

ENTERED
Office of Proceedings
March 11, 2016
Part of
Public Record

**BEFORE THE
STB DOCKET No. AB-369 (Sub-No. 7X)
-ABANDONMENT EXEMPTION-
IN ERIE AND CATTARAUGUS COUNTIES, NEW YORK
JOINT PETITION OF THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC
PRESERVATION & THE ERIE CATTARAUGUS RAIL TRAIL, INC FOR SUBSTITUTION OF NEW
HOLDER OF INTERIM TRAIL USE/TRAIL MANAGER/RESPONSIBLE PARTY**

Pursuant to 49 C.F.R 1152.29, the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") and Erie Cattaraugus Rail Trail, Inc. ("ECRT") submit this joint petition to the Surface Transportation Board (STB) requesting that the above-captioned proceedings be reopened so that ECRT may be substituted as the Holder of the Interim Trail Use/Trail Manager/Responsible Party for the rail line in the above captioned proceeding. In support of said petition, the OPRHP and ECRT set forth the following to wit:

1. Buffalo & Pittsburgh Railroad, Inc. (BPRR) filed a verified notice of exemption under 49 C.F.R 1152 Subpart F- Exempt Abandonments to abandon a 27.6-mile line of railroad extending from milepost 8.4 in Orchard Park, in Erie County, NY, to milepost 36 in Ashford. In Cattaraugus County, NY. Notice of the exemption was served and published in the Federal Register on October 6, 2008 (73 FR 58297).
2. By decision and Notice of Interim Trail Use or Abandonment (NITU) served on November 4, 2008, the proceeding was reopened and a 180-day period was authorized for the OPRHP to negotiate and interim trail use/rail banking agreement with BPRR for the right-of-way involved in this proceeding pursuant to the National Trails System Act, 16 U.S.C § 1247(d) (Trails Act). By a series of decisions, the most recent served on April 13, 2015, the trail use negotiation period under the NITU was extended until September 30, 2015. (Said NITU attached as Exhibit A)
3. To date, the OPRHP and BPRR have not been able to negotiate a Trail Use/Rail Banking agreement. The OPRHP is no longer interested in remaining the Holder of the Interim Trail Use/Trail Manager/Responsible Party for the rail line in the above captioned proceeding. Attached as Exhibit A is the OPRHP's Petition for Abandonment signed by Deputy Commissioner Tom Alworth, indicating the same.
4. Erie Cattaraugus Rail Trail, Inc. is a duly incorporated New York not-for-profit corporation with a corporate address of PO Box 584, Orchard Park, NY 14127, Deborah H. Fenn, President, Telephone, (716)771-2453.
5. Attached hereto as Exhibits B and C are the ECRT's Statement of Willingness to Assume Financial Responsibility and a map of the corridor.

6. The date for the transition of total responsibility as the new interim trail manager to the ECRT shall be the date the STB issues their final decision.

WHEREFORE, the ECRT respectfully request that the STB re-open the above captioned case, vacate the existing NITU issued to the OPRHP, and issue an appropriate NITU to ECRT as the new holder of Interim Trail Use/Trail Manager/Responsible Party.

Respectfully submitted,



Deborah H. Fenn
President
Erie Cattaraugus Rail Trail, Inc.

Date: 3/2/2016

BEFORE THE
STB DOCKET No. AB-369 (Sub-No. 7X)
ABANDONMENT EXEMPTION
IN ERIE AND CATTARAUGUS COUNTIES, NEW YORK
PETITION OF THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND
HISTORIC PRESERVATION FOR ABANDONMENT OF INTERIM TRAIL USE/TRAIL
MANAGER/RESPONSIBLE PARTY

Pursuant to 49 C.F.R. 1152.29, the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") submits this petition to the Surface Transportation Board (STB) requesting that the above-captioned proceedings be reopened. In support of said petition, the OPRHP sets forth the following to wit:

1. Buffalo & Pittsburgh Railroad, Inc. (BPRR) filed a verified notice of exemption under 49.C.F.R. 1152 Subpart F-Exempt Abandonments to abandon a 27.6 mile line of railroad extending from milepost 8.4 in Orchard Park, in Erie County, NY to milepost 36 in Ashford in Cattaraugus County, NY. Notice of the exemption was served and published in the Federal Register on October 6, 2008 (73 FR 58297).
2. By decision and Notice of Interim Trail Use or Abandonment (NITU) served on November 4, 2008, the proceeding was reopened and a 180-day period was authorized for the OPRHP to negotiate an interim trail use/rail banking agreement with BPRR for the right-of-way involved in this proceeding pursuant to the National Trail System Act, 16 U.S.C. §1247(d) (Trail Act). By a series of decisions, the most recent served on April 13, 2015, the trail use negotiation period under the NITU was extended until September 30, 2015.
3. To date, OPRHP and BPRR have not been able to negotiate a Trail Use/Rail Banking agreement. OPRHP is no longer interested in remaining the Holder of the Interim Trail Use/Trail Manager/Responsible Party for the rail line in the above captioned proceeding and requests that the proceeding be reopened, that the existing NITU be vacated and that the STB issue an NITU to an appropriate third party.


Tom Alworth
Deputy Commissioner for Natural Resources
New York State Office of Parks, Recreation &
Historic Preservation

Date: 2-10-16

Certificate of Service

I hereby certify that I have this day caused to be served a copy of the foregoing to be served by U.S. mail, postage prepaid, first class upon the following:

EricM. Hocky, Esq.
Attorney for Buffalo & Pittsburgh Railroad, Inc.
One Commerce Square
2005 Market St, Suite 1000
Philadelphia, PA 19103

Dated this 11th day of March, 2016.



Seth A. Kelley, Esq.
Hopkins Sorgi & Romanowski PLLC
Attorneys for the Erie Cattaraugus Rail Trail, Inc.
26 Mississippi Street, Suite 400
Buffalo, NY 14203

Exhibit "A"

39419
DO

SERVICE DATE – LATE RELEASE NOVEMBER 4, 2008

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

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

BUFFALO & PITTSBURGH RAILROAD, INC.—ABANDONMENT EXEMPTION— IN ERIE AND CATTARAUGUS COUNTIES, NY

Decided: November 4, 2008

Buffalo & Pittsburgh Railroad, Inc. (BPRR) filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 27.6-mile line of railroad extending from milepost 8.4 in Orchard Park, in Erie County, NY, to milepost 36 in Ashford, in Cattaraugus County, NY. Notice of the exemption was served and published in the Federal Register on October 6, 2008 (73 FR 58297). The exemption is scheduled to become effective on November 5, 2008. In this decision, the Board is imposing environmental, historic preservation, interim trail use/rail banking, and public use conditions.¹

The Board's Section of Environmental Analysis (SEA) issued an environmental assessment (EA) in this proceeding on October 10, 2008. In the EA, SEA states that the National Geodetic Survey (NGS) has identified 39 geodetic station markers that may be affected by the proposed abandonment and has requested notification at least 90 days in advance of any activities that would disturb or destroy these markers in order to plan for their relocation. Accordingly, SEA recommends that BPRR be required to consult with and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.

SEA states that the New York State Department of Environmental Conservation (New York DEC), Division of Fish, Wildlife & Marine Resources' Natural Heritage Program, has indicated that rare or state-listed animals and plants and other significant habitats may occur in the area of the proposed abandonment. SEA, therefore, recommends that, prior to the commencement of any salvage activities, BPRR be required to consult with the appropriate New York DEC regional office regarding rare or state-listed animals and plants and other significant habitats that may be affected by the proposed abandonment and comply with New York DEC's reasonable requirements.

SEA notes that New York DEC submitted additional comments stating that part of the line is located in a state-protected wetland and that BPRR would likely need a Freshwater

¹ On October 31, 2008, Western New York Railway Historical Society, Inc. late-filed comments in opposition to the proposed abandonment. On November 3, 2008, BPRR filed a reply. These filings will be addressed in a separate decision.

Wetland Permit. SEA also notes that the U.S. Environmental Protection Agency's Region 2 Office (USEPA) submitted comments advising that wetland resources are located in the area of the proposed abandonment. Thus, SEA recommends that, prior to the commencement of any salvage activities, BPRR be required to consult with USEPA and the appropriate New York DEC regional office regarding wetland resources that may be affected by the proposed abandonment and comply with the reasonable requirements of those agencies and report the results of those consultations in writing to SEA.

SEA states that the New York State Historic Preservation Office (SHPO) has reviewed the Historic Report prepared by BPRR and has requested additional information, including a survey of archaeological resources in the project area. Accordingly, SEA recommends that BPRR be required to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places (National Register) until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA). SEA also recommends that BPRR be required to report back to SEA regarding any consultations with the SHPO and the public and that BPRR be prohibited from filing its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the section 106 process has been completed and the Board has removed this condition.

No comments to the EA were received by the October 27, 2008 due date. Therefore, the environmental conditions recommended by SEA in the EA will be imposed.

In the EA, SEA states that the right-of-way may be suitable for other public use following abandonment and salvage of the line. By letter dated September 22, 2008, the New York State Office of Parks, Recreation and Historic Preservation (NYS Office of Parks) filed a request for the issuance of a notice of interim trail use (NITU) for the 27.6-mile line of railroad under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), and 49 CFR 1152.29, and for a public use condition under 49 U.S.C. 10905. NYS Office of Parks has submitted a statement of willingness to assume full financial responsibility for the management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against, the right-of-way for trail purposes, as required at 49 CFR 1152.29, and has acknowledged that the use of the right-of-way for trail purposes is subject to future reconstruction and reactivation for rail service. By letter dated September 26, 2008, BPRR states that it is willing to negotiate with NYS Office of Parks for interim trail use.

On October 16, 2008, Erie Cattaraugus Rail Trail, Inc. also filed a request for a NITU for the 27.6-mile line of railroad. ECRT expresses its interest in acquiring the right to use the right-of-way of the abandoned line for a proposed public, multi-use trail. ECRT has made this separate filing to preserve its interest in using the right-of-way for an interim trail, should negotiations between BPRR and NYS Office of Parks fail to result in a trail use agreement. By letter dated October 20, 2008, BPRR states that, at this time, it elects to continue to negotiate with NYS Office of Parks.

Because NYS Office of Parks' request complies with the requirements of 49 CFR 1152.29, and BPRR is willing to negotiate for trail use, a NITU will be issued for the 27.6-mile line. The parties may negotiate an agreement during the 180-day period prescribed below. If the parties reach a mutually acceptable final agreement, no further Board action is necessary. If no agreement is reached within 180 days, BPRR may fully abandon the line, subject to the conditions imposed below. See 49 CFR 1152.29(d)(1). Use of the right-of-way for trail purposes is subject to restoration for railroad purposes.

As noted above, NYS Office of Parks also requested the imposition of a public use condition. NYS Office of Parks requests that BPRR be prohibited from disposing of the corridor, other than tracks, ties and signal equipment, except for public use on reasonable terms, and that BPRR be barred from the removal or destruction of potential trail-related structures, such as bridges, trestles, culverts and tunnels, for a 180-day period from the effective date of the abandonment. NYS Office of Parks states that the time period is needed to fully evaluate the rail corridor and to continue negotiations with BPRR for use of the right-of-way as a trail.

As an alternative to interim trail use under the Trails Act, the right-of-way may be acquired for public use as a trail under 49 U.S.C. 10905. See Rail Abandonments—Use of Rights-of-Way As Trails, 2 I.C.C.2d 591, 609 (1986). Under section 10905, the Board may prohibit the disposal of rail properties that are proposed to be abandoned and are appropriate for public purposes for a period of not more than 180 days after the effective date of the decision approving or exempting the abandonment.

To justify a public use condition, a party must set forth: (i) the condition sought; (ii) the public importance of the condition; (iii) the period of time for which the condition would be effective; and (iv) justification for the imposition of the period of time requested. See 49 CFR 1152.28(a)(2). Because NYS Office of Parks has met these requirements, a 180-day public use condition will be imposed, commencing from the November 5, 2008 effective date of the exemption.

