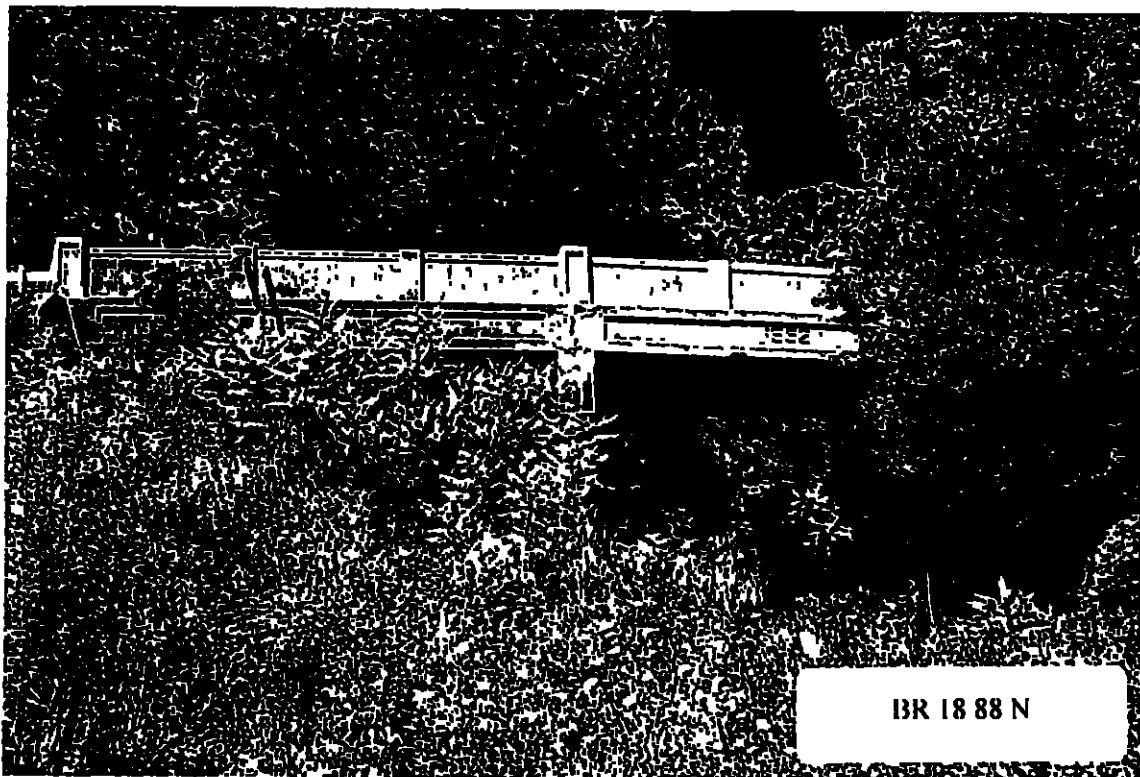
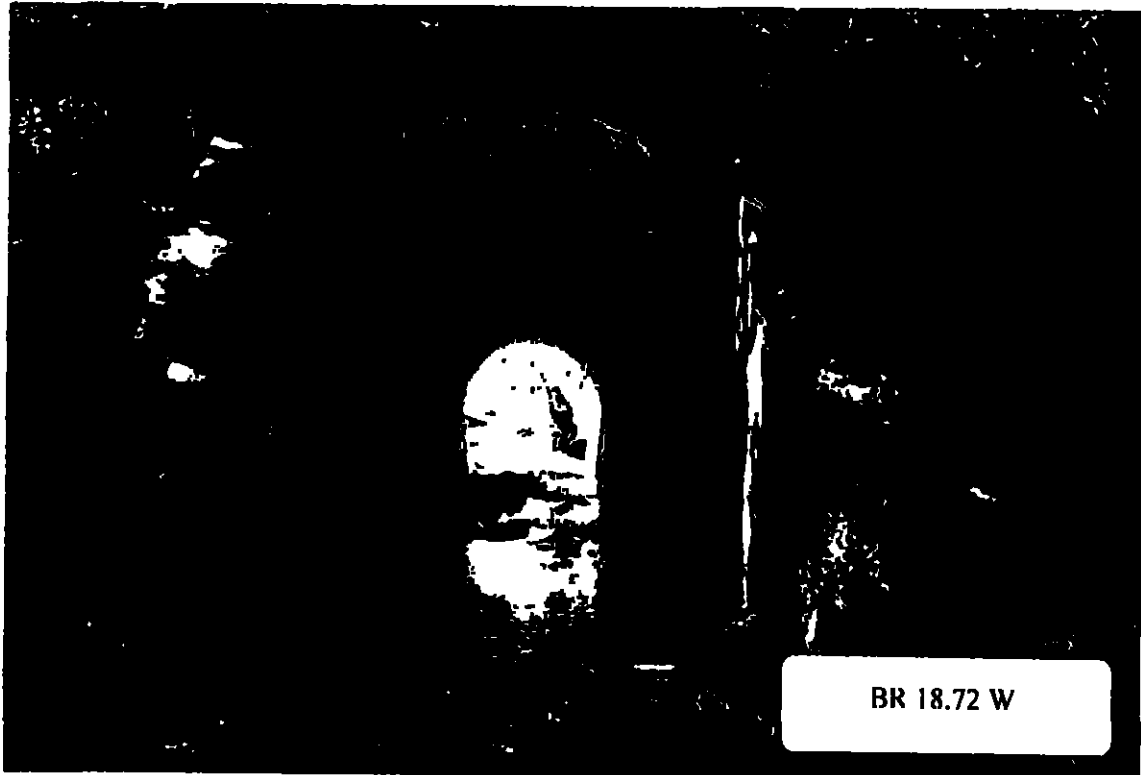
Buffalo & Pittsburgh Railroad - 3rd
Subdivision



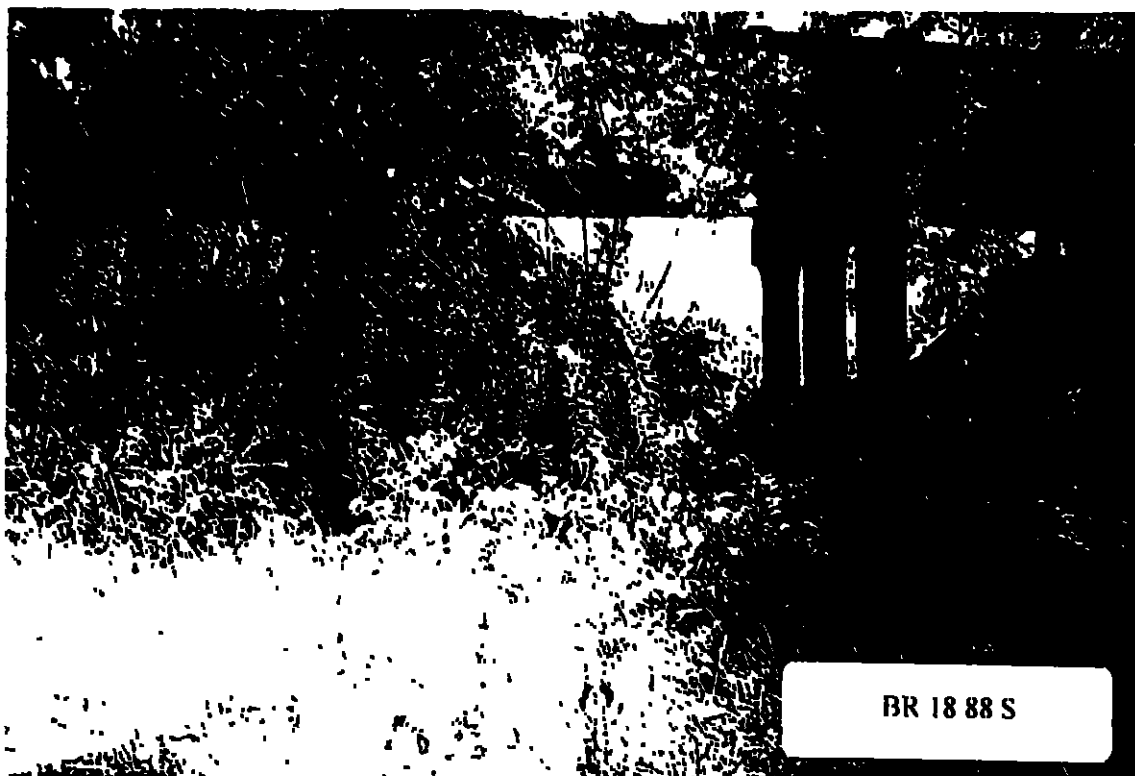
Buffalo & Pittsburgh Railroad - 3rd
Subdivision



