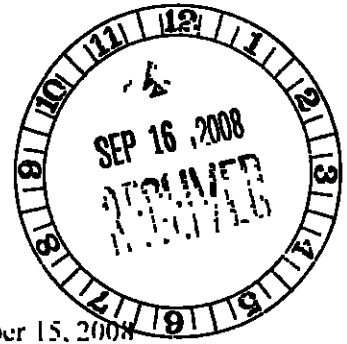




Eric M. Hocky
Direct Dial 215 640 8523
Email: ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA OVERNIGHT DELIVERY



September 15, 2008

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)

223605

Dear Secretary Quinlan

Enclosed for filing please find the original and 10 copies of the Notice of Exemption of Buffalo & Pittsburgh Railroad, Inc. Also enclosed is our check in the amount of \$3700 representing the filing fee for this Notice.

Please time stamp the extra copy of the Notice 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. Thank you for your assistance.

ENTERED
Office of Proceedings
SEP 16 2008

Part of
Public Record

FEE RECEIVED

SEP 16 2008

U.S. DEPARTMENT OF
TRANSPORTATION BOARD

Respectfully

Eric M. Hocky

Pittsburgh

Philadelphia

Princeton

Washington

EMH/c

Enclosures

cc David J. Collins (by email, w/encl.)

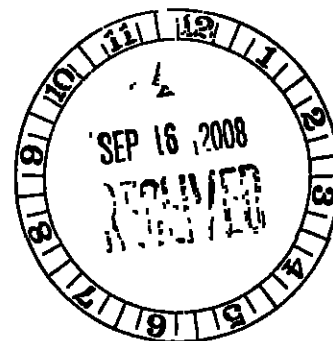
FILED

SEP 16 2008

SURFACE
TRANSPORTATION BOARD

Thorp Reed & Armstrong LLP
One Commerce Square
2005 Market Street
Suite 800
Philadelphia, PA 19103
215 640 8500
215 640 8501 Fax

10062952



Before the
SURFACE TRANSPORTATION BOARD

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

BUFFALO & PITTSBURGH RAILROAD, INC.
- EXEMPT ABANDONMENT -
IN ERIE AND CATTARAUGUS COUNTIES, NEW YORK

NOTICE OF EXEMPTION

FEE RECEIVED

SEP 16 2008

TRANSPORTATION BOARD

ENTERED
Office of Proceedings

SEP 15 2008

Part of
Public Record

ERIC M HOCKY
THORP REED & ARMSTRONG, LLP
Once Commerce Square
2005 Market Street, Suite 1910
Philadelphia, PA 19103
(215) 640-5000

Attorneys for
Buffalo & Pittsburgh Railroad, Inc.

Dated: September 15, 2008

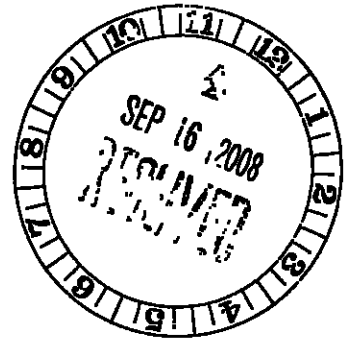
FILED

SEP 16 2008

SURFACE
TRANSPORTATION BOARD

Before the
SURFACE TRANSPORTATION BOARD

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



BUFFALO & PITTSBURGH RAILROAD, INC.
- EXEMPT ABANDONMENT -
IN ERIE AND CATTARAUGUS COUNTIES, NEW YORK

NOTICE OF EXEMPTION

Buffalo & Pittsburgh Railroad, Inc. ("Applicant") is seeking to abandon approximately 27.6 miles of rail line located in Erie and Cattaraugus Counties, New York. The last local service over the line to be abandoned was in 1994. All overhead traffic has previously been rerouted over a parallel line.

This Notice of Exemption for abandonment is given pursuant to the requirements of 49 C.F.R. §1152.50. In accordance with such requirements, Applicant hereby states as follows.

