



**Western New York Railway
Historical Society, Inc.
PO Box 416
Buffalo, NY 14231-0416**

223875

October 30, 2008

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

BY FAX

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

ENTERED
Office of Proceedings

OCT 31 2008

Part of
Public Record



Dear Secretary Quinlan:

On behalf of the Western New York Railway Historical Society, Inc. ("WNYRHS"), I would like to enter these comments in opposition to the planned abandonment by the Buffalo & Pittsburgh Railroad, Inc. of a 27.6-mile line of the railroad extending from milepost 8.4 in Orchard Park, in Erie County, NY to milepost 36 in Ashford, in Cattaraugus County, NY.

The WNYRHS will be adversely affected by the proposed abandonment of the railroad and the WNYRHS also believes that there are sufficient technical deficiencies in the Notice of Exemption that should void the current filing.

The WNYRHS currently owns and has restored the historic railroad station and freight house located in the Village of Orchard Park, in Erie County, NY. The station complex is located at approximately milepost 8.9 on the railroad, approximately 1/2 mile south of the planned point of abandonment at milepost 8.4.

The station complex is currently listed as a historic site by the New York State Office of Parks and Recreation as well as the National Register of Historic Places. The WNYRHS believes that the historic nature of the property will be adversely affected by the proposed abandonment, loss of rail service and scrapping of the railroad track.

Background

The station complex was originally constructed in 1911 and opened for service the following year by the Buffalo, Rochester & Pittsburgh Railway. The station complex

was unusually large for a village the size of Orchard Park, with station building and separate freight house. The reason for the grand scale of the building was due to the railroad's president, Harry Yates, who lived in Orchard Park and wanted his hometown to have this impressive structure, especially when bringing important guest to his home.

The depot served the community until the late 1970's when the freight agent's position was terminated. The Baltimore & Ohio Railroad sold the buildings to a local developer in 1979. The developer was unable to secure zoning variances for his project and decided to donate the structures to the WNYRHS.

The WNYRHS took over maintenance responsibilities for the station complex in May 1982. The property was finally conveyed to the WNYRHS in July 1995.

The station is a centerpiece of community events in the Village of Orchard Park. The WNYRHS has hosted a myriad of events including the annual Holiday in the Park Christmas tree display and Quaker Days Ice Cream Social, drawing hundreds of village residents to the site each and every year.

The B&P Railroad has participated in several events of the years providing railroad equipment displays, Operation Lifesaver events and assistance in transporting railroad equipment owned by the Society both in and out of the station siding.

Current Situation

The Buffalo & Pittsburgh Railroad ceased through service over the line in late November of 1996, contrary to the 1994 date stated in the Notice of Exemption. In fact the WNYRHS participated in a special Steam Train excursion over the line, hosting a station stop on June 15, 1996 at Orchard Park which over 2,500 people attended to see the steam locomotive.

When through rail service ended in 1996, the B&P erected a site at milepost 9.0 designating the point as "End of Track". This point was just south of the station property and the WNYRHS still enjoyed an active connection north to Buffalo. Over the years we have never had to file any complaints about lack of service as the railroad would move equipment in and out of the station siding upon request.

The WNYRHS has never been formally notified of this planned abandonment. We were informed about these plans only while in discussions with a marketing representative of the B&P Railroad about railroad's participation in a major rail-oriented event that was being planned for next summer at the site.

The event, similar to the popular "Thomas the Tank" events, was estimated to draw nearly 15,000 to the site to ride the train and support the ongoing restoration of the buildings. It would have also provided revenue to the railroad and well as providing a significant economic impact in the village.

As stated above, The WNYRHS has also been a shipper on the railroad. We have moved various pieces of historic rail equipment both into and out of the station siding track. In fact, contrary to the certified statement contained in the Notice of Exemption, the WNYRHS had the B&P moved a historic railroad sleeping car out of the depot siding in

the fall of 2007, less than the two years stated in the notice. In addition, the WNYRHS currently has a historic baggage car sitting on the active siding that will be landlocked upon the abandonment.

We believe that there were other technical deficiencies in the railroad's filing such as the failure to include the mailing zip code (14170) of West Falls, in Erie County, NY through which the line traverses.

Remedy

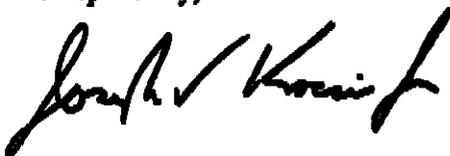
The WNYRHS desires to maintain active railroad service to the station property. We feel that the historic context and nature of this National Register site will be adversely affected by the lack of the ability to host rail oriented events. We request that the railroad continue to provide rail service to the site. We have proposed to the railroad to purchase the track from milepost 8.4 to the station, insure the railroad from liability and take over maintenance for the segment. The railroad advised us that they preferred to deal through the Erie County Industrial Development Agency in this matter.

While we would prefer that this historic railway corridor remain intact for possible future use as a scenic tourist rail line, we understand the economics of the situation. We are supportive of a proposed plan by the Erie County Industrial Development Agency that as been discussed with the B&P to extend service from the proposed milepost 8.4 abandonment point south to the station complex to a further point south to be determined.

We understand the while the railroad is open to discussion on this plan, no commitments have yet been made to the plan.

Due to the technical deficiencies contained in both the Notice of Exemption and Environment/Historic Report, the WNYRHS requests that additional time be granted to *extend the current November 5, 2008 official abandonment date to allow continued discussion and negotiation with the railroad to continue service to the historic Orchard Park Station and beyond.*

Respectfully,



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President
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cc: Buffalo & Pittsburgh Railroad – David Collins
ECIDA – John Cappellino