



Eric M Hocky
Direct Dial 215 640 8523
Email ehocky@thorpreed.com

223674

ATTORNEYS AT LAW SINCE 1895

ELECTRONIC FILING

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

September 26, 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 New York State Office of Parks, Recreation and Historic Preservation ("NYS Office of Parks") seeking public use and trail use conditions

BPRR hereby advises the Board that it is willing to negotiate an interim trail use and railbanking agreement with the NYS Office of Parks

BPRR takes no position on the request for a public use condition, although it does not believe that one is necessary since, as noted above, BPRR is willing to negotiate with the respect to the proposed trail use

Any order of the Board imposing conditions should make clear that any restriction on disposition applies *only* to the real property and potential rail 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 NYS Office of Parks request is consistent with this request See NYS Office of Parks letter dated September 22, 2008, ¶¶ A 1, 2)

Pittsburgh

Philadelphia

Princeton

Washington

Thorp Reed & Armstrong LLP
One Commerce Square
2005 Market Street
Suite 1910
Philadelphia, PA 19103
215 640 8500
215 640 8501 Fax



Hon Anne K Quinlan
Page 2

September 26, 2008

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

Respectfully,



Eric M Hooky

EMH/e

cc Erik Kulleseid,
Deputy Commissioner for Open Space Protection
David J Collins (by email)