1. The exact name of Applicant is Buffalo & Pittsburgh Railroad, Inc.
2. Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105. Applicant acquired the line to be abandoned as part of a larger acquisition from CSX Transportation, Inc. in July, 1988. *See Buffalo & Pittsburgh Railroad, Inc. – Exemption of Acquisition and Operation of Rail Line – CSX Transportation, Inc. and Buffalo, Rochester and Pittsburgh Railway Co.*, ICC Finance Docket No. 31116 (served October 26, 1987).
3. The relief sought is the abandonment of the portion of Applicant's line of railroad which runs between milepost 8.4 in Orchard Park, Erie County, New York and milepost 36 in Ashford, Cattaraugus County, New York (the "Line"), a total distance of 27.6 miles.

4. A detailed map of the Line is attached hereto as Exhibit A.
- 5 The representative of Applicant to whom correspondence should be sent is.

Eric M. Hocky, Esquire
THORP REED & ARMSTRONG, L.L.P.
Once Commerce Square
2005 Market Street, Suite 1910
Philadelphia, PA 19103
(215) 640-5000

6 The Line traverses United States Postal Service ZIP Codes 14127, 14025, 14033, and 14141

7. Applicant believes that the Line may be a candidate for alternative public use as a trail.

8. Applicant proposes to consummate the abandonment on or after November 5, 2008

9. Applicant certifies that

(a) No local traffic has moved over the lines for at least two years (since 1994)

Applicant entered into a trackage rights agreement with Conrail in 1994, which allowed Applicant to use the parallel Conrail route between Buffalo and Machias, New York for the handling of overhead traffic.¹

(b) No formal complaint by a user of rail service on the lines, or a state or local government entity acting on behalf of such user, regarding cessation of service over the lines either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the two year period.

10. No employees of Applicant will be affected by the abandonment. However,

¹ Applicant now leases most of the parallel line from Norfolk Southern Railway. See *Buffalo & Pittsburgh Railroad, Inc. – Lease and Operation Exemption – Norfolk Southern Railway Company*, STB Finance Docket No. 35044 (served August 14, 2007).

Applicant recognizes that this abandonment will be made subject to the employee protective conditions in *Oregon Short Line Railroad Co --Abandonment--Goshen*, 360 I C C. 91 (1979).

11 An environmental/historic report in accordance with the requirements of 49 C.F.R. §§1105.7 and 1105.8 was filed with the Board on August 18, 2008, and a supplement was filed with the Board on September 10, 2008.² As noted in the initial report. Applicant has complied with the notice requirements of 49 C.F.R. §1105.11.

12 Applicant has complied with the notice requirements of 49 C.F.R. §1152.50(d)(1). Copies of the notices are attached hereto as Exhibit B.

For the reasons set forth above, the Board should find that Applicant's proposed abandonment satisfies the exemption requirements of 49 C.F.R. §1152, and should issue the appropriate notice.

Respectfully submitted,


ERIC M. HOCKY
THORP REED & ARMSTRONG, LLP
Once Commerce Square
2005 Market Street, Suite 1910
Philadelphia, PA 19103
(215) 640-5000

Attorneys for
Buffalo & Pittsburgh Railroad, Inc.

Dated, September 15, 2008

² The Environmental/Historic Report was prepared for two adjoining segments of rail line – a segment between milepost 4.0 in Lackawanna, Erie County and milepost 8.4 in Orchard Park, Erie County ("Segment 1"), as well as the segment which is the subject of this notice of exempt abandonment. After the preparation of the Environmental/Historic Report, Applicant decided not to seek authority to abandon Segment 1 at this time.

VERIFICATION

I hereby verify on behalf of Buffalo & Pittsburgh Railroad, Inc., under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on September 15, 2008.