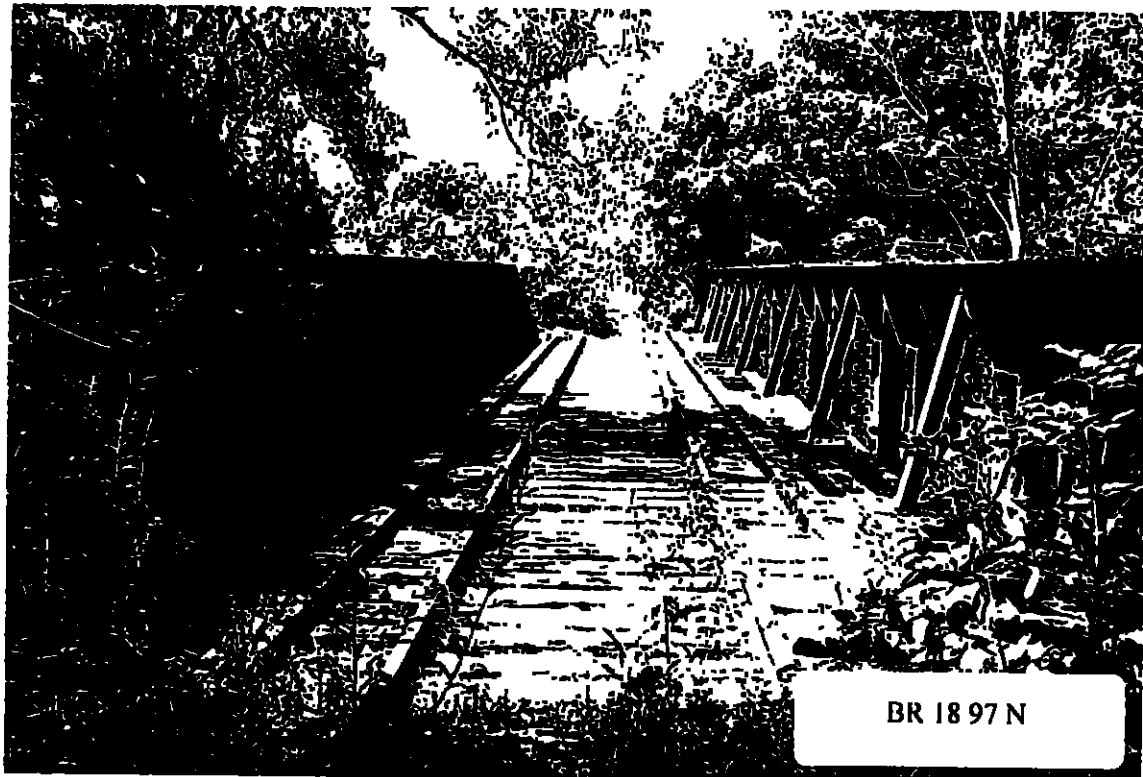
Buffalo & Pittsburgh Railroad - 3rd
Subdivision



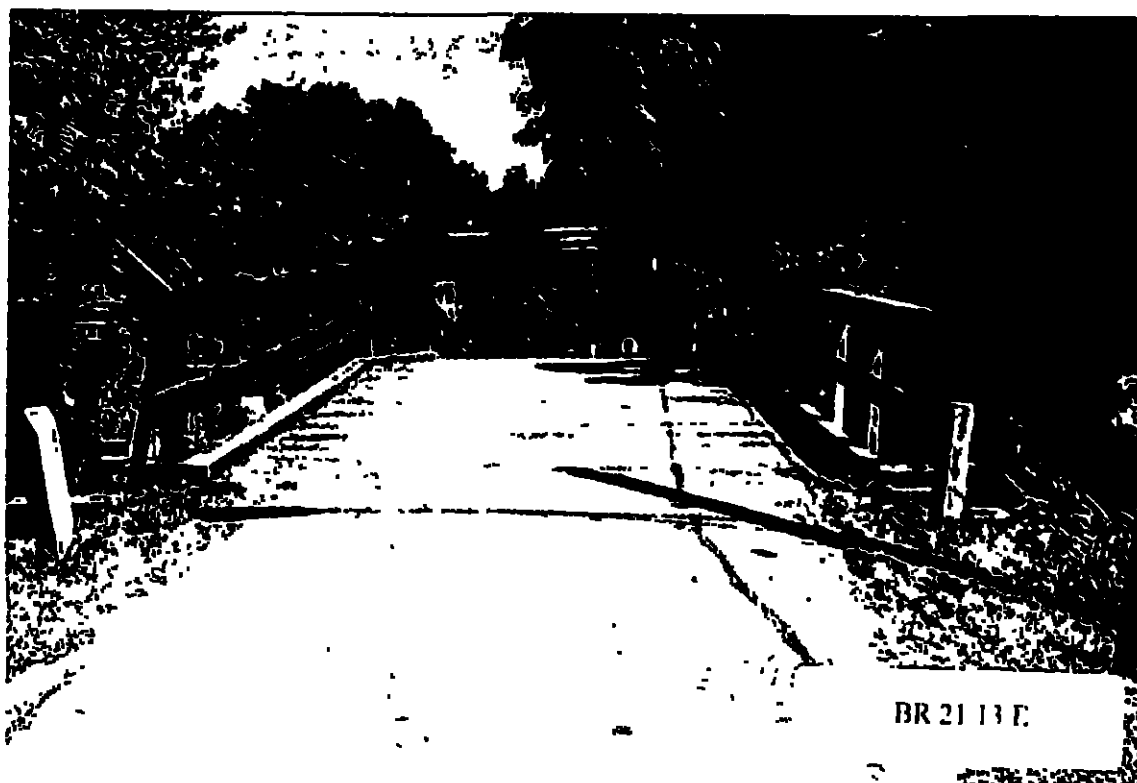
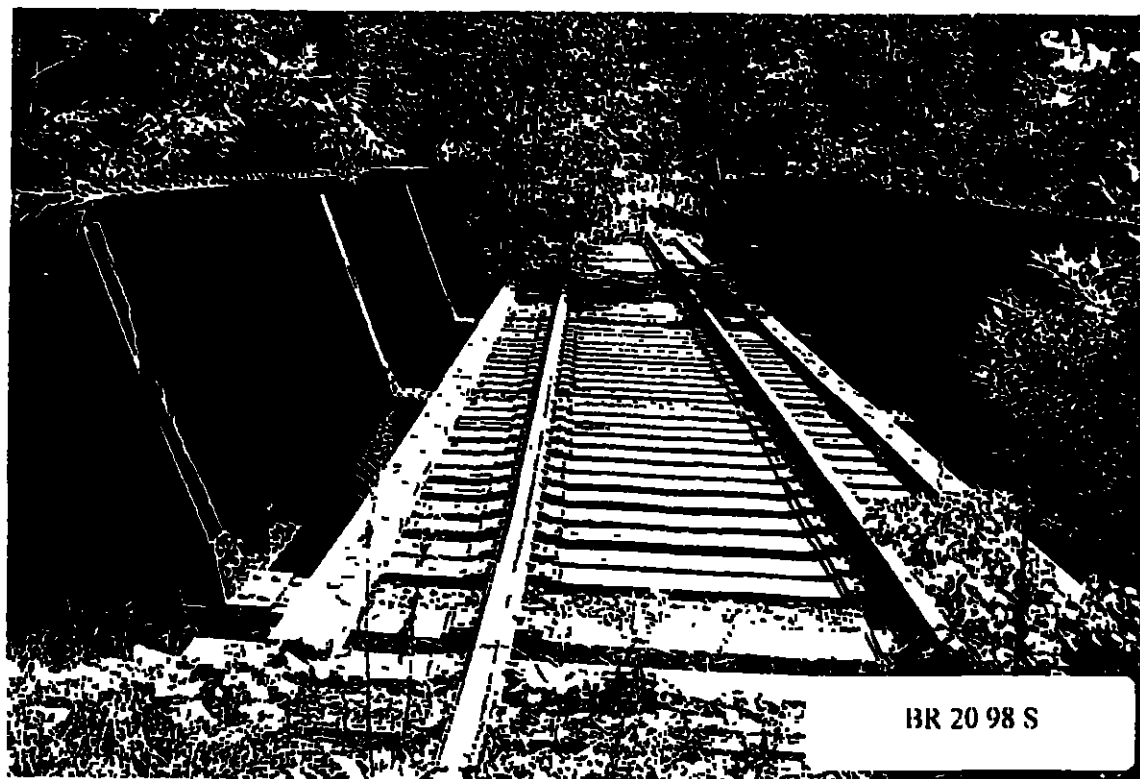
Buffalo & Pittsburgh Railroad - 3rd
Subdivision