When the need for interim trail use/rail banking and public use is shown, it is the Board's policy to impose both conditions concurrently, subject to the execution of a trail use agreement. If a trail use agreement is reached on a portion of the right-of way, BPRR must keep the remaining right-of-way intact for the remainder of the 180-day period to permit public use negotiations. Also, a public use condition is not imposed for the benefit of any one potential purchaser, but rather to provide an opportunity for any interested person to acquire the right-of-way that has been found suitable for public purposes, including trail use. Therefore, with respect to the public use condition, BPRR is not required to deal exclusively with NYS Office of Parks, but may engage in negotiation with other interested persons.

As conditioned, this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the notice served and published in the Federal Register on October 6, 2008, exempting the abandonment of the line described above, is modified to the extent necessary to implement interim trail use/rail banking and to permit public use negotiations as set forth below, for a period of 180 days commencing from the November 5, 2008 effective date of the exemption (until May 4, 2009), and subject to the conditions that BPRR shall: (1) consult with and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers; (2) prior to the commencement of any salvage activities, consult with the appropriate New York DEC regional office regarding rare or state-listed animals and plants and other significant habitats that may be affected by the proposed abandonment and comply with New York DEC's reasonable requirements; (3) prior to the commencement of any salvage activities, (a) consult with the USEPA and the appropriate New York DEC regional office regarding wetland resources that may be affected by the proposed abandonment, (b) comply with the reasonable requirements of those agencies, and (c) report the results of those consultations in writing to SEA; and (4)(a) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register until completion of the section 106 process of the NHPA, (b) report back to SEA regarding any consultations with the SHPO and the public, and (c) be prohibited from filing its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the section 106 process has been completed and the Board has removed this condition.

3. Consistent with the public use and interim trail use/rail banking conditions imposed in this decision and notice, BPRR may discontinue service and salvage track and related materials. BPRR shall keep intact the right-of-way, including bridges, trestles, culverts and tunnels, for a period of 180 days to enable any state or local government agency, or other interested person, to negotiate the acquisition of the line for public use. If an interim trail use/rail banking agreement is executed before May 4, 2009, the public use condition will expire to the extent the trail use/rail banking agreement covers the same line.

4. If an interim trail use/rail banking agreement is reached, it must require the trail user to assume, for the term of the agreement, full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against, the right-of-way.

5. Interim trail use/rail banking is subject to the future restoration of rail service and to the user's continuing to meet the financial obligations for the right-of-way.

6. If interim trail use is implemented, and subsequently the user intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

7. If an agreement for interim trail use/rail banking is reached by May 4, 2009, interim trail use may be implemented. If no agreement is reached by that time, BPRR may fully

abandon the line, provided the conditions imposed in this proceeding are met. See 49 CFR 1152.29(d)(1).

8. This decision is effective on its date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary

Exhibit "B"

Statement of Willingness to Assume Financial Responsibility

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, Erie Cattaraugus Rail Trail, Inc., (Interim Trail User) to the extent permissible by New York Law, is willing to assume full responsibility for management of, for any legal liability arising out of the use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by the Buffalo and Pittsburg Railroad, Inc. (Railroad). The property extends from railroad milepost 8.4 near the Village of Orchard Park, to railroad milepost 36, near the Town of Ashford; a distance of 27.6 miles in Erie and Cattaraugus Counties, State of New York. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB Docket No. AB-369 (Sub No. 7X).

A map of the property depicting the right-of-way is attached. Erie Cattaraugus Rail Trail, Inc. (Interim Trail User) acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad(s) on the same date it is being served on the Board.

ERIE COUNTY, N.Y.
TOWN OF EAST HAMBURG.
NOW
VILLAGE OF ORCHARD PARK

All the distances between points
and the center line of the
line are indicated by
the measurements of the location

ERIE COUNTY, N.Y.
TOWN OF EAST HAMBURG
ORCHARD PARK.

Milepost 8.4
- Begin -

Milepost 8.5
(Thorn Ave.)

Exhibit A - Page 1 of 29
Buffalo & Pittsburgh Railroad, Inc.
Limited License Agreement for
Erie Cattaraugus Rail Trail, Inc.

RIGHT-OF-WAY AND TRACK MAP

BUFFALO, ROCHESTER AND PITTSBURGH RY
DIVISION - (TRUCK ONLY)

STATION 422+00.0 TO STATION 470+00.0

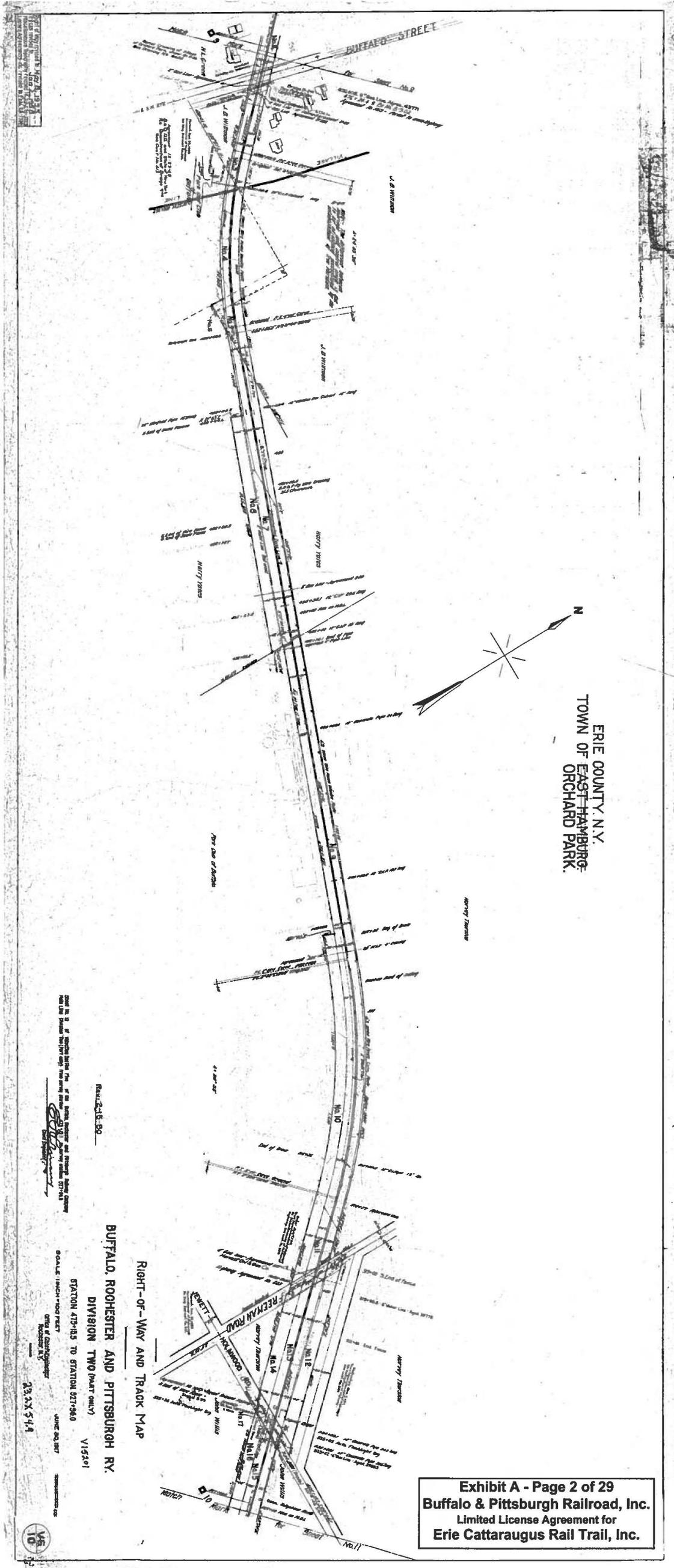
SCALE: 1 INCH = 100 FEET

DO NOT
SCAN
IN

BR 10
V-8

Right of Way related to
tracks shown by
dashed lines
Location of existing tracks
Location of proposed tracks

Small text at bottom center, likely a title block or reference note.



ERIE COUNTY, N.Y.
TOWN OF EAST HAMBURG
ORCHARD PARK.

RIGHT-OF-WAY AND TRACK MAP

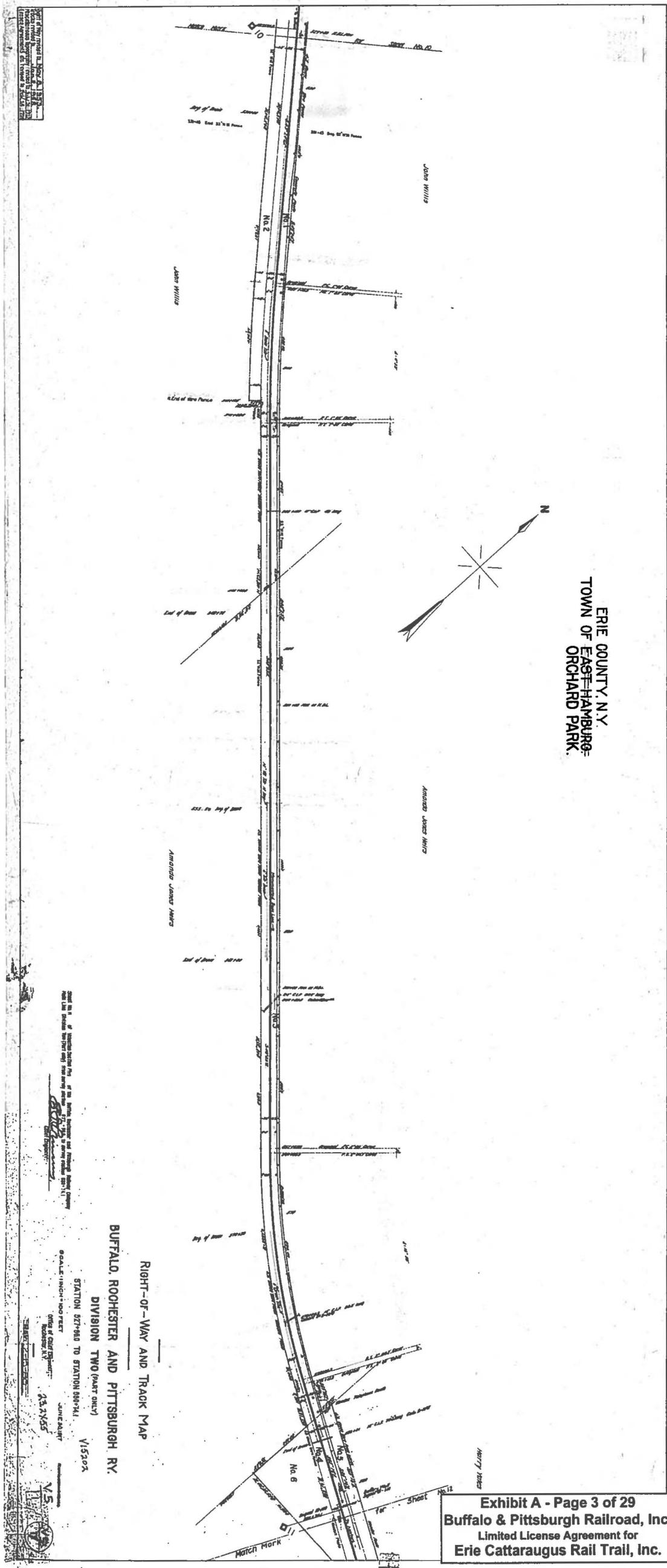
BUFFALO, ROCHESTER AND PITTSBURGH RY.
DIVISION TWO (PART ONLY) V15291

SCALE: 1 INCH = 100 FEET
STATION 475+00 TO STATION 571+00
OFFICE OF ENGINEERING
ROCHESTER, N.Y.
DATE: 04.18.17
23.2X 5'4"

Exhibit A - Page 2 of 29
Buffalo & Pittsburgh Railroad, Inc.
Limited License Agreement for
Erie Cattaraugus Rail Trail, Inc.