David J. Collins, President

EXHIBIT A - MAP

Genesee & Wyoming Companies

Genesee & Wyoming Companies

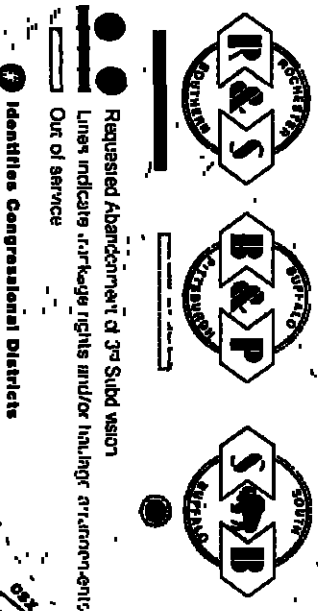


EXHIBIT B - 10 DAY NOTICES



Eric M. Hocky
Direct Dial 215 640 8523
E-mail ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

Office of the Commissioner
New York State Department of Transportation
50 Wolf Road
Albany, NY 12205

September 5, 2008

RE Buffalo & Pittsburgh Railroad, Inc
- Exempt Abandonment -
In Erie and Cattaraugus Counties, NY
STB Docket No. AB-389 (Sub-No. 7X)

Dear Sir or Madam:

This letter is being sent to you pursuant to the requirements of 49 CFR §1152.50(d), to advise you that Buffalo & Pittsburgh Railroad, Inc. ("BPRR") plans to seek authorization from the Surface Transportation Board ("STB") for its proposed abandonment of the line of railroad described below, by filing a verified notice of exemption pursuant to the provisions of 49 CFR 1152 Subpart F. BPRR expects to file the notice of exemption with the STB on or about September 16, 2008 under STB Docket No. AB-389 (Sub-No. 7X).

BPRR will be seeking an exemption to abandon the line of railroad between Milepost 8.4 in the Town of Orchard Park, Erie County, New York to Milepost 35 in Ashford, Cattaraugus County, New York (collectively "the Line"). The Line traverses through United States ZIP Codes 14218, 14127, 14025, 14033, 14141, 14218 and 14127. A map of the Line is enclosed with this letter.

BPRR understands that the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

BPRR intends to salvage and sell the track and materials following the Line's abandonment.

Pittsburgh

Philadelphia

Princeton

Washington

Thorpe Reed & Armstrong, LLP
One Commerce Square
2005 Market Street
Suite 1910
Philadelphia, PA 19103
215 640 8500
215 640 8501 Fax

P0052654



Office of the Commissioner
Page 2

September 5, 2008

BPRR filed an Environmental/Historic Report with the Surface Transportation Board on August 19, 2008, and intends to file a Supplemental Report on or about September 9, 2008. BPRR will provide a copies upon request.

