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ENTERED
Office of Proceedings
December 27, 2022
Part of
Public Record

December 27, 2022

BY E-FILING

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

 GRANTED Office of Proceedings	DECISION ID NO.: <u>51560</u>
	DECIDED DATE: <u>1/9/2023</u>
	SERVED DATE: <u>1/10/2023</u>
	APPROVED: <u><i>M. D. Smith</i></u> Director
☒ Extended to <u>1/22/2024</u>	

Re: SOMERSET RAILROAD CORPORATION- ABANDONMENT EXEMPTION-
IN NIAGARA COUNTY, New York
DOCKET No. AB 1303X
Second 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.

The Town and SRC have not finalized their negotiations for interim trail use, and both parties desire to continue the negotiations. Accordingly, pursuant to 49 CFR 1152.29(d)(1)(ii), the parties request that the Board extend the negotiating period for a additional one year period until January 22, 2024, 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.

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

FILING FEE WAIVED

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

Respectfully,

JAMES J. SANSONE, P.C.



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