ERIE COUNTY, N.Y.
TOWN OF EAST-HAMBURG
ORCHARD PARK.



RIGHT-OF-WAY AND TRACK MAP

BUFFALO, ROCHESTER AND PITTSBURGH RY.

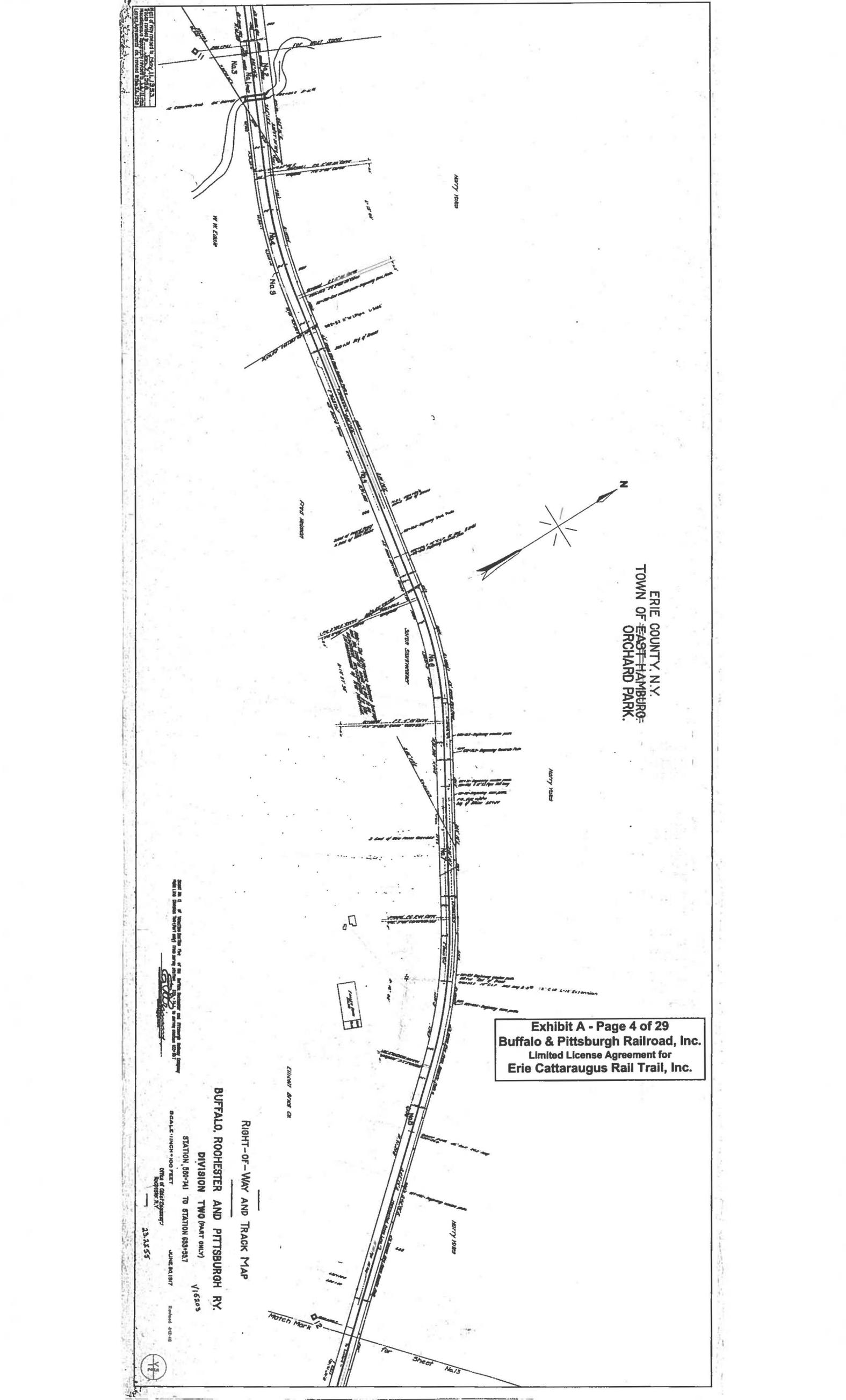
DIVISION TWO (PART ONLY) V15202

STATION 827+00 TO STATION 860+74.1

SCALE: 1 INCH = 100 FEET
DATE: JAN 1917
DRAWN BY: JAMES KAUF
CHECKED BY: JAMES KAUF



THIS MAP WAS PREPARED BY THE ENGINEERING DEPARTMENT OF THE BUFFALO & PITTSBURGH RAILROAD, INC. IN ACCORDANCE WITH THE TERMS OF LICENSE AGREEMENT NO. 100-741 DATED JANUARY 1, 1953.



ERIE COUNTY, N. Y.
TOWN OF EAST HAMBURG
ORCHARD PARK.

Exhibit A - Page 4 of 29
Buffalo & Pittsburgh Railroad, Inc.
Limited License Agreement for
Erie Cattaraugus Rail Trail, Inc.

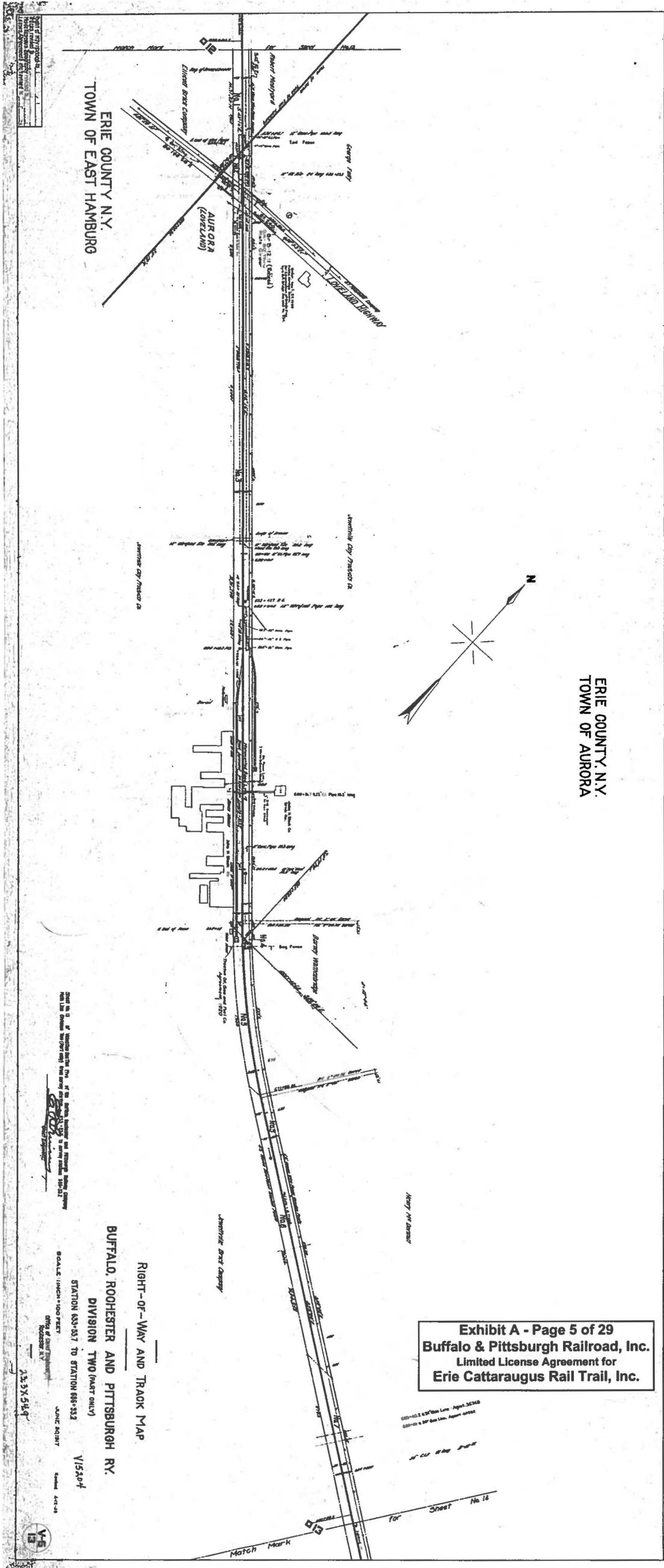
RIGHT-OF-WAY AND TRACK MAP
BUFFALO, ROCHESTER AND PITTSBURGH RY.
DIVISION TWO (PART ONLY)
STATION 630+74.1 TO STATION 630+357
V16503

SCALE: 1 INCH = 100 FEET
DATE: JULY 1957
OFFICE OF CHIEF ENGINEER
BUFFALO, N. Y.
23,23,55
Revised 4-5-58



Match Mark

See Sheet No. 13



ERIE COUNTY N.Y.
TOWN OF EAST HAMBURG

ERIE COUNTY, N.Y.
TOWN OF AURORA

Exhibit A - Page 5 of 29
Buffalo & Pittsburgh Railroad, Inc.
Limited License Agreement for
Erie Cattaraugus Rail Trail, Inc.

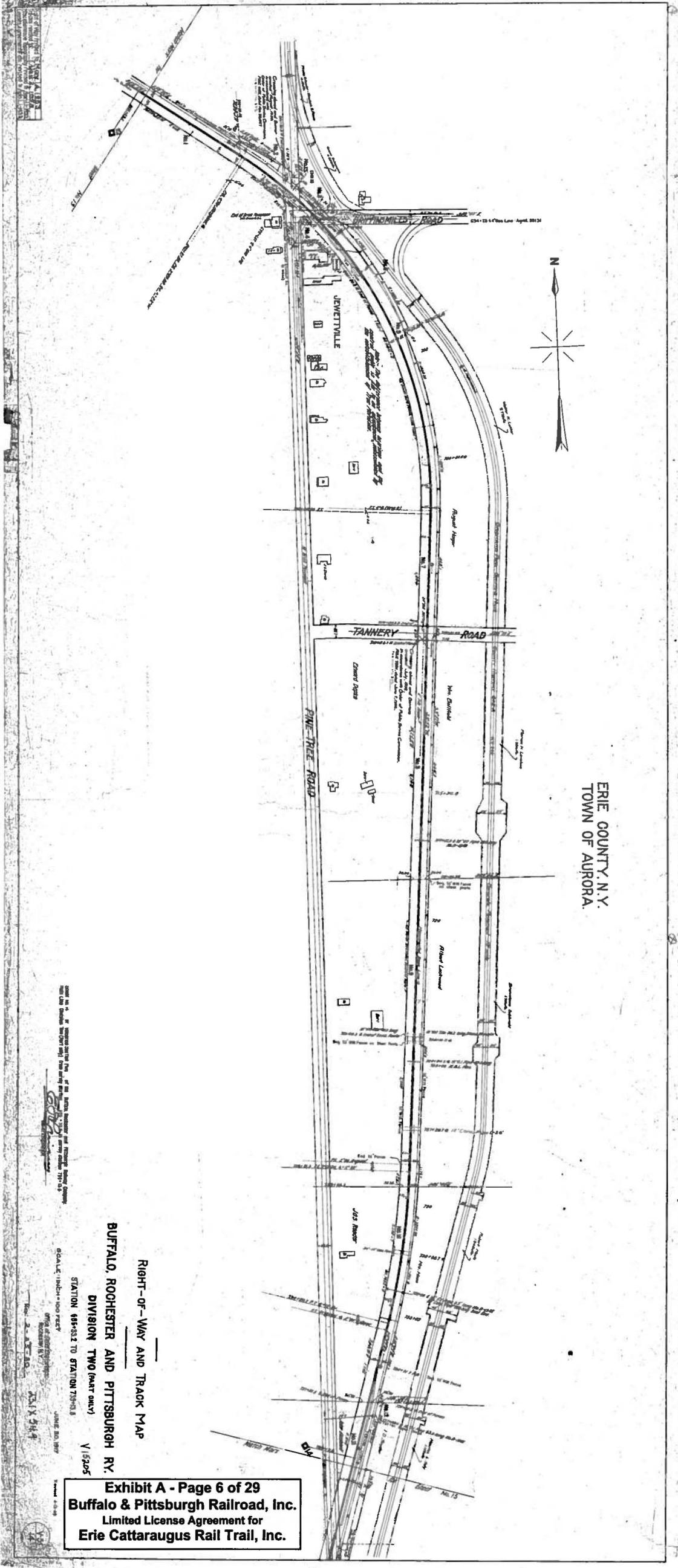
RIGHT-OF-WAY AND TRACK MAP
BUFFALO, ROCHESTER AND PITTSBURGH RY.
DIVISION TWO (PART ONLY)
STATION 850+00 TO STATION 852+00

Scale: 1" = 100' FEET
DATE: 10/15/04
BY: [Signature]

13
14

850+00.0 430' Base Line - August 2014
850+00.0 430' 600' Base Line - August 2014

Sheet No. 14



ERIE COUNTY, N. Y.
TOWN OF AURORA.

