



New York State Office of Parks, Recreation and Historic Preservation

Albany, New York 12238
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ENTERED
Office of Proceedings
September 26, 2012
Part of
Public Record

September 26, 2012

Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423-0001

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

This request is filed on behalf of the New York State Office of Parks, Recreation and Historic Preservation (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. The current negotiating period expires on October 15, 2012.

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 April 15, 2013. 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, the State respectfully 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, Thorp Reed & Armstrong, LLP, Joseph V. Kocsis, Jr., Western New York Railway Historical Society, Inc. and Mark A. Romanowski, Esq. Harter, Secrest & Emery, LLP (Erie Cattaraugus Rail Trail) by U.S. Mail, postage prepaid, first class, on September 26, 2012.

Respectfully submitted,

[Handwritten signature of Tom Alworth]

Tom Alworth
Deputy Commissioner for Natural Resources

Stamp area containing the seal of the Office of Proceedings, 'GRANTED' text, and decision details: DECISION ID NO.: 42716, DECIDED DATE: 10/16/12, SERVICE DATE: 10/17/12, APPROVED: Rachel D Campbell, Director. Includes a checked box for 'extended 180 days to 4/13/13'.

CC: David Collins, President, Buffalo & Pittsburgh Railroad
Eric M. Hocky, Thorp Reed & Armstrong, LLP
Joseph V. Kocsis, Jr., Western New York Railway Historical Society, Inc.
Mark A. Romanowski, Esq., Harter, Secrest & Emery, LLP (Erie Cattaraugus Rail Trail)

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FILING FEE WAIVED