Buffalo & Pittsburgh Railroad -- 3rd
Subdivision



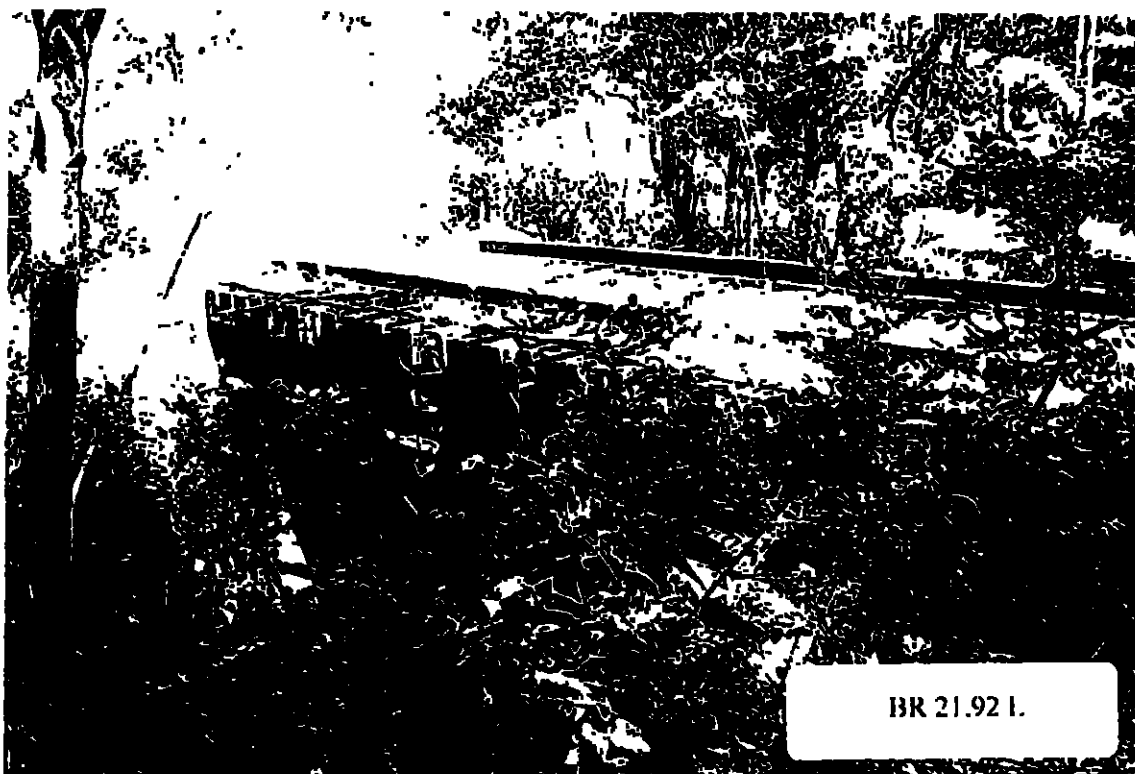
Buffalo & Pittsburgh Railroad – 3rd
Subdivision



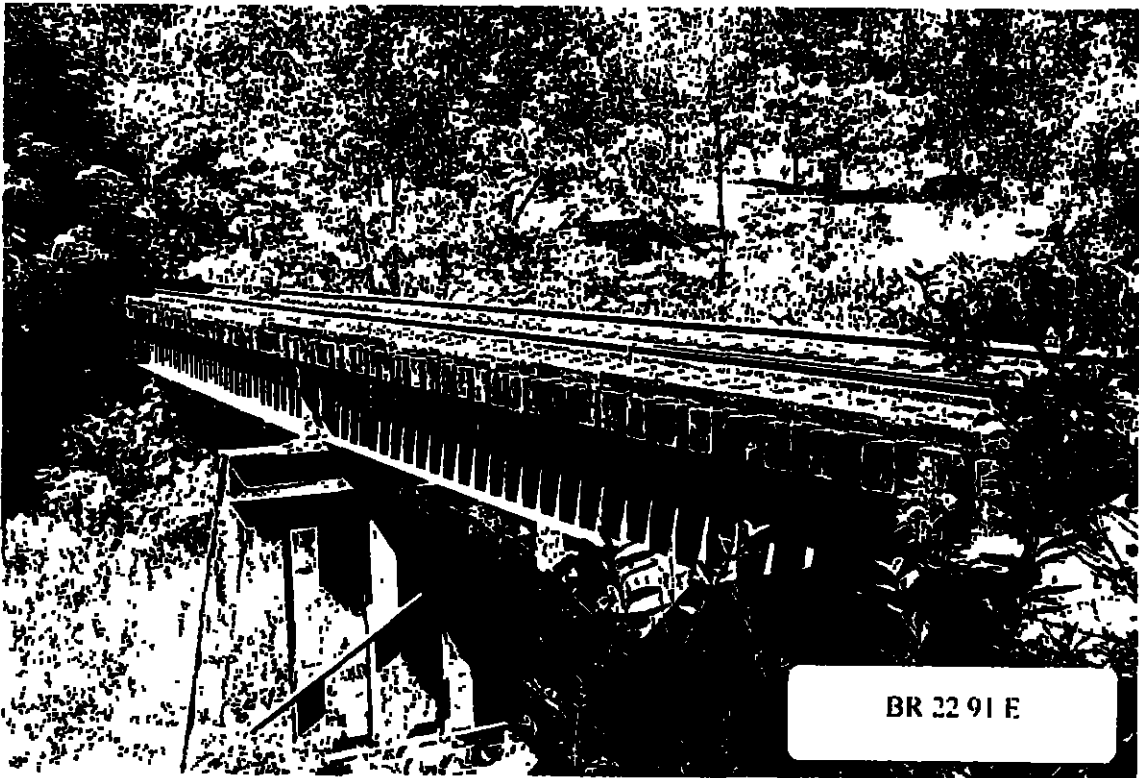
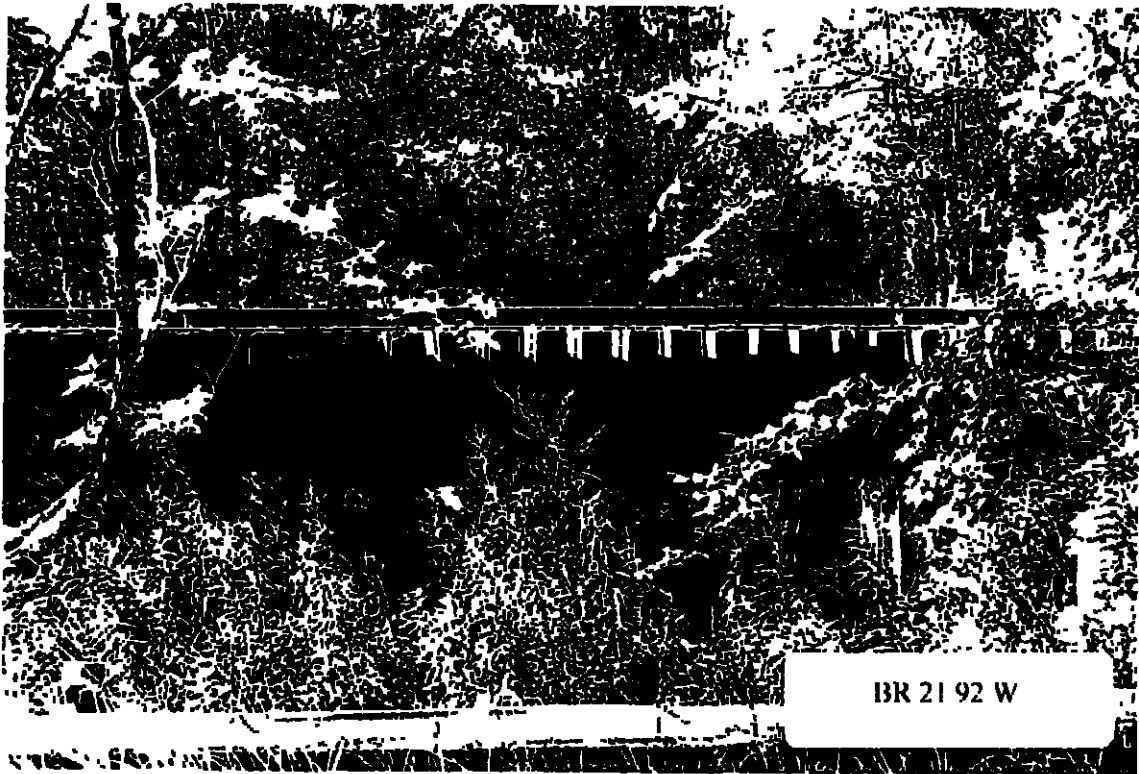
Buffalo & Pittsburgh Railroad – 3rd
Subdivision



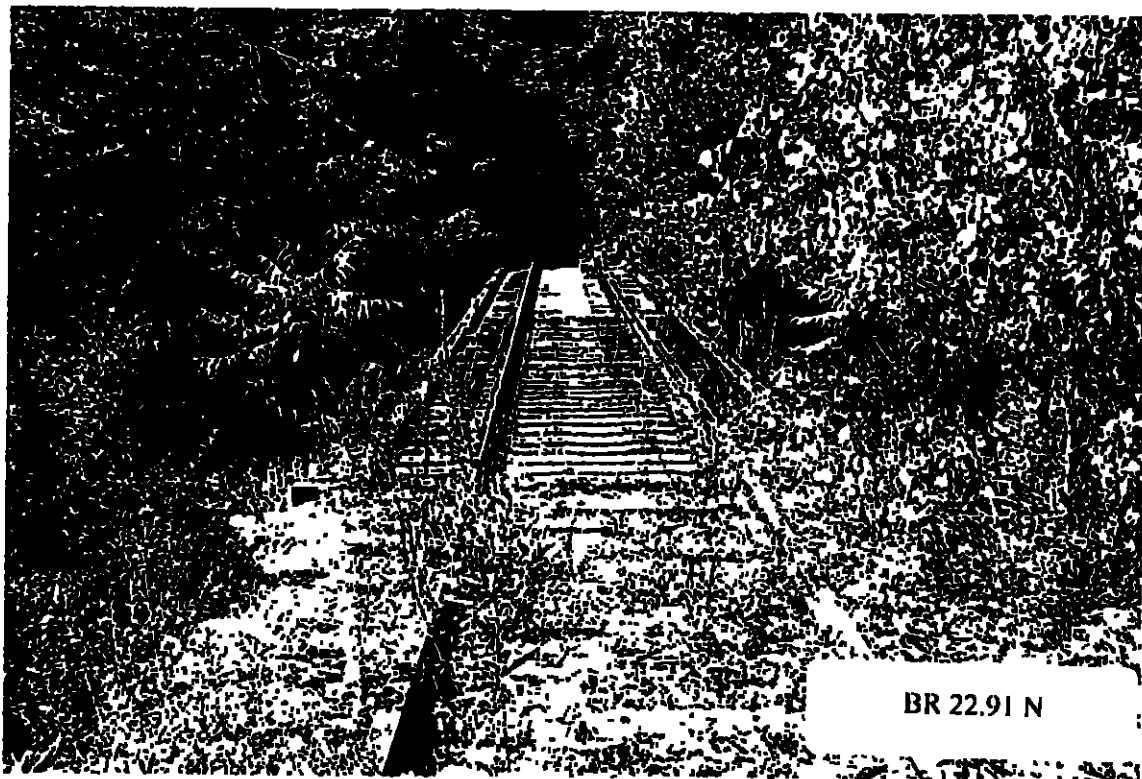
Buffalo & Pittsburgh Railroad - 3rd
Subdivision