RIGHT-OF-WAY AND TRACK MAP
BUFFALO, ROCHESTER AND PITTSBURGH RY.
DIVISION TWO (PART ONLY)

STATION 684+00.0 TO STATION 734+00.0
SCALE: 1"=100' FEET
V 15205

DATE: 1914
BY: J. A. T. S.
JUNE 20, 1914

ERIE COUNTY, N.Y.
TOWN OF AURORA

ERIE COUNTY, N.Y.
TOWN OF GOLDEN

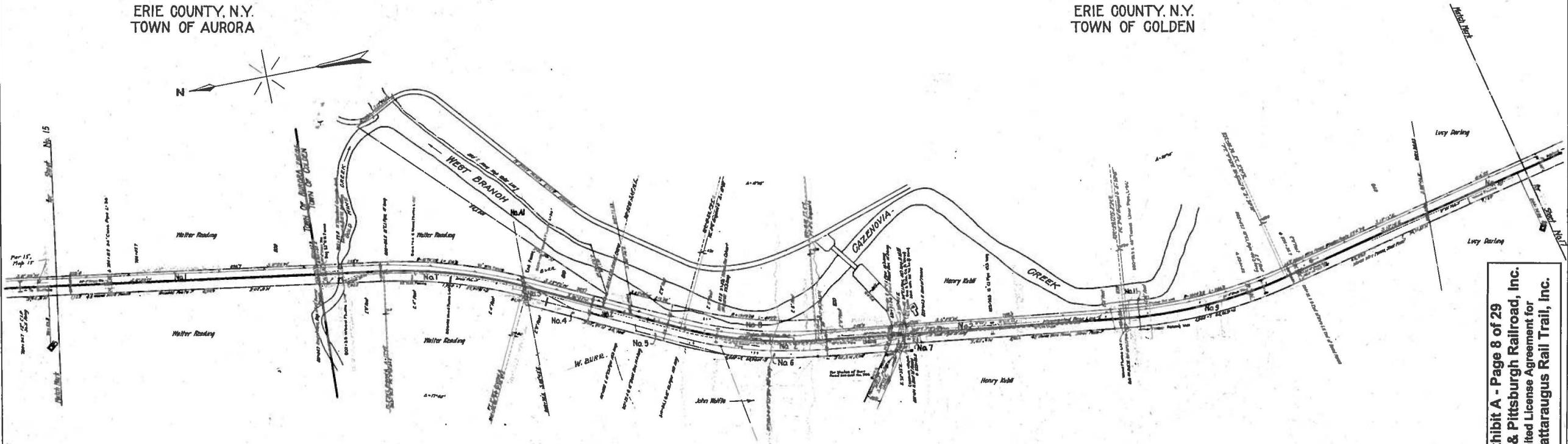
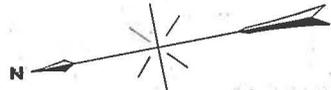


Exhibit A - Page 8 of 29
Buffalo & Pittsburgh Railroad, Inc.
Limited License Agreement for
Erie Cattaraugus Rail Trail, Inc.

RIGHT-OF-WAY AND TRACK MAP

BUFFALO, ROCHESTER AND PITTSBURGH RY.

DIVISION TWO (PART ONLY) V15209

STATION 781+83.8 TO STATION 844+74.86

Sheet No. 8 of 10 Station Section Plan of the Buffalo, Rochester and Pittsburgh Railway Company
Pub. Line. (Detailed Part only) from survey of 1907 and 1908. Survey station 844+74.86
W. H. Williams
Civil Engineer

SCALE 1 INCH = 100 FEET

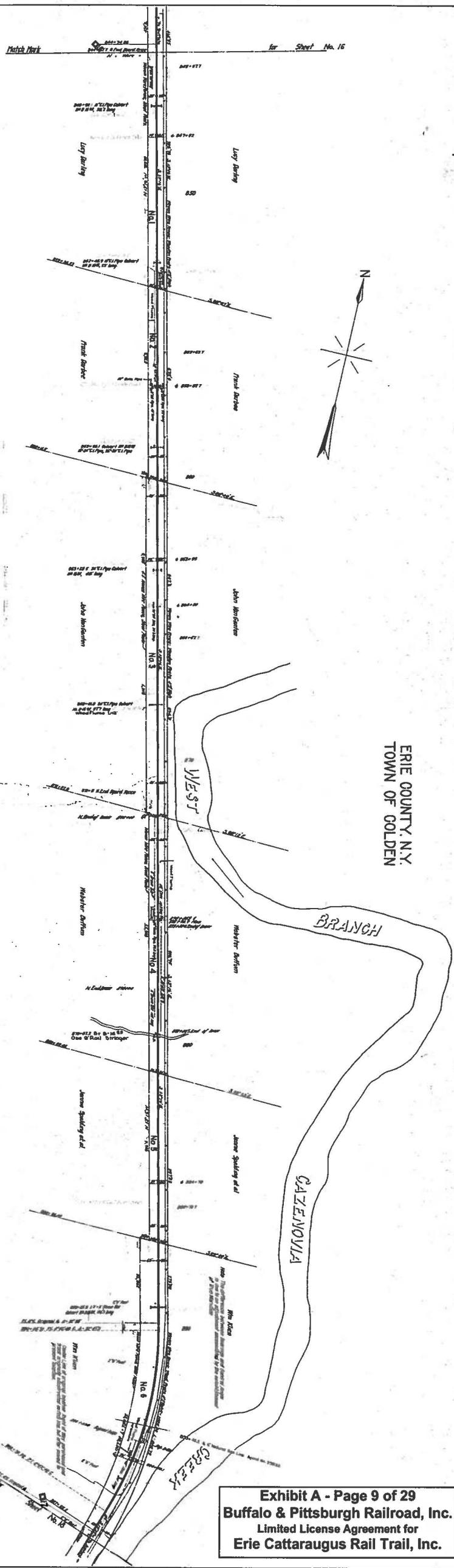
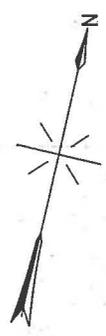
JUNE 30, 1917

Office of Civil Engineer
Rochester, N.Y.

Right of Way revised in 1917, 1918, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 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Right of Way granted by Act of the Legislature of the State of New York, approved March 27, 1852, and amended by Act of the Legislature of the State of New York, approved March 27, 1853, and Act of the Legislature of the State of New York, approved March 27, 1854.

Match Mark for Sheet No. 16



ERIE COUNTY, N.Y.
TOWN OF COLDEN

RIGHT-OF-WAY AND TRACK MAP

BUFFALO, ROCHESTER AND PITTSBURGH RY.

DIVISION TWO (PART ONLY) V16205

STATION 644+74.58 TO STATION 657+33.2

SCALE: 1"=100 FEET
JUNE 24, 1897

123,355

19

Exhibit A - Page 9 of 29
Buffalo & Pittsburgh Railroad, Inc.
Limited License Agreement for
Erie Cattaraugus Rail Trail, Inc.

FILED IN OFFICE OF THE ENGINEER
STATE OF NEW YORK
JUNE 23 1935

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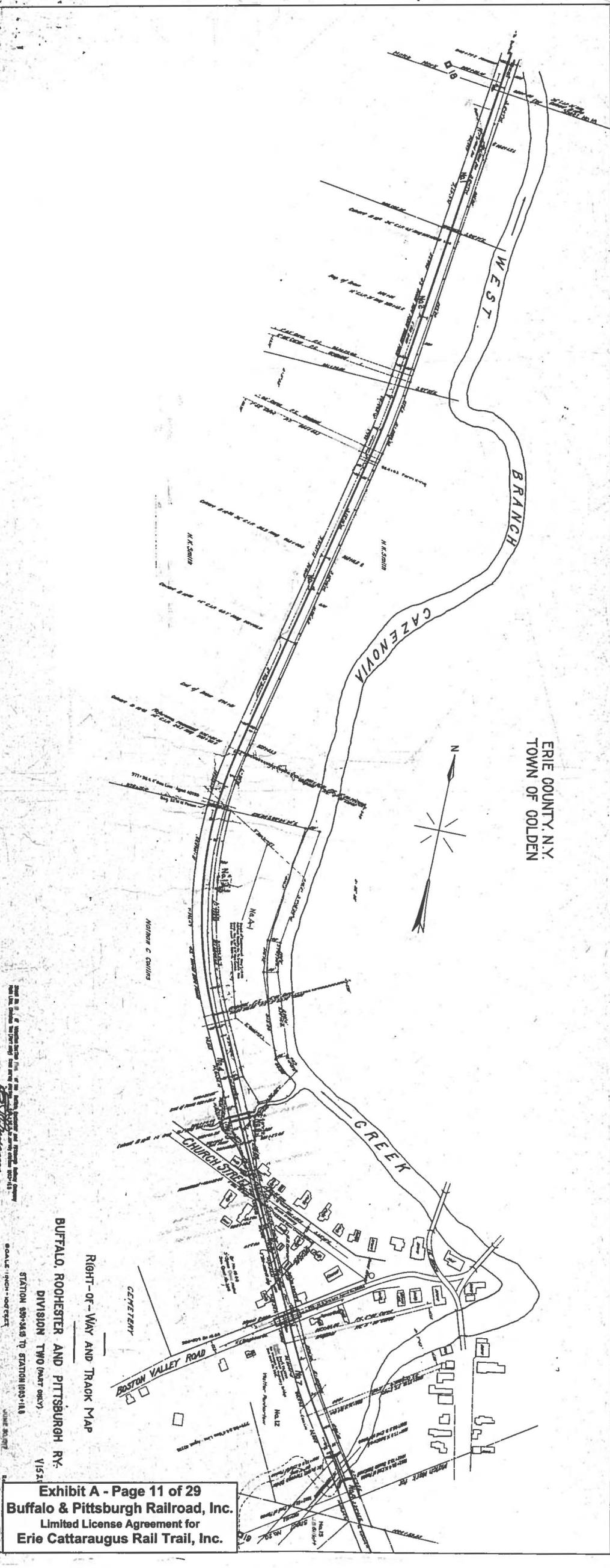
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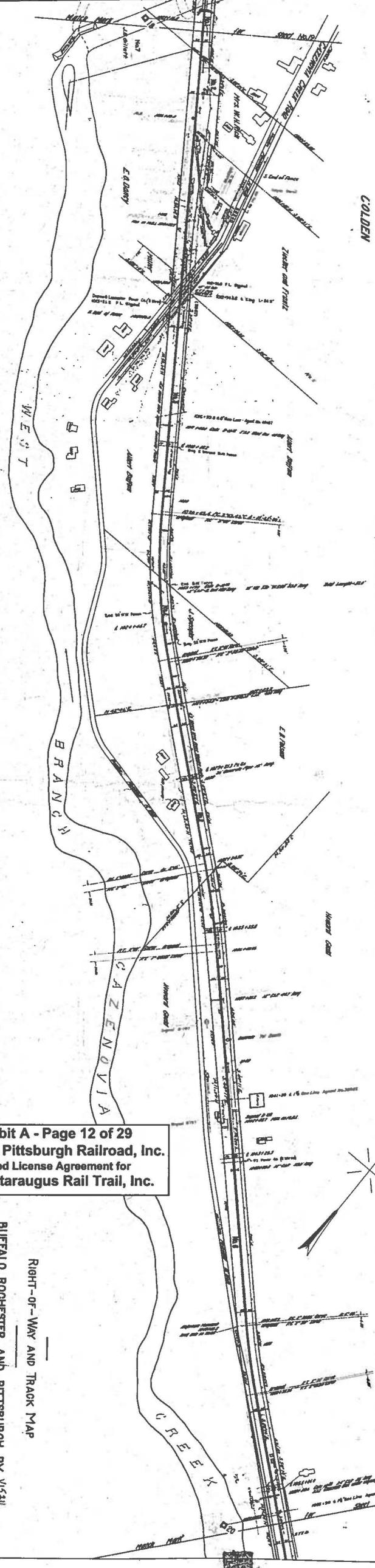


