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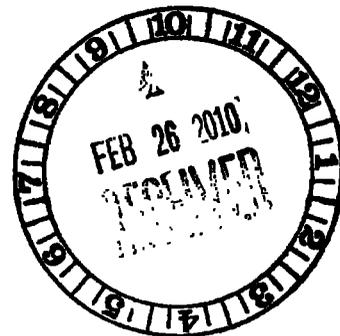
February 4, 2010

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, SW
Washington, DC 20024

Office of Proceedings

FEB 26 2010

Part of
Public Record



FD 35239

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

Dear Ms. Brown:

On January 28, 2010, in response to a question posed by Chairman Elliott during oral argument, AVRR advised the Board that a survey of the dispute rail easement had been submitted by AVRR as Exhibit E to the AVRR Petition for Declaratory Order.

On February 2, 2010, The Buncher Corporation objected to AVRR's response, notwithstanding the fact that the language of the 1983 deed wherein Conrail retained this easement for itself and its successors and assigns, subjects the entire parcel conveyed to "the permanent right and easement to continue to operate over and maintain its so-called Valley Industrial Track which transverses the land herein before described" together with other rights of access and prohibitions against construction by Buncher as well as a waiver by Buncher of damage claims "caused by the operation, maintenance, repair or renewal of grantor's railroad."

The fact that the entire parcel conveyed by Conrail to Buncher is burdened by the permanent rail easement is further confirmed by the Conrail right of way and track map at AVRR Exhibit CC. See also AVRR Exhibit B1, Sheet 1 of 27, "PS – PROPERTY TO BE CONVEYED", which verifies that the permanent rail easement "PS" encompasses the entire parcel described in the 1983 deed and in the survey submitted by AVRR at Exhibit E.

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AVRR appreciates the opportunity afforded by the Chairman's inquiry to clarify the record.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in black ink, appearing to read "Richard R. Wilson", with a long horizontal flourish extending to the right.

Richard R. Wilson, Esq.

RRW/bab

c: Peter Denton, Esq.
Allegheny Valley Railroad Co.