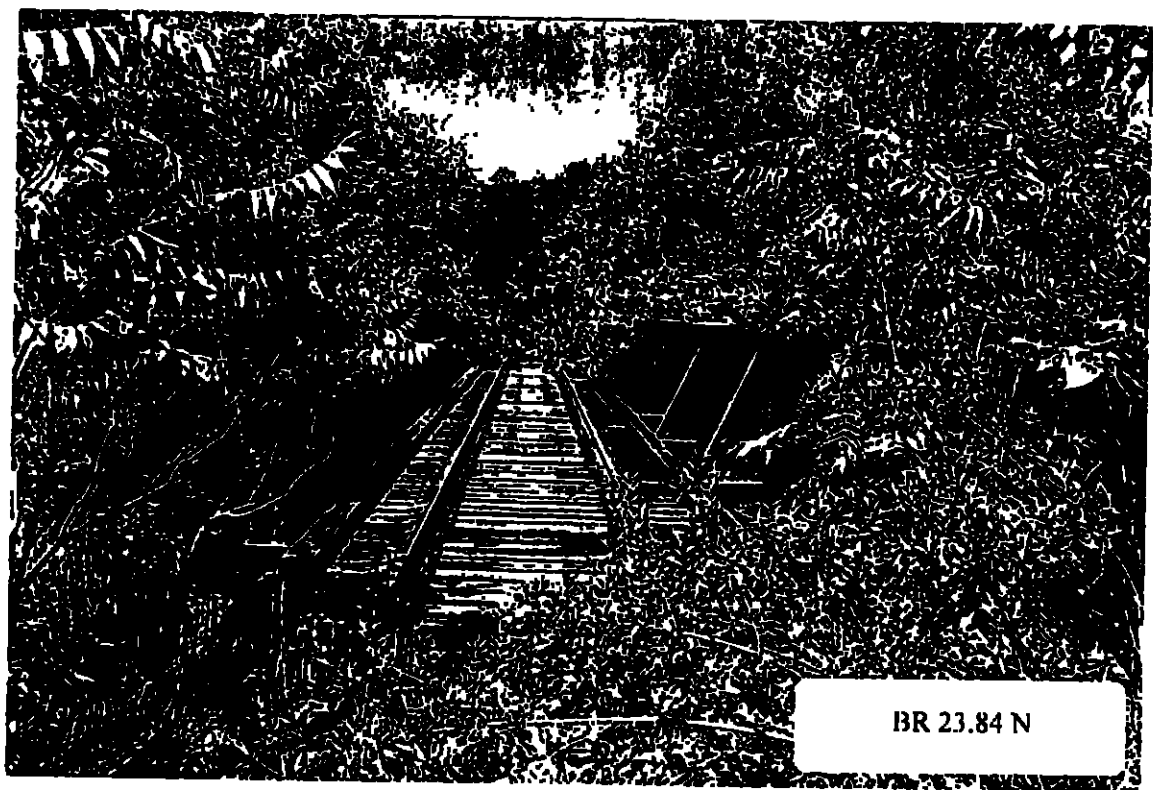
Buffalo & Pittsburgh Railroad – 3rd
Subdivision

