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**BEFORE THE
SURFACE TRANSPORTATION BOARD**



STB DOCKET NO. AB-290 (Sub- No. 283X)

**NORFOLK SOUTHERN RAILWAY COMPANY
ABANDONMENT EXEMPTION
IN HARRIMAN, ORANGE COUNTY, NEW YORK**

**ENTERED
Office of Proceedings
MAY 11 2007**

**SECOND PETITION TO TOLL DATE
AN OFFER OF FINANCIAL ASSISTANCE MUST BE FILED BY**

**Part of
Public Record**

James Riffin, ("Riffin" or "Petitioner") herewith files this Petition to Toll Date an Offer of Financial Assistance Must Be Filed By, and for reasons states

1. On February 1, 2007, the Surface Transportation Board ("Board") served notice that the NS Railway Company ("NS") had filed an Abandonment Exemption ("AE") to abandon 1 64 miles of line situated in Orange County, NY, which AE and line is the subject matter of the above entitled proceeding ("Line")

2 In the Board's February 1, 2007 decision, the Board stated the due date for filing an Offer of Financial Assistance in the above entitled case would be 10 days after service of a decision granting the petition for exemption, unless the Board grants the requested exemption from the OFA process

3. On February 20, 2007, Riffin, pursuant to the applicable regulations of the Surface Transportation Board ("STB" or "Board"), filed his formal Notice of Intent to File an Offer of Financial Assistance ("OFA Notice"), to purchase from NS the Line which is the subject of the above entitled proceeding.

4. On February 20, 2007, a copy of Riffin's OFA Notice was mailed, via first class mail, to James Pascall, counsel for NS. In that OFA Notice, Riffin requested NS provide Riffin with 49 CFR §1152.27(a) information regarding the Line Riffin cannot prepare an informed Offer of Financial Assistance without first reviewing the information Riffin requested

5 Under 49 CFR 1152.27 (c), the offeror may ask that the Board toll the time period within which an OFA must be submitted, in order to provide sufficient time for the abandoning railroad to provide the offeror with the information specified in 49 CFR 1152.27(a).

6 Once Riffin receives the information he has requested from NS, he anticipates it will take 30 days to have experts evaluate the data, then provide him with guidance regarding the economic viability of the line

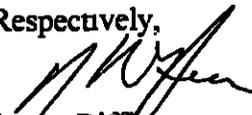
7. Granting this Petition is in conformity with 49 USC §10101 (7) [reducing regulatory barriers to entry into the industry]; (13) [to ensure the availability of accurate cost information in regulatory proceedings, (15) [to provide for the expeditious handling and resolution of all proceedings] Granting this Petition would not significantly adversely affect NS's ability to exit the industry along this line, for NS has already indicated it does not intend to immediately salvage the rails then sell the real estate

8. In a Decision Served on May 2, 2007, the Board elected not to address at that time, Riffin's request to toll the date by which an OFA must be filed, reasoning Norfolk Southern needed to learn the outcome of its abandonment petition and its petition for exemption

9 To date, Riffin has not received the 49 CFR §1152.27(a) information regarding the Line that he requested.

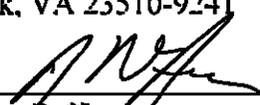
8 WHEREFOR, your Petitioner would request the time period within which to file an OFA be 30 days from the date Riffin receives the 49 CFR 1152.27(a) information Riffin has requested

Respectively,


James Riffin

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of May, 2007, a copy of the foregoing Second Petition to Toll Date an Offer of Financial Assistance Must be Filed By, was served by first class mail, postage prepaid, upon James R Paschall, Senior General Attorney, Norfolk Southern Corporation, Law Department, Three Commercial Place, Norfolk, VA 23510-9241


James Riffin