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**ELECTRONIC FILING**

Hon. Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20024

October 20, 2008

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

Dear Secretary Quinlan.

I writing to respond on behalf of the applicant Buffalo & Pittsburgh Railroad, Inc ("BPRR") to the letter filed with the Board by Eric Cattaraugus Rail Trail, Inc ("ECRT") seeking public use and trail use conditions.

BPRR has previously advised the Board that it would negotiate an interim trail use and railbanking agreement with the New York State Office of Parks, Recreation and Historic Preservation ("NYS Office of Parks"). At this time, BPRR elects to continue to negotiate with NYS Office of Parks

As previously indicated to the Board, BPRR takes no position on the request for a public use condition, although it does not believe that one is necessary since BPRR is willing to negotiate with the respect to the proposed trail use with NYS Office of Parks

Any order of the Board imposing conditions should make clear that any restriction on disposition applies *only* to the real property and potential trail related structures (such as bridges, culverts and tunnels), and *does not* prohibit BPRR from salvaging the tracks, ties, signal equipment or other track materials (The ECRT request is consistent with this request. See ECRT letter dated October 16, 2008, footnote 1 )

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

Respectfully,



Eric M. Hocky

EMH/e

cc: Marc A. Romanowski, Esq. (by email)  
Counsel for ECRT  
Erik Kulleseid,  
Deputy Commissioner for Open Space Protection  
David J. Collins (by email)