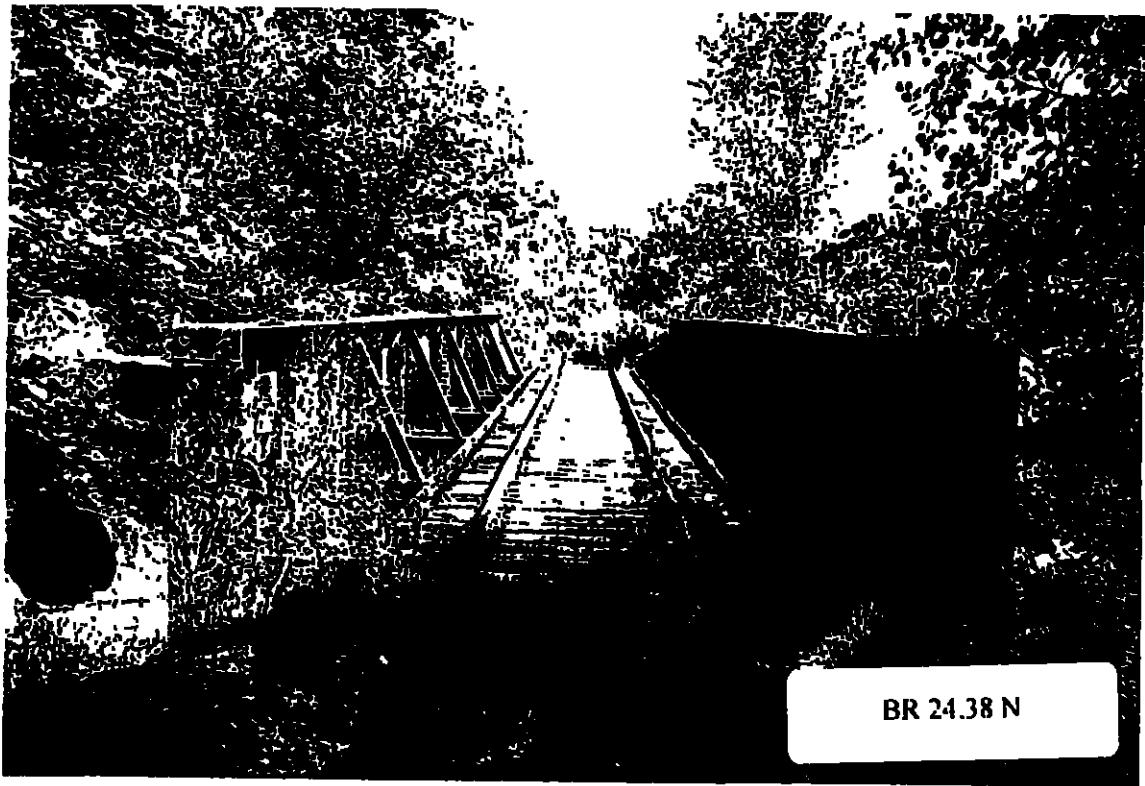


Buffalo & Pittsburgh Railroad - 3rd
Subdivision



Buffalo & Pittsburgh Railroad - 3rd
Subdivision

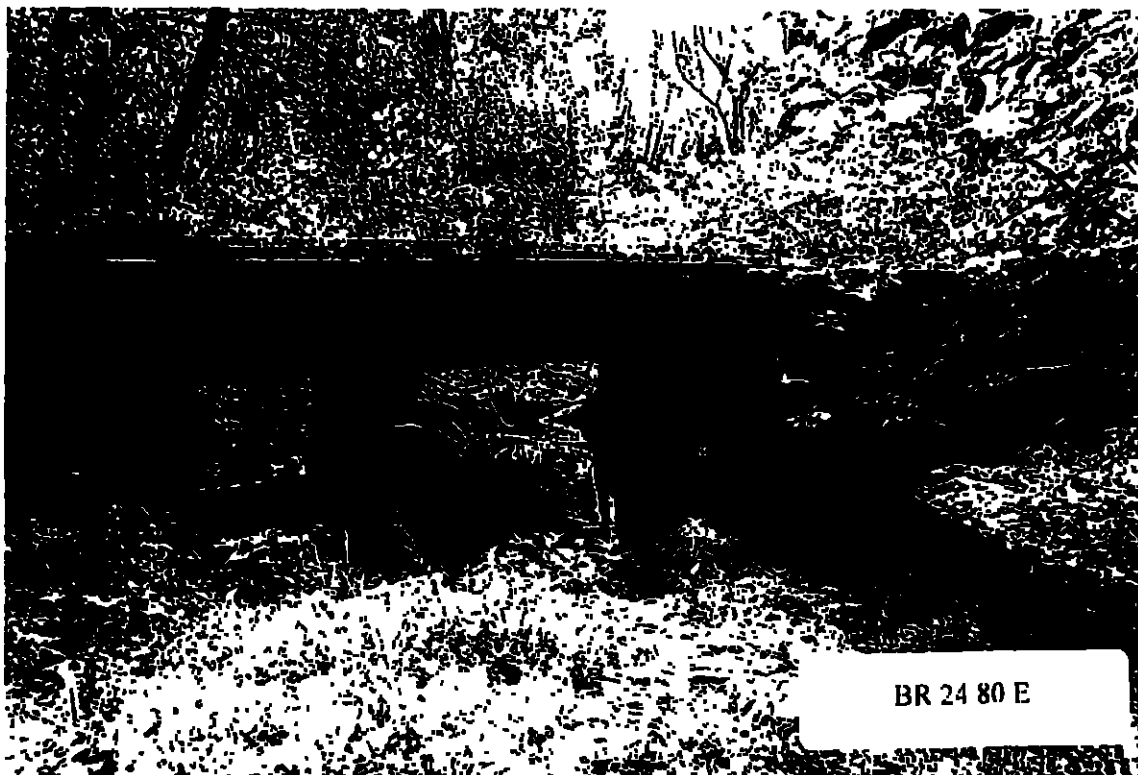




Buffalo & Pittsburgh Railroad - 3rd
Subdivision



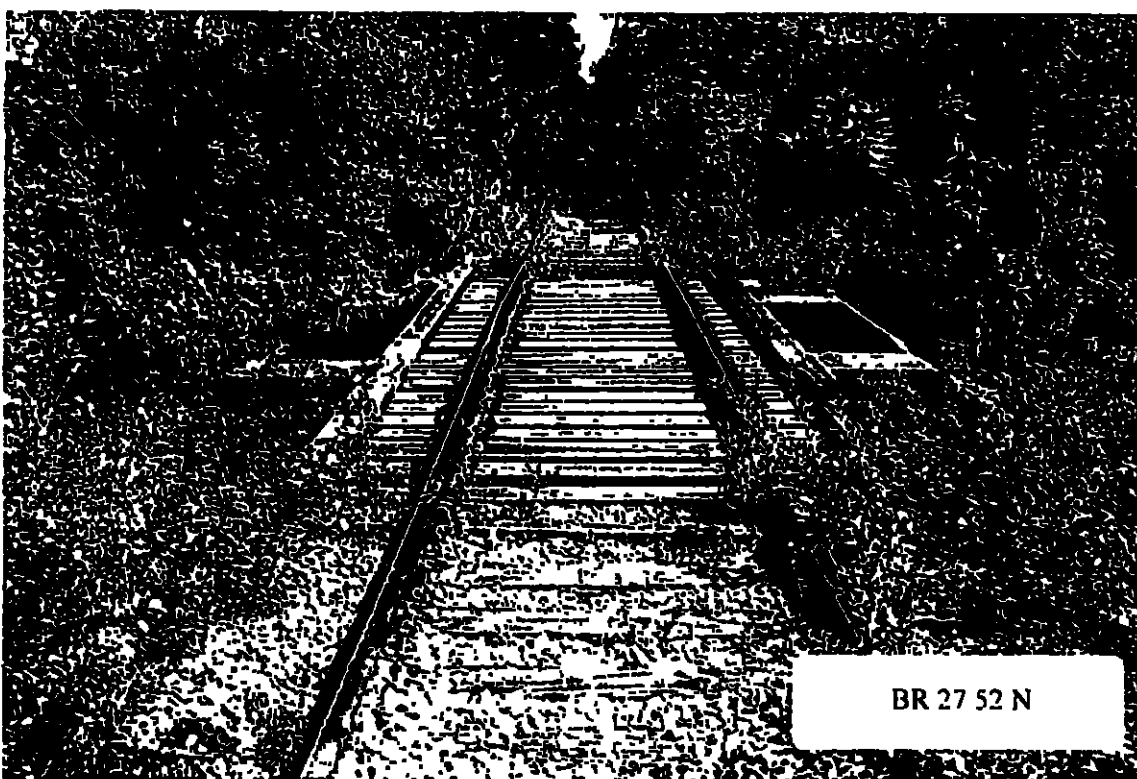
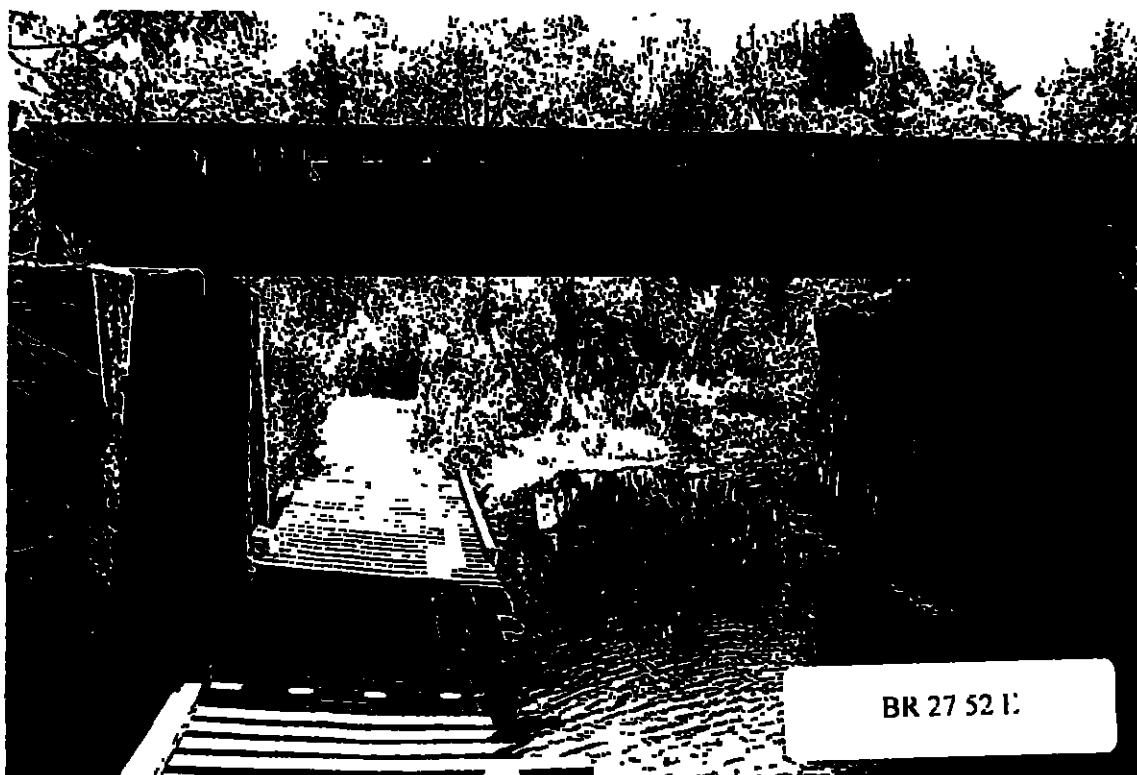
Buffalo & Pittsburgh Railroad – 3rd
Subdivision



