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JAMES J. SANSONE P.C.
Attorney-at-Law
P.O. Box 308, Olcott, New York 14126
Telephone 716.713.6431 Fax 716.638.4093
e-mail james.sansone@gmail.com

ENTERED
Office of Proceedings
December 6, 2023
Part of
Public Record

6
December 7, 2023

BY E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

Re: SOMERSET RAILROAD CORPORATION- ABANDONMENT EXEMPTION-
IN NIAGARA COUNTY, New York
DOCKET No. AB 1303X
Third Request for Extension of NITU

Dear Ms. Brown:

By Decision Dated January 21, 2021, the Board permitted the abandonment of an approximately 13.39-mile rail line, extending from milepost 2.2 to a power plant located at the end of the line, in Niagara County, N.Y., (the Line) by Somerset Railroad Corporation (SRC), subject to an interim trail use condition permitting the Town of Newfane, Niagara County, N.Y. ("The Town"), as the proposed trail sponsor, to negotiate interim trail use and rail banking with SRC. The initial negotiating period was extended to January 22, 2023, by the Board. Said negotiating period was further extended by the Board for an additional year, until January 22, 2024.

The Town and SRC have not finalized their negotiations for interim trail use, and both parties desire to continue the negotiations, and are working diligently toward said finalization. Accordingly, pursuant to 49 CFR 1152.29(d)(1)(ii), the parties request that the Board extend the negotiating period for an additional one year period until January 22, 2025, to allow the parties the necessary time to reach agreement.

The Town, as a governmental entity, respectfully requests a waiver of the Board's filing fees in accordance with 49 C.F.R. § 1002.2(e)(1). The Board has previously granted a waiver for the initial trail use filing.

FILING FEE WAIVED

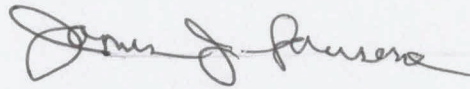
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By my signature, I certify service by e-mail of a copy of this request on counsel for SRC and other parties of record.

Thank you for your assistance. Please let me know if there are any questions regarding this request.

Respectfully,

JAMES J. SANSONE, P.C.

A handwritten signature in black ink, appearing to read "James J. Sansone", written in a cursive style.

James J. Sansone, Esq.

Town Attorney, Town of Newfane, NY

JJS/jnc

cc (by e-mail):

Justin J. Marks, Esq., Attorney for Somerset Railroad Corporation
Parties of Record