ERIE COUNTY, N.Y.
TOWN OF GOLDEN

RIGHT-OF-WAY AND TRACK MAP
BUFFALO, ROCHESTER AND PITTSBURGH RY.
DIVISION TWO (PART ONLY)
STATION 881+54.8 TO STATION 003+11.8
V1521
SCALE: 1" = 100'-0" (VERTICAL)
DATE: 6/23/35
ENGINEER: [Signature]

Exhibit A - Page 11 of 29
Buffalo & Pittsburgh Railroad, Inc.
Limited License Agreement for
Erie Cattaraugus Rail Trail, Inc.

20
BUFFALO & PITTSBURGH RAILROAD, INC.
DIVISION TWO (PART ONLY)
STATION 1003+11.1 TO STATION 1003+91.2
RIGHT-OF-WAY AND TRACK MAP
SCALE: 1"=100' FEET
DATE: 11-18-20
DRAWN BY: J.S. 23 X 54.8
CHECKED BY: J.S. 23 X 54.8
APPROVED BY: J.S. 23 X 54.8



COLDEN

ERIE COUNTY, N.Y.
TOWN OF COLDEN

Note: The address between bearings and the Central Angle is due to an adjustment made caused by the establishment of True Meridian.

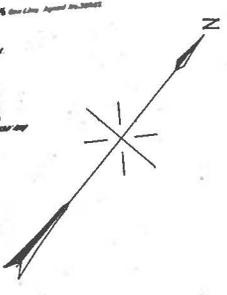


Exhibit A - Page 12 of 29
Buffalo & Pittsburgh Railroad, Inc.
Limited License Agreement for
Erie Cattaraugus Rail Trail, Inc.

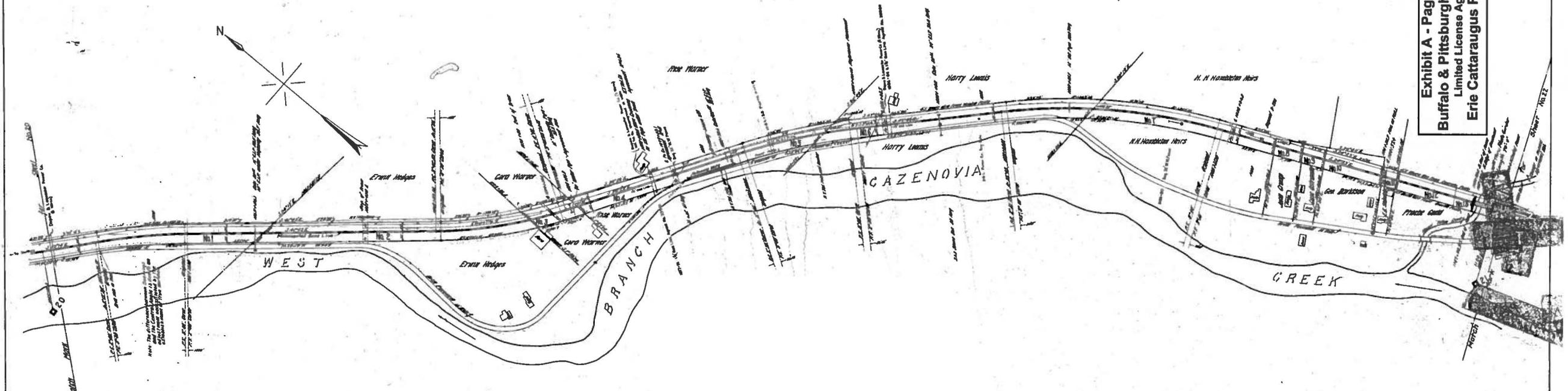
RIGHT-OF-WAY AND TRACK MAP
BUFFALO, ROCHESTER AND PITTSBURGH RY. V15211
DIVISION TWO (PART ONLY)
STATION 1003+11.1 TO STATION 1003+91.2

SCALE: 1"=100' FEET
DATE: 11-18-20
DRAWN BY: J.S. 23 X 54.8
CHECKED BY: J.S. 23 X 54.8
APPROVED BY: J.S. 23 X 54.8



ERIE COUNTY, N.Y.
TOWN OF GOLDEN

Exhibit A - Page 13 of 29
Buffalo & Pittsburgh Railroad, Inc.
Limited License Agreement for
Erie Cattaraugus Rail Trail, Inc.



RIGHT-OF-WAY AND TRACK MAP

BUFFALO, ROCHESTER AND PITTSBURGH RY.

DIVISION TWO (PART ONLY)

Revised 6-15-48

STATION 1055+97.9 TO STATION 1101+78.35 V16212

SCALE 1 INCH = 100 FEET

JUNE 24, 1947

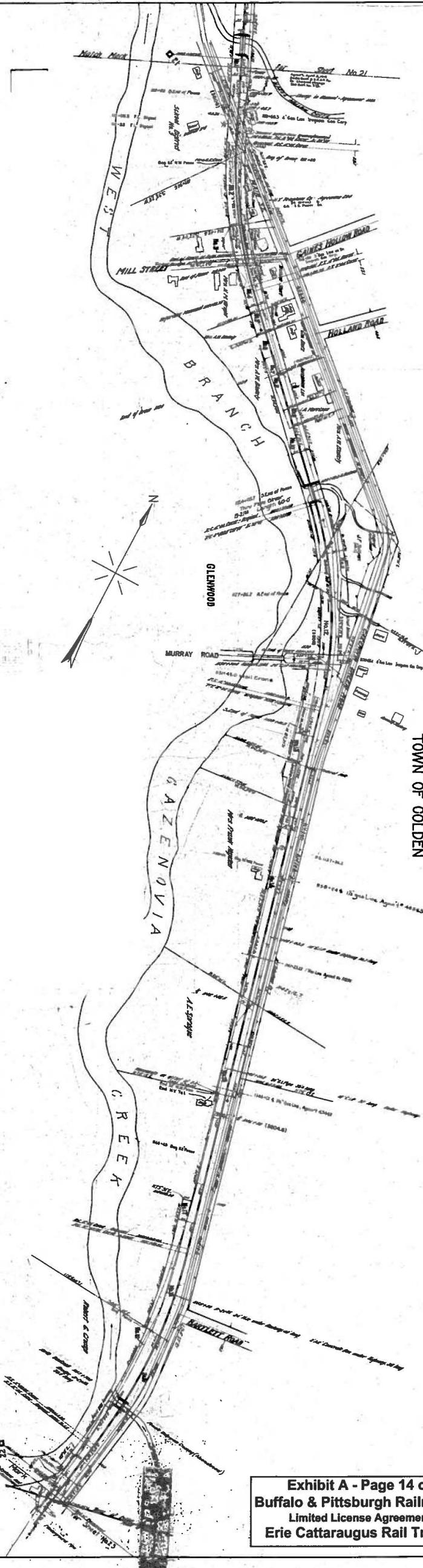
Office of Civil Engineering
Rochester, N.Y.

Sheet No. 13 of 29
Buffalo, Rochester and Pittsburgh Railway Company
Public Line Division Two (Part Only) from survey section 1055+97.9 to survey station 1101+78.35

232 X 544

V-3
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Part of map revised in May 1933
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Part of map revised in May 2025



ERIE COUNTY, N.Y.
 TOWN OF GOLDEN

RIGHT-OF-WAY AND TRACK MAP
 BUFFALO, ROCHESTER AND PITTSBURGH RY.
 DIVISION TWO (PART ONLY)
 STATIONING 1837 TO STATION 1854
 V. 5215

Scale: 1" = 100'
 Date: 1913
 Engineer: [Signature]

Exhibit A - Page 14 of 29
 Buffalo & Pittsburgh Railroad, Inc.
 Limited License Agreement for
 Erie Cattaraugus Rail Trail, Inc.

ERIE COUNTY, N.Y.
TOWN OF OONGORD

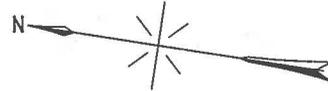
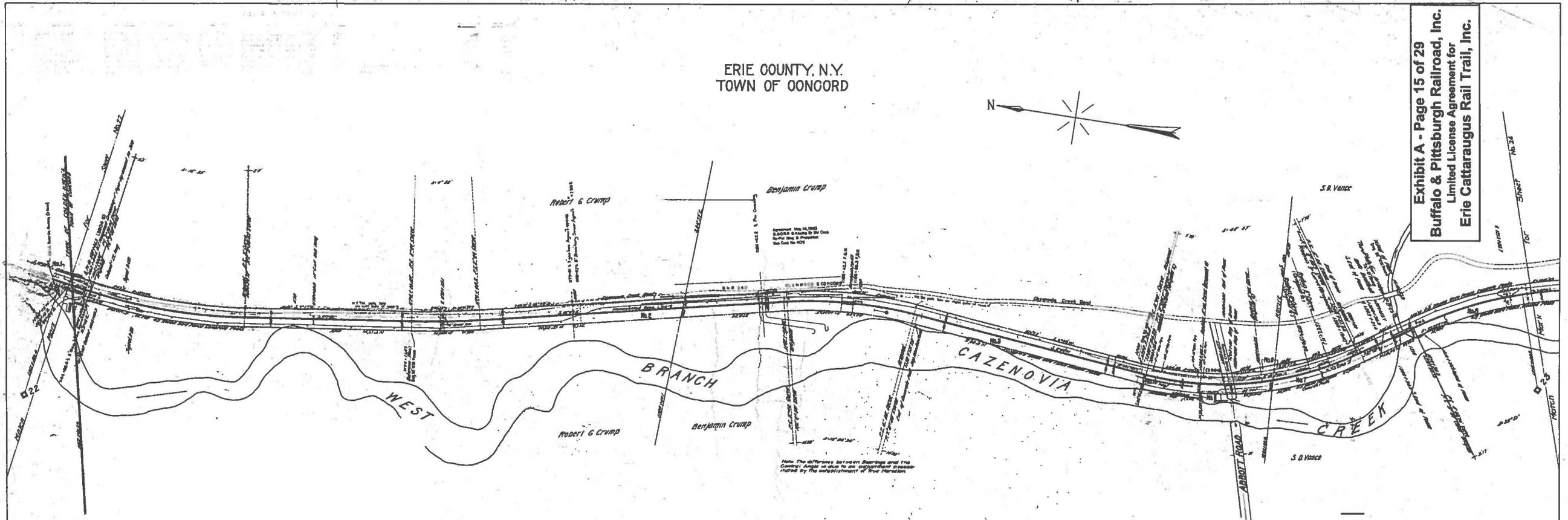


Exhibit A - Page 15 of 29
Buffalo & Pittsburgh Railroad, Inc.
Limited License Agreement for
Erie Cattaraugus Rail Trail, Inc.



