

 GRANTED Office of Proceedings	DECISION ID NO.: <u>45602</u>
	DECIDED DATE: <u>12/15/16</u>
	SERVICE DATE: <u>12/16/2016</u>
	APPROVED: <u>[Signature]</u> Director
	☒ <u>extended to 5/11/17</u>



December 8, 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 11, 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

[Signature]
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

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Sent Via E-File and US Mail

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

ENTERED
Office of Proceedings
December 13, 2016
Part of
Public Record

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

Dear Sir/Madam:

Please see the attached letter, which is sent as a result of a request by the Surface Transportation Board to amend the 180-day extension date on our original letter from May 15, 2017 to May 11, 2017. The original request letter was sent to the Board on November 15, 2016.

Sincerely,

HOPKINS SORGI & ROMANOWSKI PLLC



Dana Mitri

Enc.

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