Very truly yours,

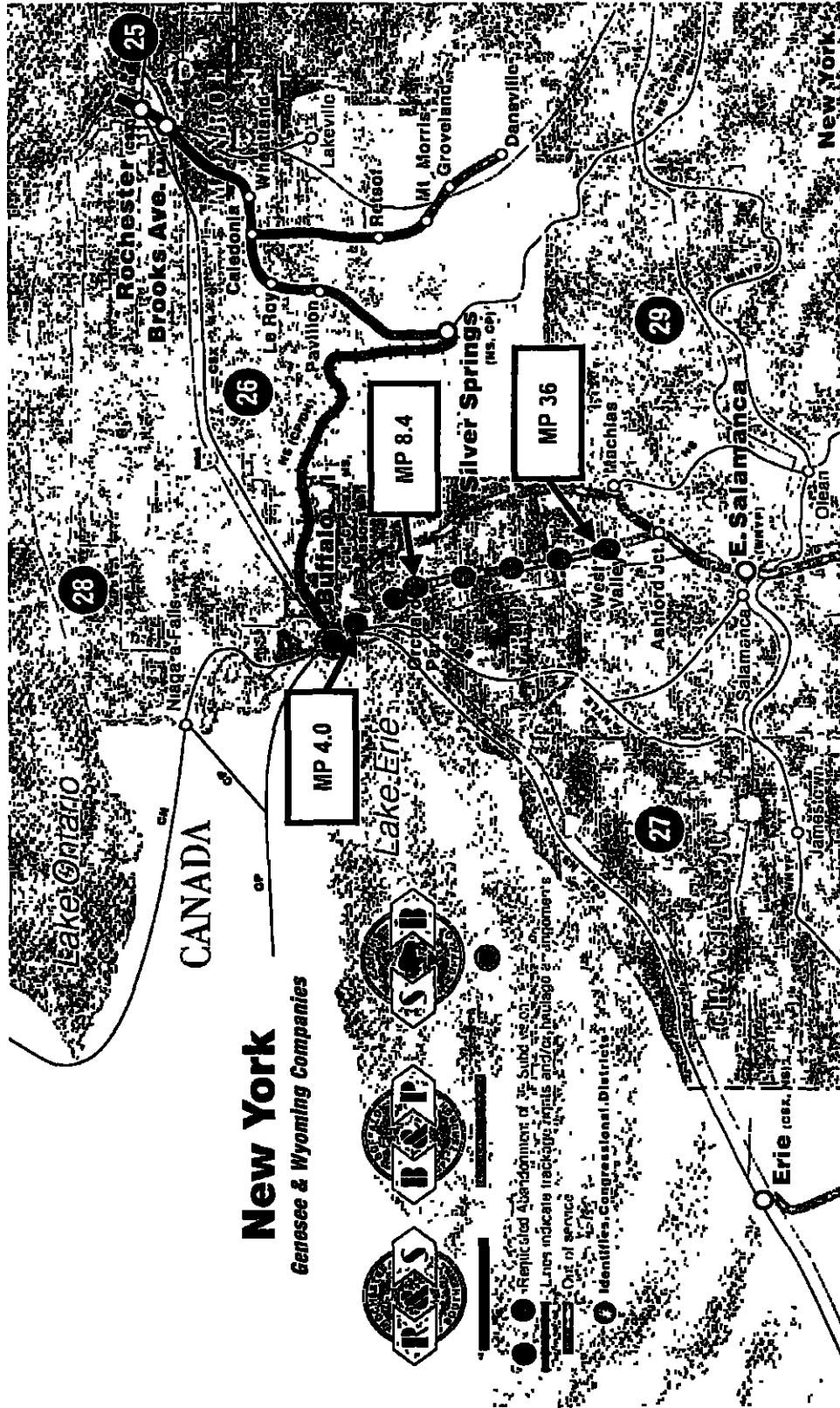
A handwritten signature in black ink, appearing to read "Eric M. Hocky", is written over the typed name.

Eric M. Hocky

EMH/e

Enclosure

cc BPRR





Eric M. Hocky
Direct Dial 215 640 8523
Email ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

U S Department of the Interior -
National Park Service
RTCA Program (Org code 2240)
1849 C Street, NW
Washington, DC 20240

September 5, 2008

RE Buffalo & Pittsburgh Railroad, Inc
- Exempt Abandonment -
In Erie and Cattaraugus Counties, NY
STB Docket No AB-389 (Sub-No 7X)

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BPRR understands that the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

BPRR intends to salvage and sell the track and materials following the Line's abandonment.

Pittsburgh

Philadelphia

Princeton

Washington

Thorpe Reed & Armstrong LLP
One Citywide Square
2005 Market Street
Suite 1900
Philadelphia, PA 19103
215 640 8500
215 640 8501 Fax

POC52053



National Park Service
Page 2

September 5, 2008

BPRR filed an Environmental/Historic Report with the Surface Transportation Board on August 19, 2008 and intends to file a Supplemental Report on or about September 9, 2008. BPRR will provide a copies upon request

Very truly yours,

Eric M. Hogky

EMH/e

Enclosure

cc BPRR



Eric M. Hocky
Direct Dial 215 640 8523
Email ehocky@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

United State Department of Defense -
Military Traffic Management Command
Transportation Energy Agency
Railroads for National Defense Program
720 Humble Shoals Blvd, Suite 130
Newport News, VA 23606-2574

September 5, 2008

RE Buffalo & Pittsburgh Railroad, Inc
- Exempt Abandonment -
In Erie and Cattaraugus Counties, NY
STB Docket No AB-389 (Sub-No 7X)

Dear Sir or Madam:

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Pittsburgh

Philadelphia

Princeton

Whiting

Thorpe Reed & Armstrong LLP
One Commerce Square
2905 Market Street
Suite 1910
Philadelphia, PA 19103
215 640 8500
215 640 8501 Fax

ENCLOSURE



Transportation Energy Agency
Page 2

September 5, 2008

BPRR filed an Environmental/Historic Report with the Surface Transportation Board on August 19, 2008, and intends to file a Supplemental Report on or about September 9, 2008. BPRR will provide a copies upon request.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eric M. Hocky", is written over the typed name.