Note: The difference between Bearings and the
Courses is due to the independent measure-
ments by the establishment of True Meridian

RIGHT-OF-WAY AND TRACK MAP

BUFFALO, ROCHESTER AND PITTSBURGH RY. V15214
DIVISION TWO (PART ONLY) Revised 4-20-99

STATION 116+98.4 TO STATION 124+80.3

SCALE 1 INCH = 100 FEET
Office of Chief Engineer
Rochester, N.Y.

Sheet No. 23 of Division Two Part of the Buffalo, Rochester and Pittsburgh Railway Company
Map Line Division Two (Part only) from survey station 101+00 to survey station 124+80.3
[Signature]
Chief Engineer

23
Part of Map revised to MAY - 1888
Part of Map revised to JAN - 1928
Map continuously revised to MAY - 1929
License Agreement as revised to 2004-21-2004

23.2x55

23
23

ERIE COUNTY, N.Y.
TOWN OF CONCORD

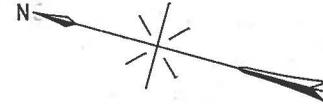
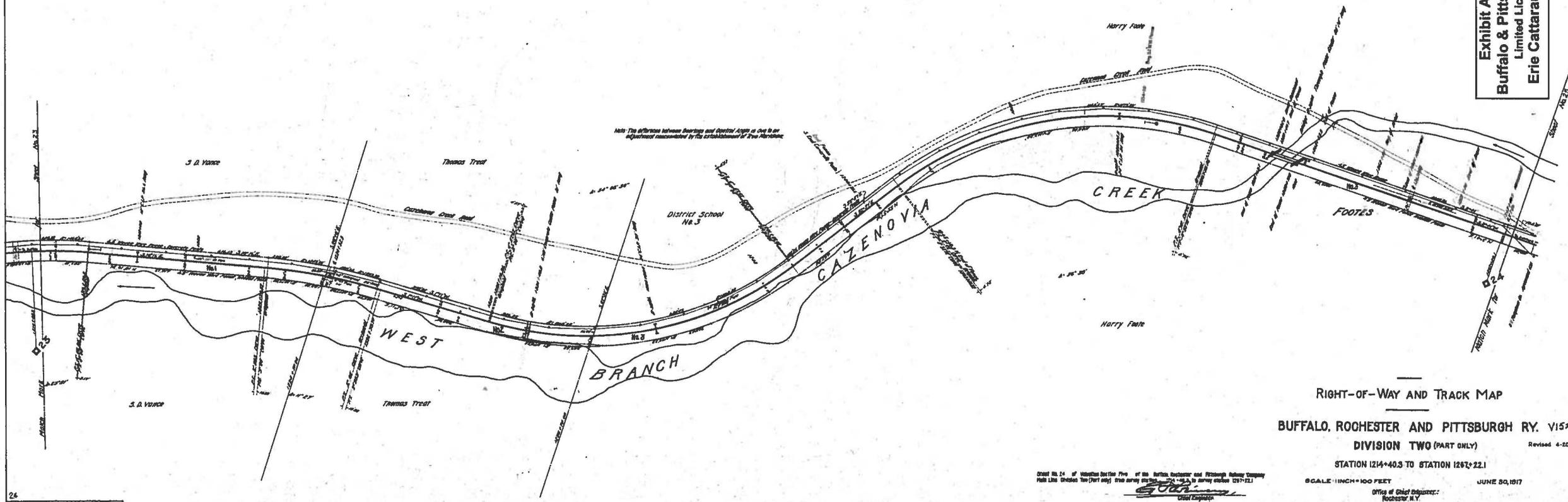


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Buffalo & Pittsburgh Railroad, Inc.
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Erie Cattaraugus Rail Trail, Inc.



RIGHT-OF-WAY AND TRACK MAP

BUFFALO, ROCHESTER AND PITTSBURGH RY. V15415

DIVISION TWO (PART ONLY)

Revised 4-20-10

STATION 1214+40.3 TO STATION 1262+22.1

SCALE 1 INCH = 100 FEET

JUNE 30, 1917

Office of Chief Engineer:
Rochester, N.Y.

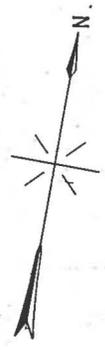
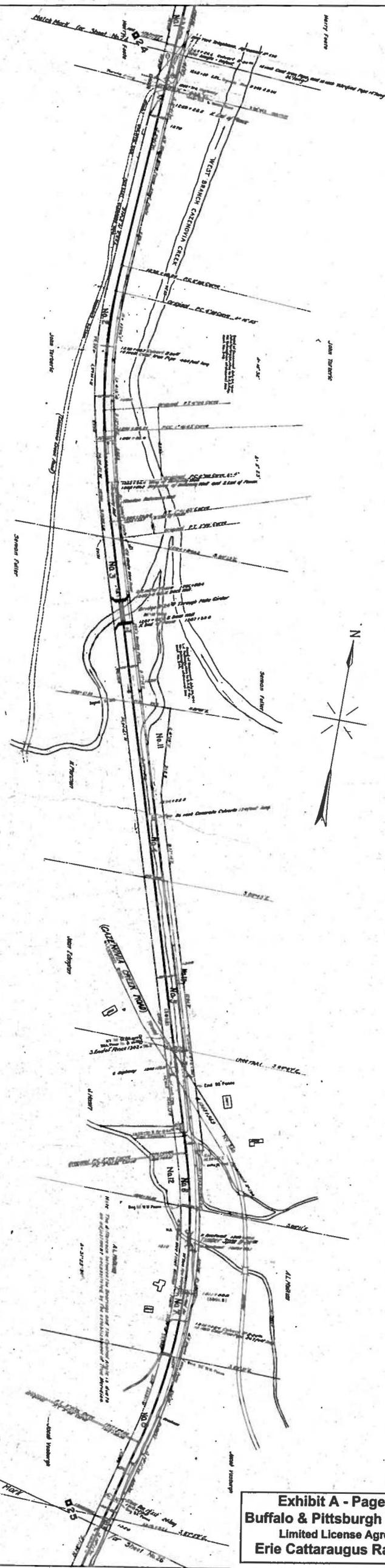
23,2 X 55

Sheet No. 24 of Volume No. Five of the Buffalo, Rochester and Pittsburgh Railway Company
Plan Line Division Two (Part Only) from survey of the Buffalo, Rochester and Pittsburgh Railway Company
1897-1917

24
Right of Way revised by MAY 1955
Plan revised by JUNE 1956
Revisions by Buffalo, Rochester and Pittsburgh
Railway Company on revised Plan 1956

V-9
24

THE BUFFALO AND PITTSBURGH RAILROAD, INC.
 DIVISION TWO (PART ONLY)
 STATION 157+22.1 TO STATION 1520+03.25
 SHEET NO. 17
 SCALE: 1"=100' FEET
 DATE: 12/15/11
 DRAWN BY: J. J. [unreadable]
 CHECKED BY: [unreadable]



ERIE COUNTY, N.Y.
 TOWN OF OONDORF

RIGHT-OF-WAY AND TRACK MAP

BUFFALO, ROCHESTER AND PITTSBURGH RY. V15216
 DIVISION TWO (PART ONLY)

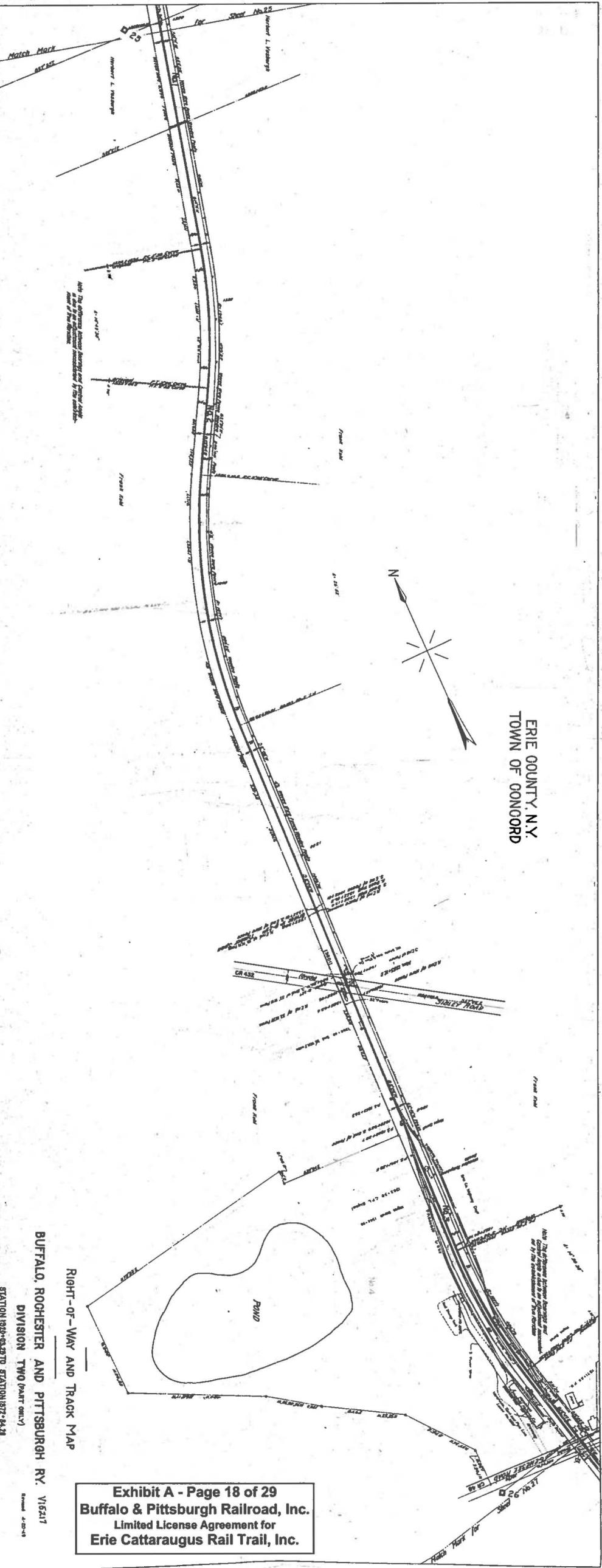
STATION 157+22.1 TO STATION 1520+03.25
 SHEET NO. 17
 SCALE: 1"=100' FEET
 DATE: 12/15/11
 DRAWN BY: J. J. [unreadable]
 CHECKED BY: [unreadable]

23X54'S



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 Buffalo & Pittsburgh Railroad, Inc.
 Limited License Agreement for
 Erie Cattaraugus Rail Trail, Inc.

Note: The location of the
 right-of-way is shown by the
 solid line. The location of the
 tracks is shown by the
 dashed line. The location of the
 centerline is shown by the
 dotted line. The location of the
 boundary is shown by the
 dash-dot line.



ERIE COUNTY, N.Y.
 TOWN OF CONCORD

RIGHT-OF-WAY AND TRACK MAP
 BUFFALO, ROCHESTER AND PITTSBURGH RY. V16217
 DIVISION TWO (PART ONLY)
 STATION 1525+00 TO STATION 1572+00
 SCALE: 1"=100' FEET
 SHEET NO. 26
 432X514
 26

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 Buffalo & Pittsburgh Railroad, Inc.
 Limited License Agreement for
 Erie Cattaraugus Rail Trail, Inc.

