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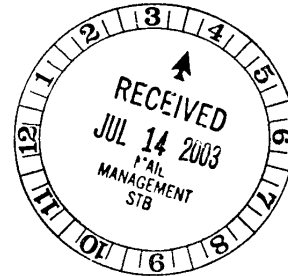
James Riffin dba NCRR L.L.C.
1941 Greenspring Dr.
Timonium, MD 21093
July 13, 2003

Office of Proceedings

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Public Record

Vernon Williams, Secretary
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423-0001



RE: Petition for Exemption

FD 34375

Dear Mr. Williams:

On July 7, 2003, I filed a Verified Notice of Exemption and a Caption Summary with the Board. On July 13, 2003, I asked the Board to withdraw that Verified Notice of Exemption and that Caption Summary. At a later date, I plan to file a Petition for Exemption instead of the Verified Notice of Exemption.

I have attached a draft copy of the proposed Petition for Exemption. At your convenience, I would ask that you circulate a copy of this letter and a copy of the draft Petition for Exemption to appropriate section heads (e.g. Ms. Rutson, Chief, Environmental Section), so that they may review the draft Petition for Exemption, then provide me with comments.

I have a desire to operate a dinner / excursion passenger train. This train would be affiliated with a train-themed restaurant I plan to build on property I own in Cockeysville, Maryland. This property is adjacent to the former Northern Central railroad right-of-way, which was abandoned in 1972. This right-of-way was originally acquired via condemnation in 1836. Maryland law states that if a railroad abandons a right-of-way acquired by condemnation, title to the right-of-way reverts back to the original owner, and that owner's heirs. Maryland law also permits a railroad company to take over the abandoned right-of-way of another railroad company. I formed a Maryland railroad company (NCRR L.L.C.) on May 15, 2003. I plan to acquire the right-of-way that was abandoned by the Northern Central in 1972.

I also have a desire to be under the jurisdiction of the Surface Transportation Board. I have been told the Board views dinner / excursion trains as "amusement rides," and chooses not to assume jurisdiction over these activities. However, if a dinner / excursion train railroad also provides some form of interstate freight service, and is connected to the interstate railroad system, then the Board will assume jurisdiction over that dinner-train railroad.

In the instant case, I have located an active quarry (Blue Mount quarry, located 10 miles north of

Cockeysville) that had been serviced by the Northern Central. While most of the product from this quarry stays within Maryland, some of their product ("Infield dirt," used for baseball infields) is transported via dump trucks to other east-coast states. The owners of this quarry own non-quarry property in Cockeysville, adjacent to an abandoned spur.

The Blue Mount owners have indicated to me that if I were to reinstitute freight service from Cockeysville to their quarry, and if I were to offer to transport their aggregates via rail from their quarry to their Cockeysville property at rates that would be lower than the cost to transport the aggregates via dump trucks, then they would utilize my rail services. This traffic, being intrastate traffic, still would not permit me to fall under the jurisdiction of the Board. However, if I were to also transport their "Infield dirt" via rail to Cockeysville, and then interchange these "Infield dirt" containing railcars with Norfolk Southern (whose industrial track terminates in Cockeysville), and Norfolk Southern were to transport these cars to other states, then I would be engaging in the interstate traffic of freight via rail, and consequently would fall under the jurisdiction of the Board.

It is approximately 10 miles from Cockeysville to the quarry. At 10 miles per hour, it would take a dinner train approximately 2 hours to travel to the quarry, then return. That is an ideal trip time for a dinner train. My desire to operate a dinner train provides me with sufficient financial incentive to reinstitute service from Cockeysville to the quarry. If I can also run one daily "rock train" from the quarry to Cockeysville, the additional revenue from that modest operation provides me with additional financial incentive. If my dinner train were to run all the way to the Maryland / Pennsylvania line (a distance of 21 miles), then I could extend my trip time to 4 hours, which would be just about ideal for other activities, such as parties. This is the reason why I have a long-term goal of reinstituting service to the Maryland / Pennsylvania line. Unfortunately, I have not been able to identify any shippers along this additional 10 miles of track that would have any interest in shipping via rail.

If Norfolk Southern were to reinstitute this proposed service, it would be considered "industrial track" and "spurs," and would not require any approvals from the Board. (The track from Baltimore to the Maryland / Pennsylvania line has been identified as "industrial track" for over 30 years.) The ONLY reason my proposed Verified Notice of Exemption would not fall within the class of exemptions enumerated in 49 U.S.C. §10906, is because I would be a Class III carrier, and a "main line" is a condition precedent for having "industrial track" and "spurs." Thus I have been told I must first construct a "main line," before I will be allowed to construct industrial track and spurs.