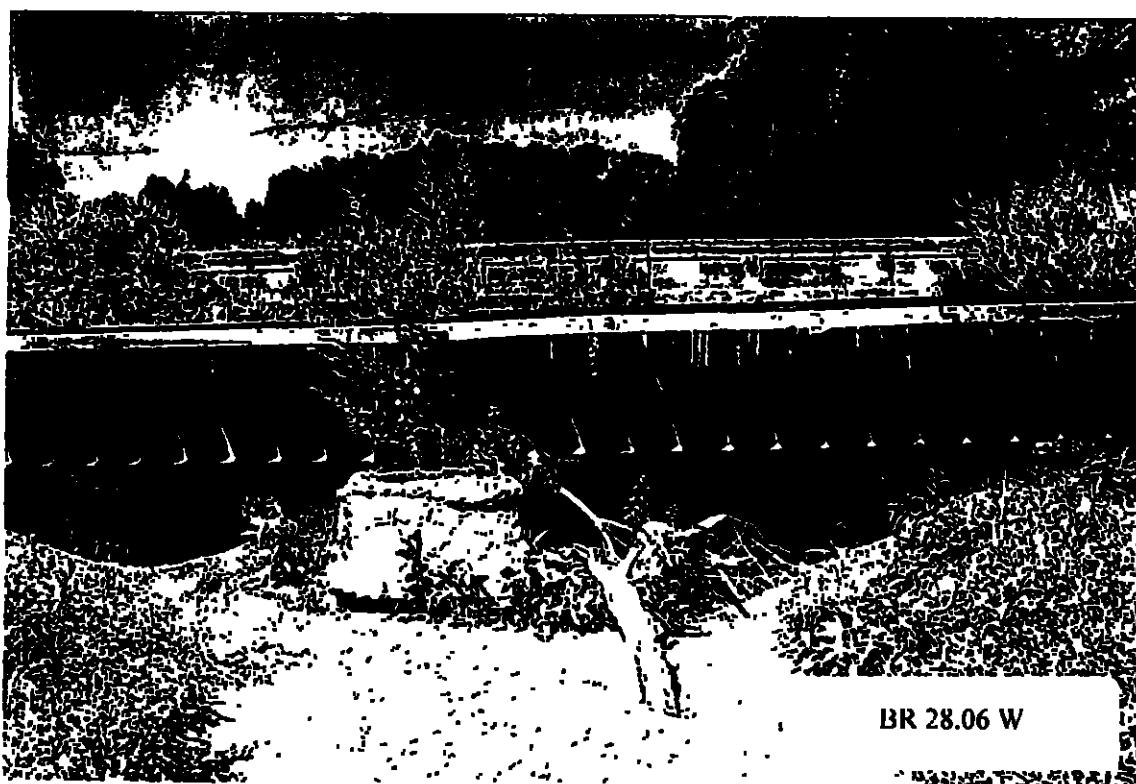
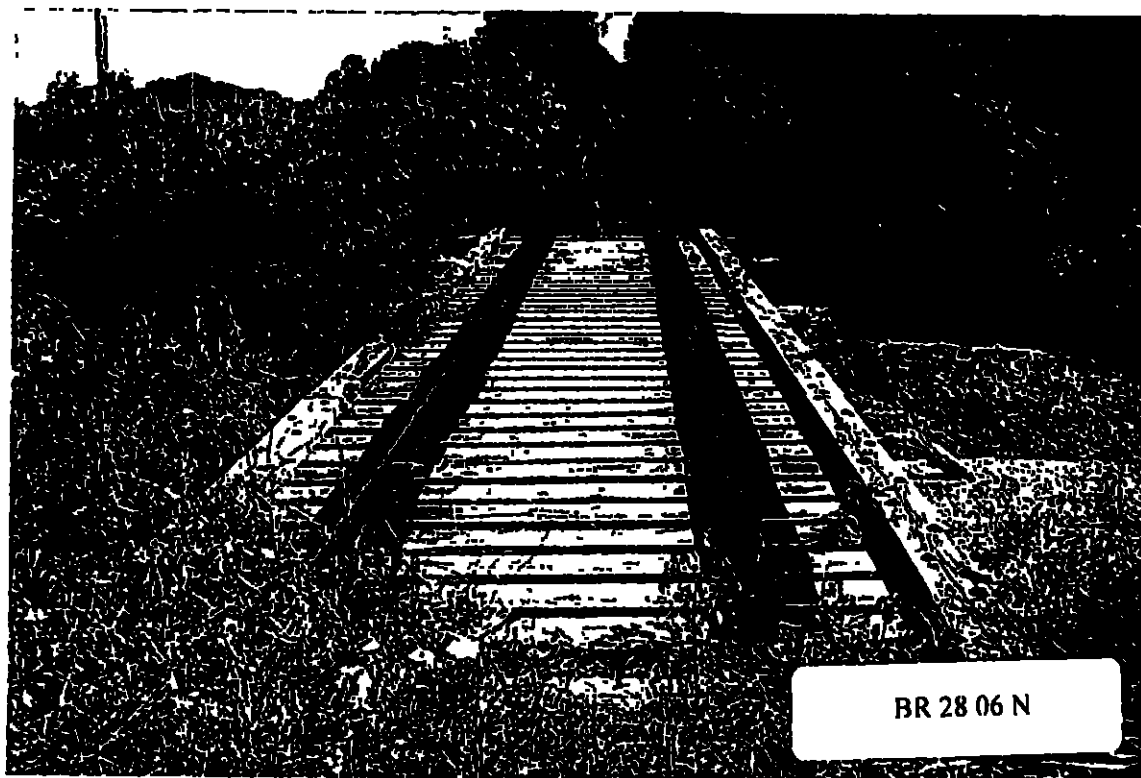
Buffalo & Pittsburgh Railroad – 3rd
Subdivision



