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David A. Paterson  
Governor

Carol Ash  
Commissioner

**New York State Office of Parks,  
Recreation and Historic Preservation**

The Governor Nelson A. Rockefeller Empire State Plaza Agency Building 1, Albany, NY 12238  
www.nysparks.com

May 1, 2009

Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E. Street, S.W.  
Washington, D.C. 20423-0001

ENTERED  
Office of Proceedings

MAY 01 2009

Part of  
Public Record

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

Dear Secretary Quinlan:

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 May 4, 2009.

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 October 31, 2009. 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 Buffalo and Pittsburgh Railroad, Inc, David Collins, President, 1200-C Scottsville Road, Suite 200, Rochester, New York 14624 by U.S. Mail, postage prepaid, first class, on May 1, 2009.

Respectfully submitted,

Erik Kulleseid  
Deputy Commissioner for Open Space Protection

**FILING FEE WAIVER**

CC: David Collins, President