26

ERIE COUNTY, N.Y.
VILLAGE OF SPRINGVILLE

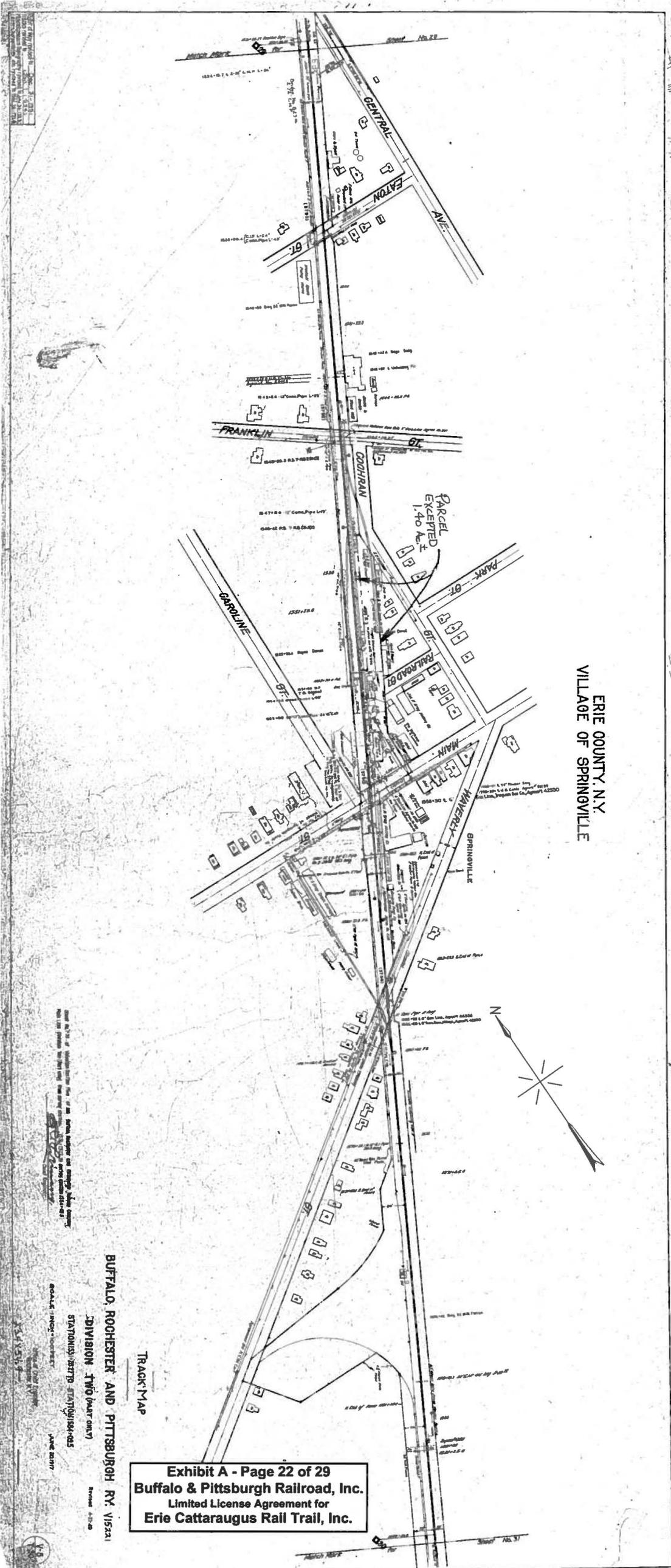


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Buffalo & Pittsburgh Railroad, Inc.
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BUFFALO, ROCHESTER AND PITTSBURGH RY. V15241

DIVISION TWO (PART ONLY)

STATIONS 1827B STATION 1841-015

SCALE: 1"=500'

JUNE 2017

REVISED 4-15-20

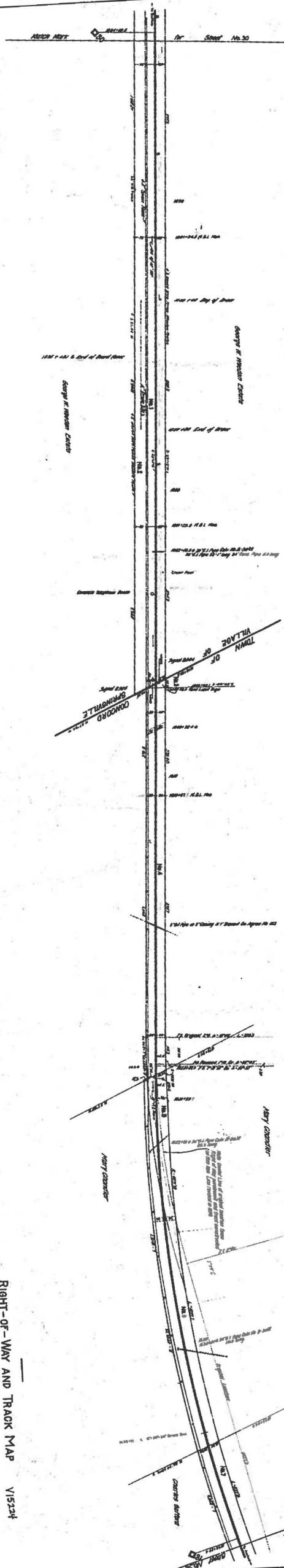
NOTE: ALL OF THE INFORMATION ON THIS MAP IS BASED ON THE RECORDS OF THE BUFFALO, ROCHESTER AND PITTSBURGH RAILROAD COMPANY. THE USER OF THIS MAP ASSUMES ALL LIABILITY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS MAP.

SCALE: 1"=500'



ERIE COUNTY, N.Y.
VILLAGE OF SPRINGVILLE

ERIE COUNTY, N.Y.
TOWN OF CONCORD



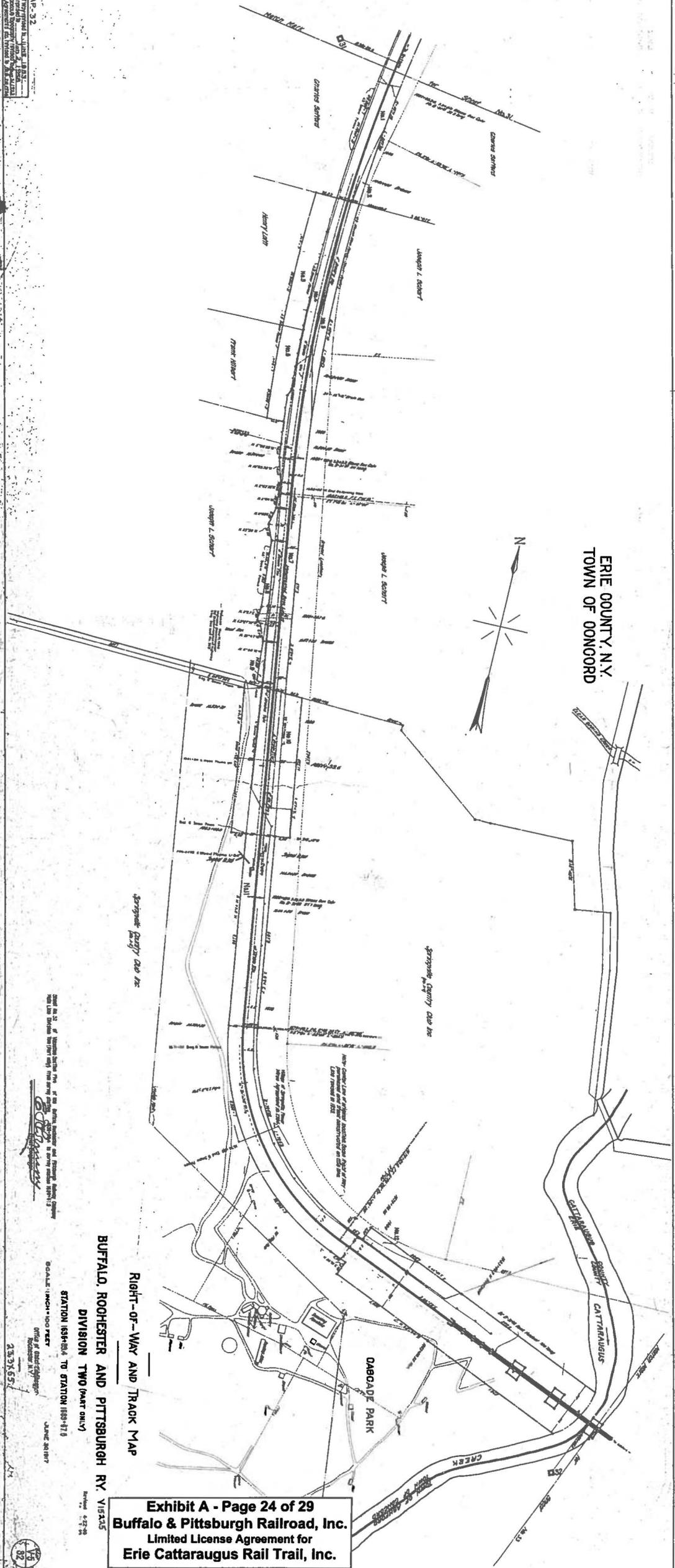
State of New York
 County of Erie
 City of Buffalo
 Office of the City Engineer
 No. 100
 Buffalo, N.Y.

This is a true and correct copy of the original map as shown to the City Engineer on the 10th day of August, 1914, and as the same has been approved by the City Engineer on the 10th day of August, 1914.

RIGHT-OF-WAY AND TRACK MAP V15224
BUFFALO, ROCHESTER AND PITTSBURGH RY.
DIVISION TWO (PART ONLY)
 STATION 184+00 TO STATION 184+84
 SCALE 1 INCH = 100 FEET
 DATE OF ORIGINAL SURVEY
 AUGUST 1, 1914
 231524-9

Exhibit A - Page 23 of 29
 Buffalo & Pittsburgh Railroad, Inc.
 Limited License Agreement for
 Erie Cattaraugus Rail Trail, Inc.

MAP - 32
 Erie Cattaraugus Railroad - 1883
 Buffalo & Pittsburgh Railroad, Inc.
 Buffalo, N.Y.



ERIE COUNTY, N.Y.
 TOWN OF OSGOOD

RIGHT-OF-WAY AND TRACK MAP
 BUFFALO, ROCHESTER AND PITTSBURGH RY. V18345
 DIVISION TWO (PART ONLY)
 STATION 1834+00 TO STATION 183+00

SCALE: 1 INCH = 100 FEET
 OFFICE OF ENGINEERING
 JAMES SHERIDAN
 233X657

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 Buffalo & Pittsburgh Railroad, Inc.
 Limited License Agreement for
 Erie Cattaraugus Rail Trail, Inc.



CATTARAUGUS COUNTY, N.Y.
TOWN OF ASHFORD

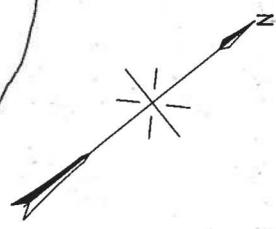
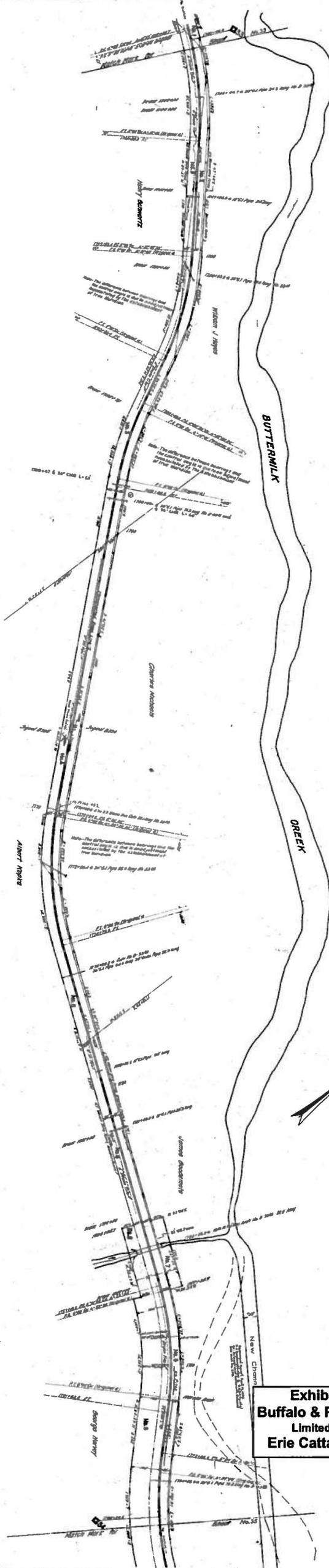


Exhibit A - Page 26 of 29
Buffalo & Pittsburgh Railroad, Inc.
Limited License Agreement for
Erie Cattaraugus Rail Trail, Inc.