Buffalo & Pittsburgh Railroad - 3rd
Subdivision



Buffalo & Pittsburgh Railroad - 3rd
Subdivision

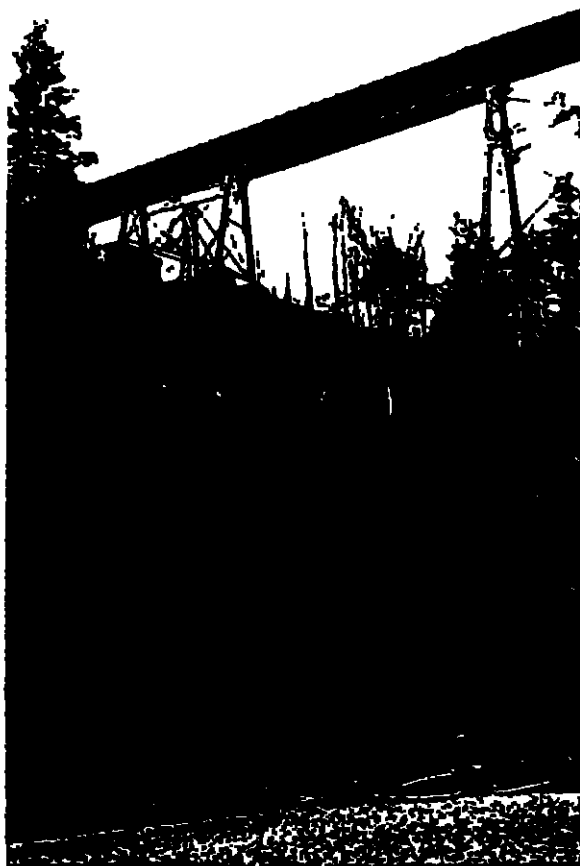


Buffalo & Pittsburgh Railroad - 3rd
Subdivision







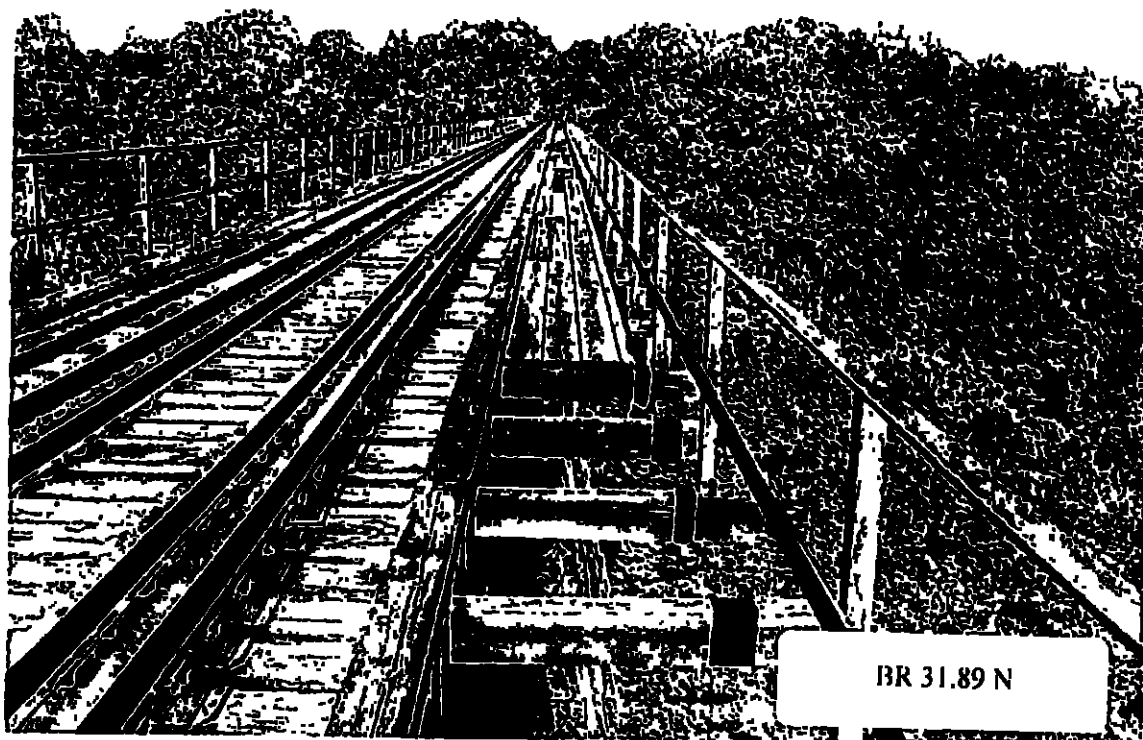


Buffalo & Pittsburgh Railroad 3rd
Subdivision

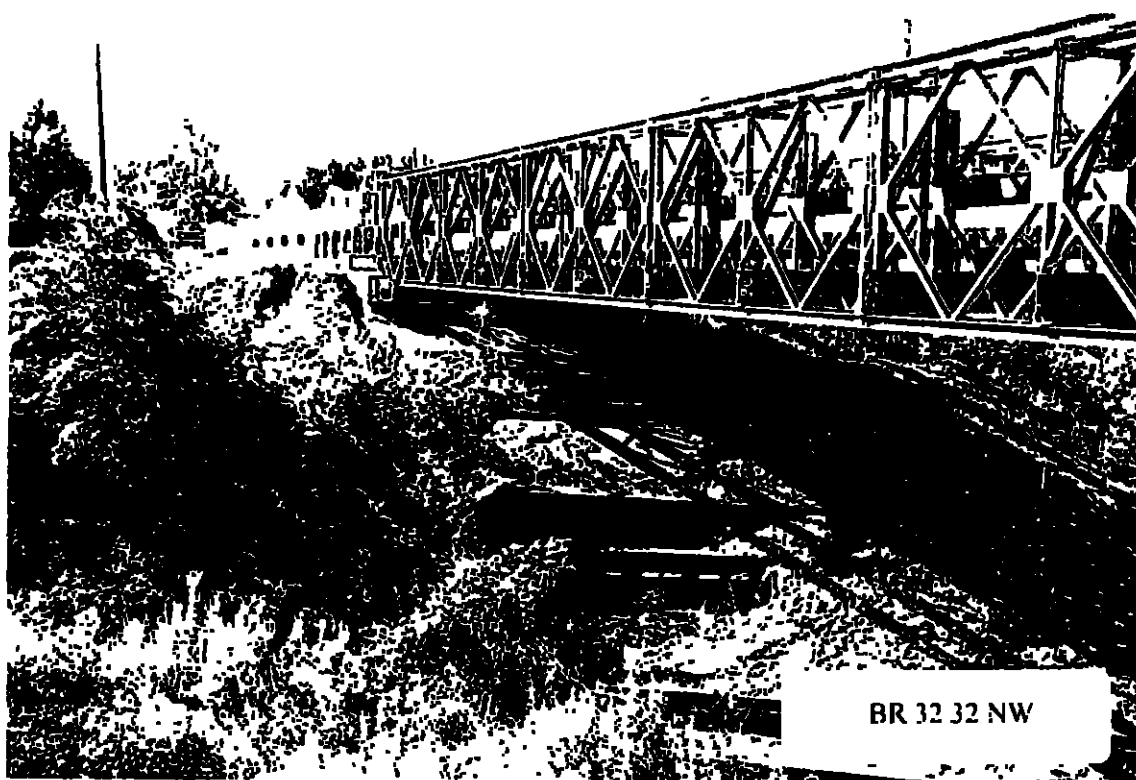
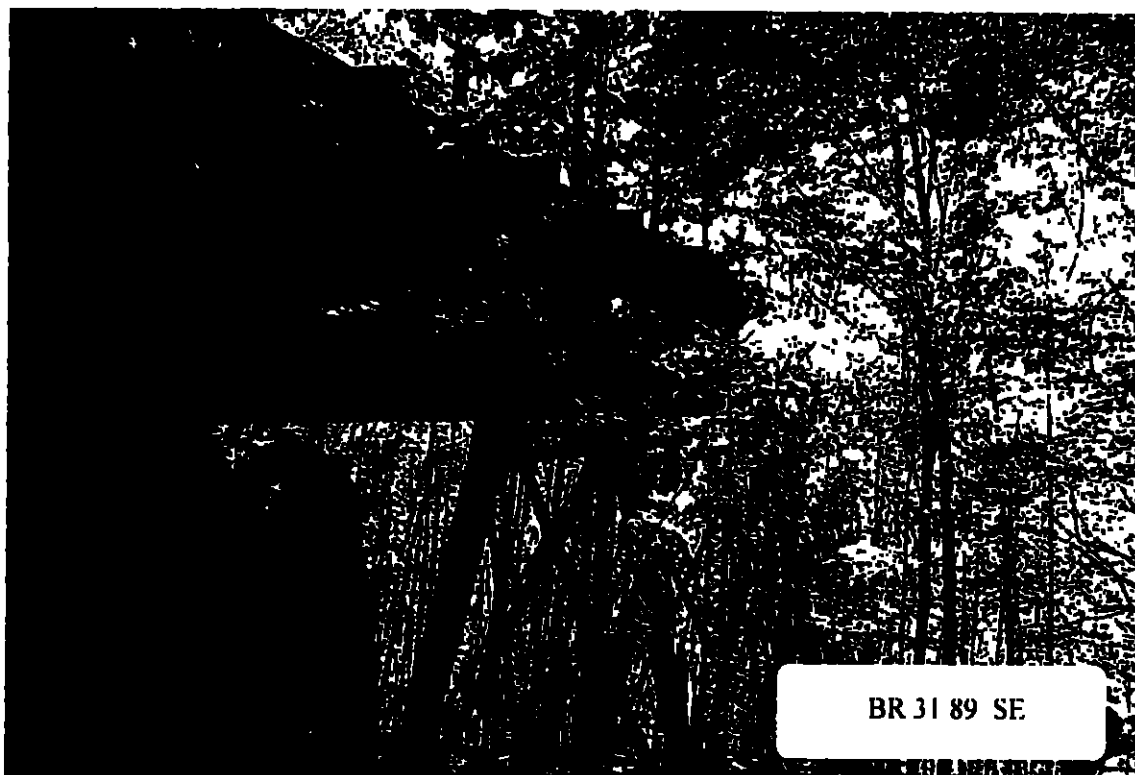


BR 31 89 S

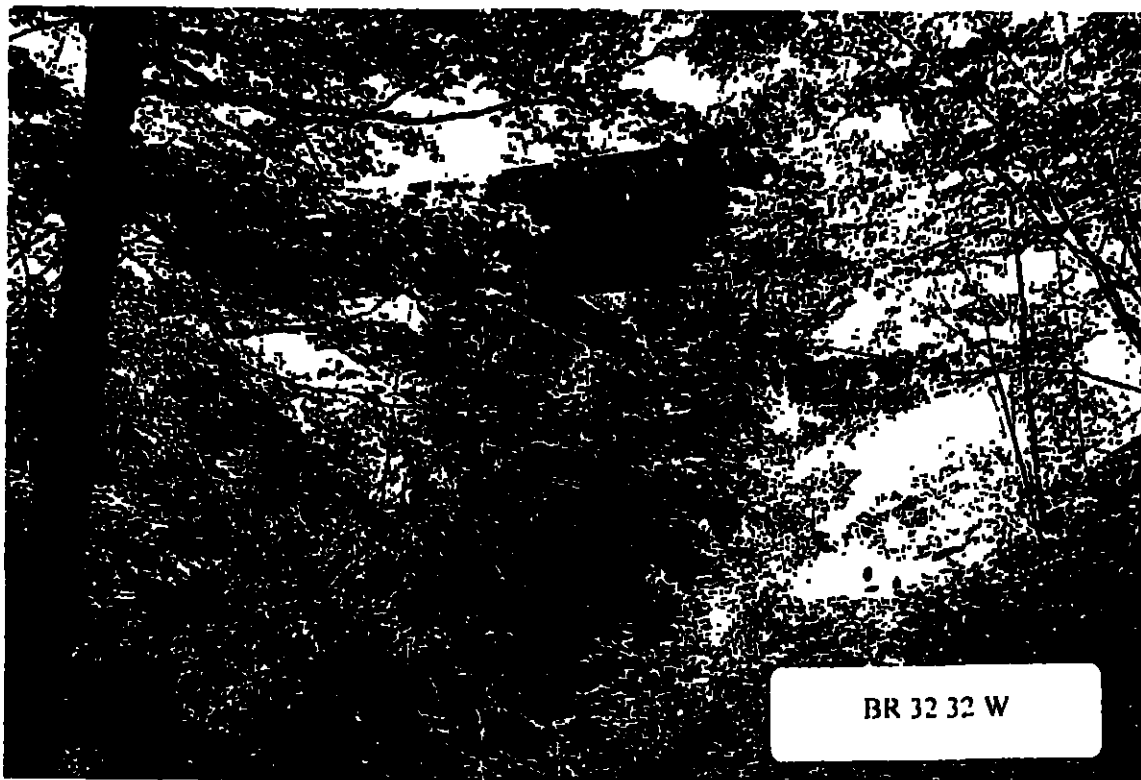
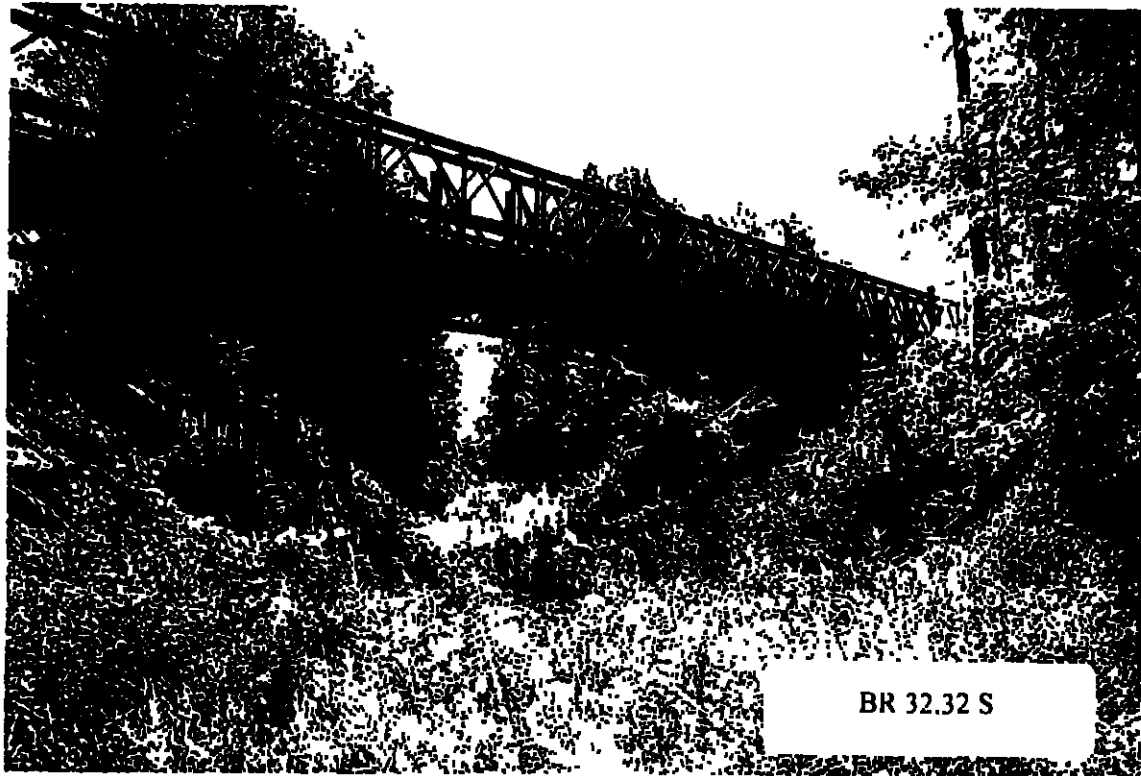
Buffalo & Pittsburgh Railroad -- 3rd
Subdivision



