

Eric M. Hocky
T 215.640.8523
F 215.640.8501
Email: ehocky@clarkhill.com

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Office of Proceedings
November 22, 2016
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Clark Hill PLC
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103
T 215.640.8500
F 215.640.8501
clarkhill.com

November 22, 2016

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration, Office of
Proceedings
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 Ms. Brown:

I am writing on behalf of the applicant Buffalo & Pittsburgh Railroad, Inc. ("BPRR") to respond to the letter dated November 15, 2016, from Erie Cattaraugus Rail Trail, Inc. ("ECRT") seeking a 180-day extension of the NITU issued to ECRT in this proceeding. (A copy of the letter is attached hereto as it has not yet been docketed.) The current NITU was scheduled to expire on November 12, 2016.

BPRR hereby advises the Board that it is agreeable to an extension of 180 days as requested by ECRT to allow for continued negotiations on an interim trail use agreement. BPRR further advises the Board that it has not consummated the abandonment, nor will it do so pending extension of the NITU.

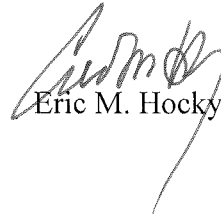
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Please let us know if you need any additional information.

Respectfully,

CLARK HILL PLC



Eric M. Hocky

EMH/e

cc: Marc A. Romanowski - by email
Tom Alworth - by email
Joseph V. Kocsis, Jr. - by mail



November 15, 2016

Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: *Buffalo & Pittsburgh Railroad, Inc. - Abandonment Exemption - In Erie and Cattaraugus Counties, New York STB Docket No. AB-369 (Sub-No. 7X)*

Dear Sir/Madam:

This request is filed on behalf of Erie Cattaraugus Rail Trail, Inc. (Proponent) to request an extension of the deadline for negotiations with Buffalo & Pittsburgh Railroad, Inc. regarding the Notice of Interim Trail Use in the above-noted proceeding with respect to the rail line between Milepost 8.4 in the Town of Orchard Park, Erie County, New York and Milepost 36 in the Town of Ashford, Cattaraugus County, New York, a total distance of 27.6 miles.

Buffalo & Pittsburgh Railroad, Inc. and the Proponent do not anticipate being able to consummate an agreement regarding the NITU prior to the expiration of the NITU deadline, but wish to continue negotiations. Accordingly, the Proponent requests a 180-day extension of the NITU negotiation deadline to May 15, 2017. Buffalo & Pittsburgh Railroad, Inc. has acknowledged that it will concur with this request and will file a letter of concurrence once a copy of this letter is filed with the Board.

In addition, Erie Cattaraugus Rail Trail, Inc. requests a waiver of the Board's filing fees in accordance with 49 CFR 1002.2(e)(1).

By my signature below, I certify service upon David Collins, Buffalo and Pittsburgh Railroad, Inc., Eric M. Hocky, Clark Hill PLC, Joseph V. Kocsis, Jr., Western New York Railway Historical Society, Inc. and Tom Alworth, New York State Office of Parks, Recreation and Historic Preservation, by U.S. Mail, postage prepaid, first class, on November 15, 2016.

Respectfully submitted,

HOPKINS SORGI & ROMANOWSKI PLLC

Marc A. Romanowski, Esq.

cc: David Collins, President, Buffalo & Pittsburgh Railroad, Inc.
Eric M. Hocky, Clark Hill PLC ✓
Joseph V. Kocsis, Jr., Western New York Railway Historical Society, Inc.
Tom Alworth, Deputy Commissioner for Natural Resources, New York State Office of Parks

HOPKINS SORGI & ROMANOWSKI PLLC

Attorneys at Law

26 Mississippi Street, Suite 400 • Buffalo, NY 14203
Office: 716-714-5699 • Fax: 716-424-2171 • www.hsr-legal.com