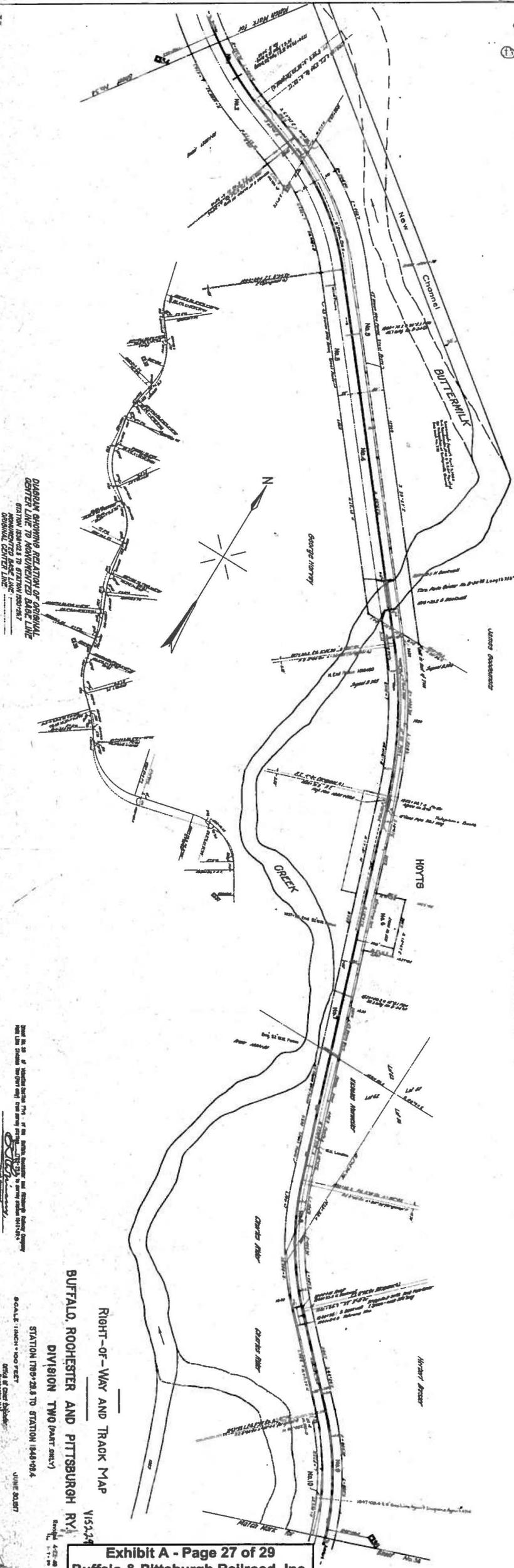
RIGHT-OF-WAY AND TRACK MAP V15228
BUFFALO, ROCHESTER AND PITTSBURGH RY.
DIVISION TWO (PART ONLY)

STATION 142+00.00 TO STATION 175+00.00
SCALE: 1"=100' FEET
Office of Chief Engineer
Rochester, N.Y.
23A555

1/2
This map is prepared in accordance with the provisions of the laws of the State of New York relating to the construction of railroads.

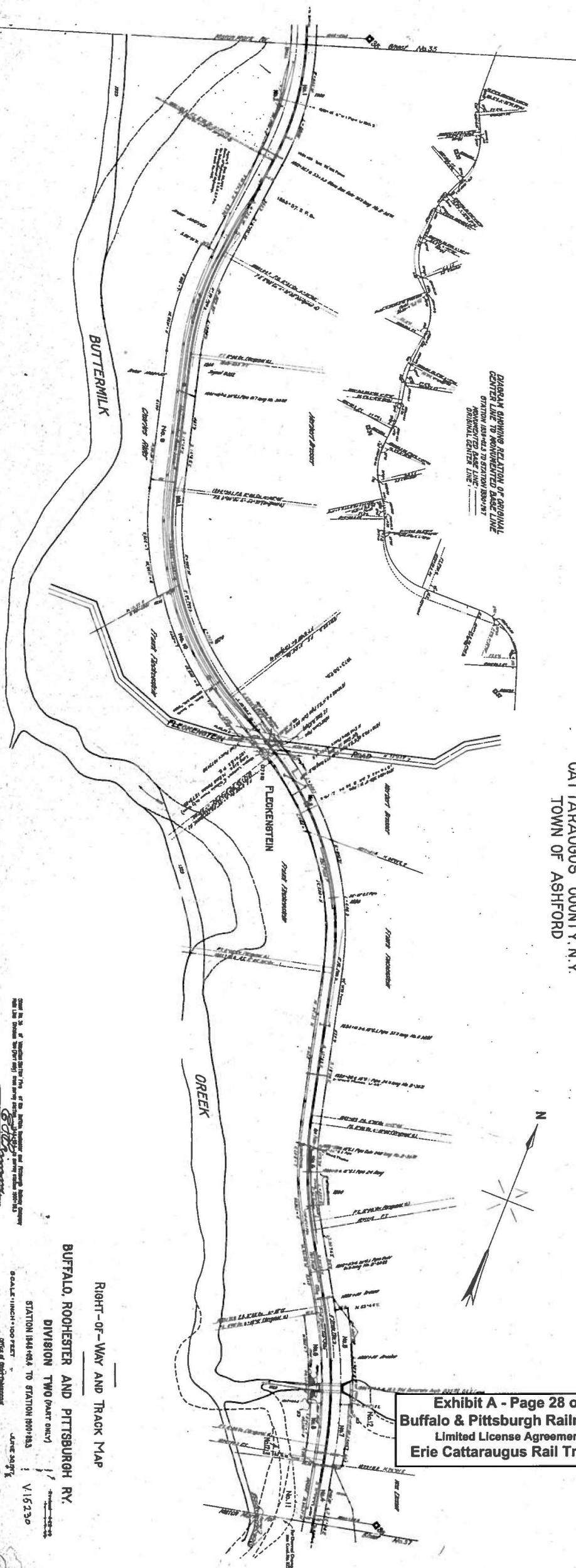


CATTARAUGUS COUNTY, N.Y.
TOWN OF ASHFORD



SCALE: 1 INCH = 100 FEET
DATE: JULY 20, 1917
OFFICE OF CIVIL ENGINEER
ROCHESTER, N.Y.

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Buffalo & Pittsburgh Railroad, Inc.
Limited License Agreement for
Erie Cattaraugus Rail Trail, Inc.



CATTARAUGUS COUNTY, N.Y.
 TOWN OF ASHFORD

Exhibit A - Page 28 of 29
 Buffalo & Pittsburgh Railroad, Inc.
 Limited License Agreement for
 Erie Cattaraugus Rail Trail, Inc.

37
 BUFFALO & PITTSBURGH RAILROAD, INC.
 CATTARAUGUS COUNTY, N. Y.
 TOWN OF ASHFORD
 RIGHT-OF-WAY AND TRACK MAP

Milepost 36.0
 - END -

Milepost 36.3
 (Fox Valley Rd.)

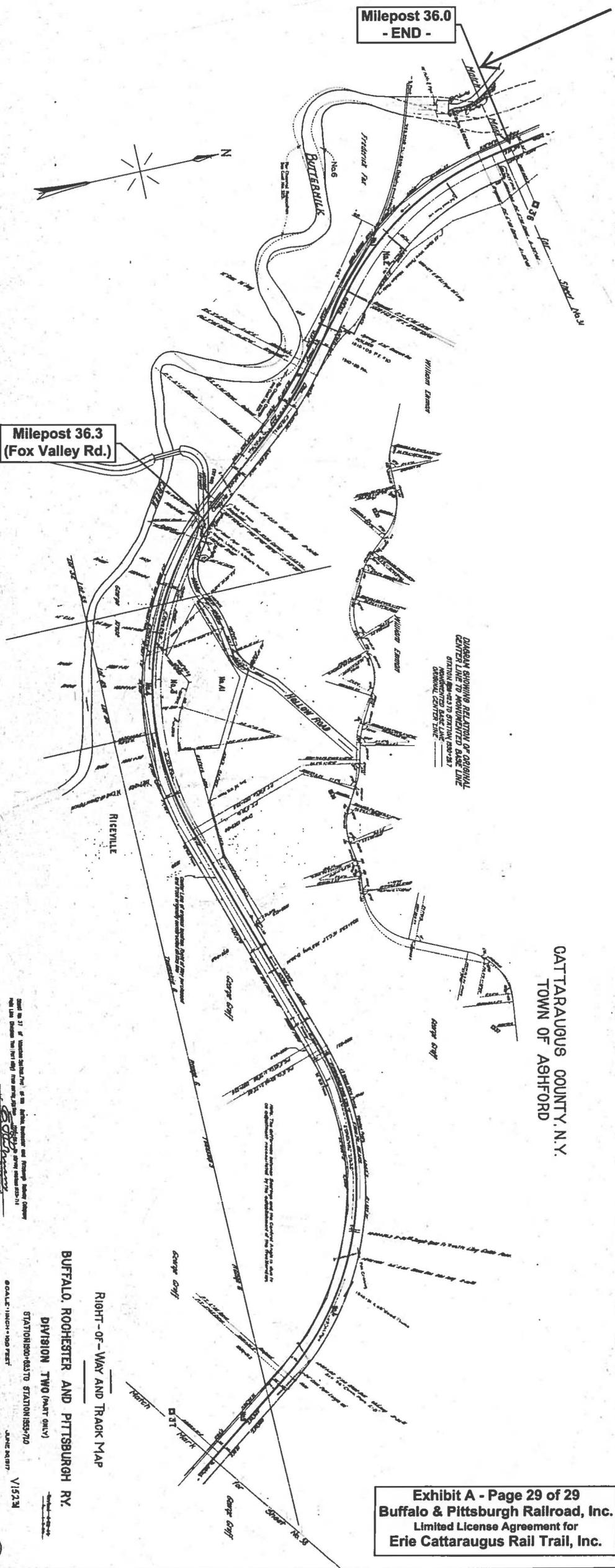
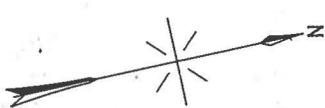


DIAGRAM SHOWING RELATION OF ORIGINAL CENTER LINE TO AUGMENTED BASE LINE
 ORIGINAL CENTER LINE
 AUGMENTED CENTER LINE

CATTARAUGUS COUNTY, N. Y.
 TOWN OF ASHFORD

RIGHT-OF-WAY AND TRACK MAP
 BUFFALO, ROCHESTER AND PITTSBURGH RY.
 DIVISION TWO (PART ONLY)
 STATION 180+00 TO STATION 185+70
 SCALE: 1" = 100 FEET
 V. 1573
 JUNE 24, 1917

Office of Civil Engineer
 Rochester, N. Y.
 Rev. - J. S. De.
 281X55

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 Buffalo & Pittsburgh Railroad, Inc.
 Limited License Agreement for
 Erie Cattaraugus Rail Trail, Inc.