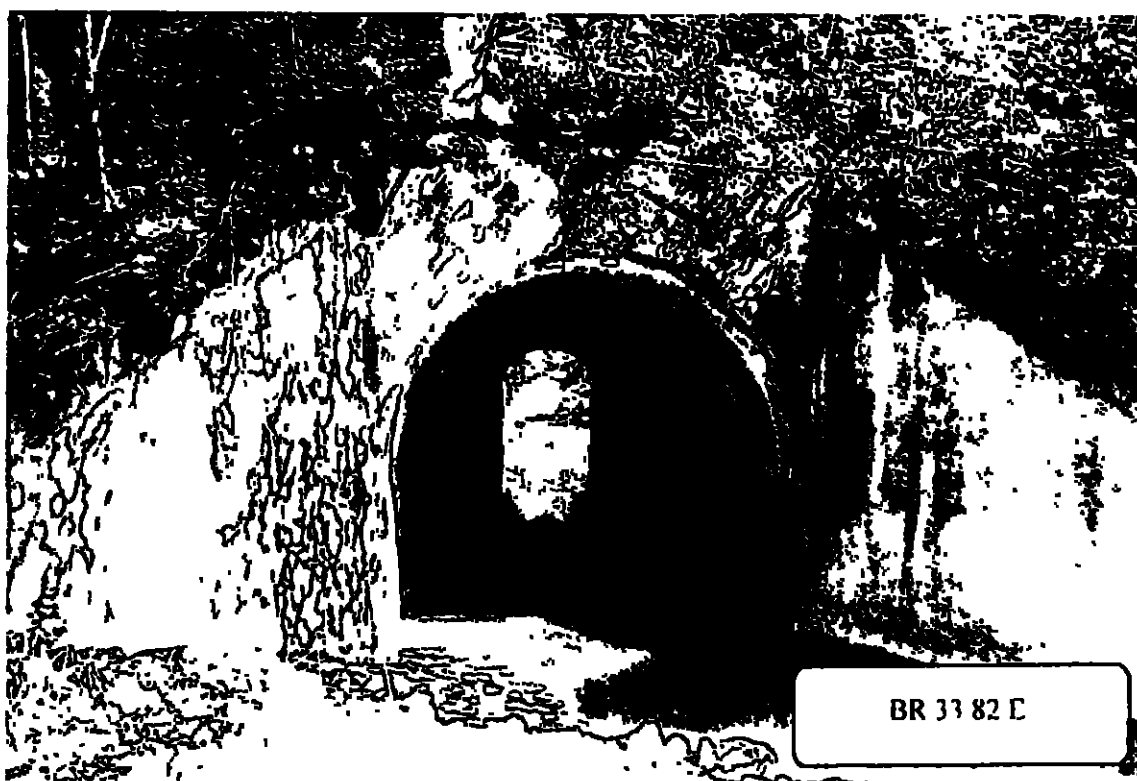
Buffalo & Pittsburgh Railroad – 3rd
Subdivision



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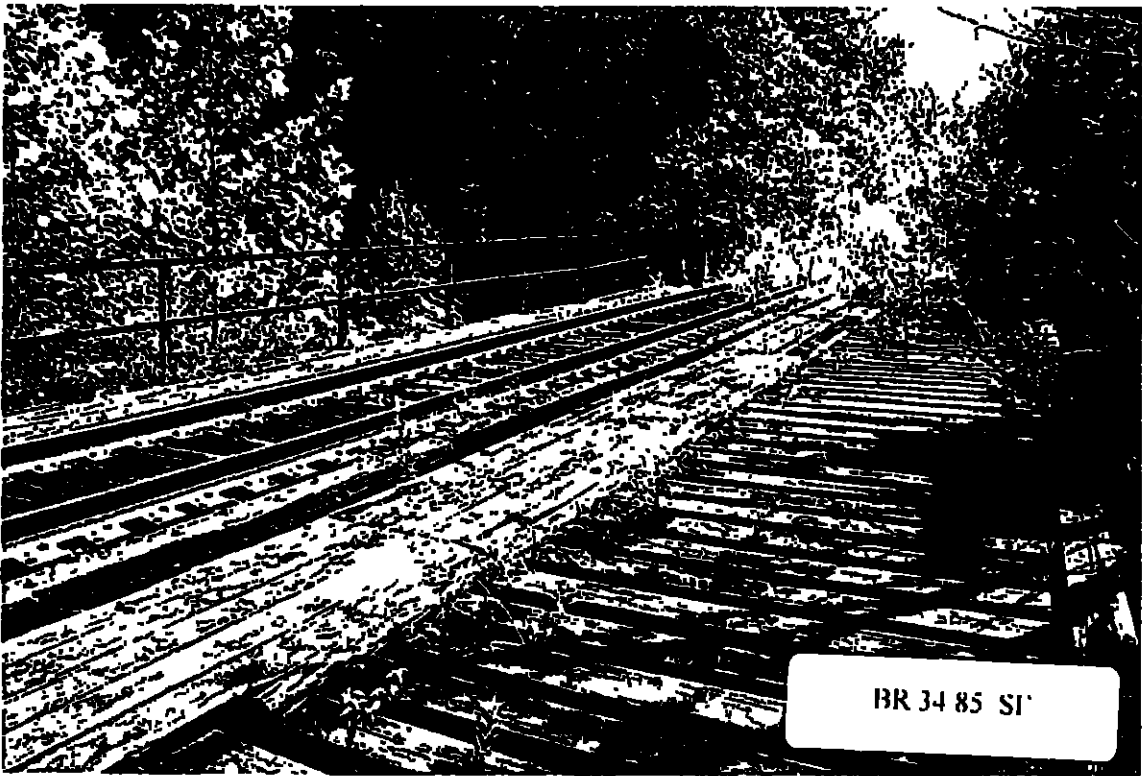
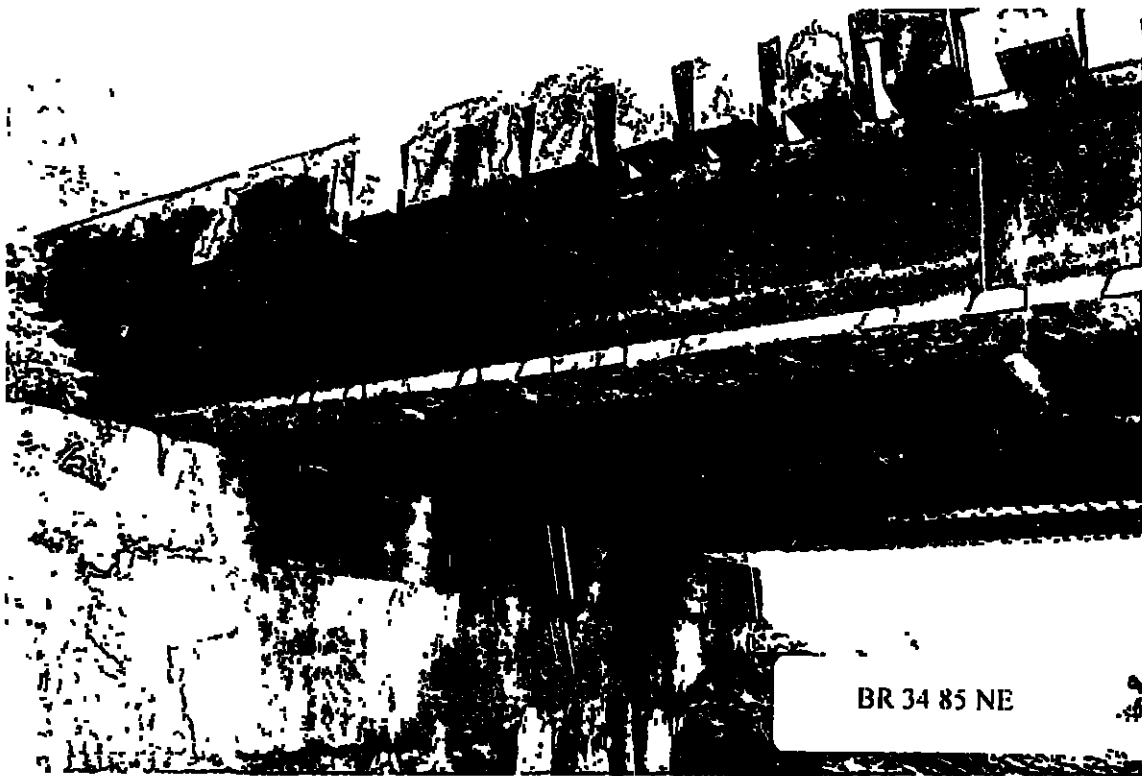
Buffalo & Pittsburgh Railroad – 3rd
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