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January 28, 2010

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Daniel R. Elliot, III, Chairman  
Francis P. Mulvey, Vice-Chairman  
Charles D. Nottingham, Member  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423

Re: Finance Docket No. 35239 – Allegheny Valley Railroad Company – Petition for Declaratory Order

Dear Gentlemen:

At the January 26, 2010 Oral Argument in the above captioned proceeding during my presentation on behalf of Allegheny Valley Railroad Company, I was asked whether or not a survey of the disputed rail easement was part of the record. At that time, I was uncertain but indicated that I had personal knowledge that a survey drawing of the easement existed. At the Board's request I indicated that a copy of that survey would be provided to the Board for inclusion in the record.

Upon further discussion with my client, I confirmed that a survey of the disputed easement was submitted as part of the record and is appended as Exhibit E of the Allegheny Valley Railroad Company Petition for Declaratory Order dated April 16, 2009. It is described as "Plan of Property, March 22, 1983: Prepared for the Buncher Company by Liadis Engineering and Survey, Inc." It is contained in a plastic sleeve in that pleading.

Thank you for the opportunity to clarify this matter.

Very truly yours,

RICHARD R. WILSON, P.C.

*Richard R. Wilson*  
Richard R. Wilson, Esq.

RRW/baby

xc: M. Reamy Ancarrow, Esq.

Peter Denton, Esq.

Surface Transportation Board – Office of Proceedings

Allegheny Valley Railroad Company

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Public Record