Eric M. Hocky

EMH/e

Enclosure

cc. BPRR

1955

ATTORNEYS AT LAW SINCE 1895

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-003

September 5, 2008

Re: Buffalo & Pittsburgh Railroad, Inc
- Exempt Abandonment -
In Erie and Cattaraugus Counties, NY
STB Docket No. AB-389 (Sub-No. 7X)

Dear Sir or Madam:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50(d), to advise you that Buffalo & Pittsburgh Railroad, Inc. ("BPRR") plans to seek authorization from the Surface Transportation Board ("STB") for its proposed abandonment of the line of railroad described below, by filing a verified notice of exemption pursuant to the provisions of 49 C.F.R. 1152 Subpart F. BPRR expects to file the notice of exemption with the STB on or about September 16, 2008, under STB Docket No. AB-389 (Sub-No. 7X).

BPRR will be seeking an exemption to abandon the line of railroad between Milepost 84 in the Town of Orchard Park, Erie County, New York to Milepost 36 in Ashford, Cattaraugus County, New York (collectively "the Line"). The Line traverses through United States ZIP Codes 14218, 14127, 14025, 14033, 14141, 14218 and 14127. A map of the Line is enclosed with this letter.

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Pittsburgh

Philadelphia

Princeton

Washington

Thorp Reed & Armstrong, L.P.
One Commerce Square
2005 Market Street
Suite 1810
Philadelphia, PA 19103
215 640 8500
215 640 8501 Fax



Office of Chief of Forest Service
Page 2

September 5, 2008

BPRR filed an Environmental/Historic Report with the Surface Transportation Board on August 19, 2008, and intends to file a Supplemental Report on or about September 9, 2008. BPRR will provide a copies upon request.

Very truly yours,

Eric M. Hocky

FMI/e

Enclosure

cc. BPRR

Genesee & Wyoming Companies



Customer Service

Identifies Congressional Districts



CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Notice of Abandonment was served on the persons shown on the attached list by first class mail, postage prepaid.



ERIC M. HOCKY

Dated September 15, 2008

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

Alan L. Taylor, Regional Director
NYS Department of Transportation
Region 5
100 Seneca Street
Buffalo, NY 14203

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

Abby M. Snyder, Regional 9 Director
NY Dept. of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203

NY Dept. of Environmental Conservation
Fish, Wildlife and Marine Resources
625 Broadway
Albany, NY 12233-4750

NY Dept. of Environmental Conservation
Fish, Wildlife and Marine Resources, Region 9
270 Michigan Avenue
Buffalo, NY 14203

NY Dept. of Environmental Conservation
Lands and Forests
625 Broadway, 5th Floor
Albany, NY 12233

NY Dept. of Environmental Conservation
Lands and Forests, Region 9 – Erie County
270 Michigan Avenue
Buffalo, NY 14203

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

NY Dept. of Environmental Conservation
NY Natural Heritage Program
625 Broadway, 5th Floor
Albany, NY 12233-4757

Division of Coastal Resources
NYS Department of State
99 Washington Avenue, Suite 1010
Albany, NY 12231-0001

Chris Collins, Erie County Executive
Rath Building
16th Floor, Room 1600
Buffalo, New York 14202

Crystal J. Abers, Chairman of Cattaraugus
County
303 Court Street
Little Valley, NY 14755

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

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

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

U S Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, NY 13045

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, CLLRB
1776 Niagara Street
Buffalo, NY 14207-3199

Regional Director, National Park Service
Northeast Region
U S Custom House
200 Chestnut Street, 5th Floor
Philadelphia, PA 19106

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

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
Peebles 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

Office of the Commissioner
New York State Department of
Transportation
50 Wolf Road
Albany, NY 12205

United State Department of Defense -
Military Traffic Management Command
Transportation Energy Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

U S Department of the Interior -
National Park Service
RTCA Program (Org code 2240)
1849 C Street, NW
Washington, DC 20240

Office of Chief of Forest Service
U S Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-0003