Ideally, Norfolk Southern would offer to reinstitute this service. Unfortunately, Norfolk Southern's goal is to abandon its Cockeysville Industrial track, rather than expand it. If Norfolk

Southern is successful in its efforts to abandon its Cockeysville Industrial track, the service will be lost forever. (Norfolk Southern only has operating rights over the Light Rail tracks from Baltimore to Cockeysville. If they abandon their operating rights, Light Rail will remove all the spur switches, and will never consent to allowing freight service over their lines again.)

It is VERY important to me to be able to retain my ability to transport passenger rail cars and locomotives via rail from Baltimore to my property in Cockeysville. Therefore, I am doing all I can to make sure Norfolk Southern's operating rights over the Light Rail tracks are not abandoned. My current plan is to make an Offer of Financial Assistance to Norfolk Southern, to purchase those operating rights, so that they are not abandoned. At this time, Norfolk Southern is not far enough along with its abandonment plans to entertain negotiations regarding my proposed Offer of Financial Assistance.

In our telephone conversation, you mentioned it is very expensive to build a new railroad line. I would agree. However, in my case, my cost to reinstitute service over this right-of-way would be very modest by comparison. I would utilize used ties and used rail, which I may retrieve from other abandoned lines. I have a complete set of specialized railroad-building equipment (tamperers, track liners, ballast equalizers, spike pullers and inserters, etc.) and a large quantity of heavy construction equipment (dozers, loaders, dump trucks, cranes, etc.). I have the ability, financial resources, time and requisite passion to reinstitute this service. (I personally know how to operate all of the equipment I own.) A number of individuals have indicated they would love to help me reinstitute this service, on a volunteer basis. This is a do-able project, so long as I do not get too enmeshed in bureaucratic procedures.

Much of what the Board does is discretionary. Each case is decided on its own merits. There are no hard and fast rules. 49 CFR §1105.6 (c) states:

"No environmental documentation will **normally** be prepared for the following actions:

(2) Any action that does not result in significant changes in carrier operations (i.e. changes that do not exceed the thresholds established in §1105.7 (e) (4) or (5)."

The threshold in §1105.7 (e) (4) is the diversion of 1,000 rail carloads a year or an average of 50 rail carloads per mile per year from rail to motor carrier. Because I propose to do just the opposite (Motor carrier to rail), this threshold will not be exceeded.

The most restrictive threshold in §1105.7 (e) (5) [in an EPA non attainment area] for rail construction under 49 U.S.C. 10901, or for the reinstitution of service over a previously abandoned line, is three trains per day. I propose to operate at most one "rock train" per day, thus

this threshold will not be exceeded.

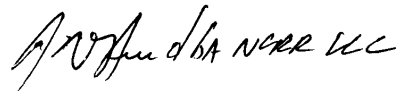
Even though my proposed activities will not exceed the thresholds in §1105.7 (e) (4) or (5), that does not necessarily mean no environmental documentation need be prepared, for §1105.6 (c) states NORMALLY no environmental documentation need be prepared. Because the word "normally" is used, it is within the Board's discretion to require, or not require, environmental documentation.

I would argue in this case, no environmental documentation need be prepared. The thresholds will not be exceeded. I proposed to reinstitute service over a previously abandoned line. No new cuts or fills will be required along the right-of-way. No environmentally sensitive areas will be affected. No historic structures will be affected. (The existing bridges will be utilized.) Plus, if I were not offering to transport the quarry's "Infield dirt," this proposed activity would revert back to its "amusement ride" status, and as such would not be subject to the Board's jurisdiction.

In the instant case, the financial viability of the proposed activity is marginal. The cost of preparing an Environmental Impact Statement would be substantial, and would tip the scales in favor of the "Do not build" option.

Thank you for your time and attention to this matter.

Sincerely,



James Riffin t/a NCRR

Certificate of Service

I hereby certify a copy of the foregoing letter to Vernon Williams, Secretary, 57 B, was hand delivered to Kelly Austin Brown & Wood at 1501 K. St. NW Washington DC, C/o G. Paul Moates, Attorney(s) for Norfolk Southern, on July 19, 2003.



J. RIFFIN t/a NCRR LLC.