



July 23, 2007

219813

Via Electronic Filing
Hon Vernon A Williams, Secretary
Surface Transportation Board
395 E Street S W
Washington, DC 20024

Re STB Docket No AB-290 (Sub No 288X), Norfolk Southern Railway Company
Abandonment - In Bergen County, New Jersey - Notice of Exemption (Filed May 11, 2007)

Dear Secretary Williams,

Attached please find Bergen Passaic Rail Corporation's Request For Extension of Time
to File the OFA in the above referenced proceeding.

Respectfully,

Vincent Caruso, Jr
Authorized Representative
Bergen Passaic Rail Corp
(973) 798-6233

VC/mc
Enclosure

**Before The
SURFACE TRANSPORTATION BOARD
Washington, D.C.**

**Docket No. AB-290 (Sub. No. 288X)
Norfolk Southern Railway Company Abandonment - In Bergen County, New Jersey
Notice of Exemption (Filed May 11, 2007)**

Request For Extension Of Time

Vincent Caruso, Jr.
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Authorized Representative
Bergen Passaic Rail Corporation
D/B/A BP Rail

Dated: July 23, 2007

**Before The
SURFACE TRANSPORTATION BOARD
Washington, D.C.**

**Docket No. AB-290 (Sub. No. 288X)
Norfolk Southern Railway Company Abandonment - In Bergen County, New Jersey
Notice of Exemption (Filed May 11, 2007)**

Request For Extension Of Time

On June 11, 2007 Bergen Passaic Rail Corporation D/B/A BP Rail ("BPR") simultaneously filed with the STB and served Norfolk Southern Railway Company ("NSR") with our intent to file an Offer of Financial Assistance ("OFA") under 49 CFR 1152.27 in the above abandonment

As part of the intent to file an OFA BPR requested that NSR provide BPR with information as per 49 CFR 1152.27(a) including the minimum purchase price required to acquire the Carlton Hill Branch. Furthermore we request that NSR provide BPR with its most recent report on the physical condition of the involved line and traffic, revenue and other data necessary to determine NSR's estimate on net liquidation value of the line together with supporting data reflecting available real estate appraisal, assessments of quality and the quantity of track material in the line and removal cost estimates used to obtain the net liquidation value.

Additionally BPR requested the Board to toll the thirty-day period for submitting offers of financial assistance for an additional thirty days as was granted By decision served June 29, 2007 where the Board tolled until July 30, 2007, the time for BPR to submit an OFA.

To date BPR has not received the requested information from NSR, and at this advanced date BPR will not have sufficient data to prepare or file our OFA by July 30, 2007 accordingly

Therefore as per 49 CFR 1152.27(c)(2)(ii)(C) BPR is requesting a further extension until September 30, 2007 for NSR to provide the requested information to BPR, and the time period for BPR to file its OFA be extended until 30 days from the date that NSR provides the requested information and informs the Board as such. in order to afford BPR adequate opportunity to evaluate the information to be provided by NSR and to develop an appropriate OFA

In support of our Request For Extension Of Time, attached you will find a copy of BPR's June 11, 2007 intent to file an OFA (STB Filing No. 219505) and a letter dated July 20, 2007 from BPR to NSR, which was mailed to NSR by Certified Mail and simultaneously e-Filed with the STB on July 20, 2007 (STB Filing No. 219812) Exhibit A and B Respectively

Respectfully Submitted,



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Authorized Representative
Bergen Passaic Rail Corporation
D/B/A BP Rail

BP Rail Corp.

EXHIBIT A



219505

June 11, 2007

Surface Transportation Board
Office of the Secretary
1925 K Street N.W.
Washington D.C. 20423-0001

Re: STB Docket No. AB-290 (Sub. No. 288X), Norfolk Southern Railway Company
Abandonment - In Bergen County, New Jersey - Notice of Exemption (Filed May 11, 2007)

Dear Mr. Williams:

Pursuant to the Surface Transportation Board Notice of Exemption published in the Federal Register on May 11, 2007, BP Rail Corporation ("BPR") hereby advises the Board and parties of record of its intent to file an Offer of Financial Assistance ("OFA") under 49 CFR 1152.27. The OFA is to purchase all of the Norfolk Southern Railway ("NSR") Carlton Hill Branch between Milepost UQ 8.80 and Milepost UQ 10.2 (1.40 Miles) in Bergen County, New Jersey.

In Connection with this notice of intent to file an Offer of Financial Assistance, BPR requests that the applicant carrier provide the information set forth in 49 CFR 1152.27(a) including the minimum purchase price required to acquire the Carlton Hill Branch. We also request NSR provide its most recent report on the physical condition of the involved line and traffic, revenue and other data necessary to determine NSR's estimate on net liquidation value of the line together with supporting data reflecting available real estate appraisal, assessments of quality and the quantity of track material in the line and removal cost estimates used to obtain the net liquidation value.

Furthermore BPR requests the Board to toll the thirty day period for submitting offers of financial assistance for an additional thirty days in order to provide offerors with an adequate opportunity to review and analyze the material provided by applicants and submit their OFA. This will not prejudice the interest of applicant carrier or any other party.

Respectfully,

A handwritten signature in dark ink, appearing to read 'V. Caruso, Jr.', is written over the word 'Respectfully,'.

Vincent Caruso, Jr.
Authorized Representative
BP Rail Corporation

VC/ab
cc: NJ Transit

BP Rail Corporation
Office of Strategic Planning
22 Somerset Place
Clifton, NJ 07012
(973) 798-8233
<http://www.bprail.com>

BP Rail Corp.

EXHIBIT A



219514

I, Vincent Caruso, Jr., certify that copies of BPR's Notice of Intent to file an OFA dated June 11, 2007 (Filing # 219505),

RE: STB Docket No. AB-290-288-X, Norfolk Southern Railway Company
Abandonment - In Bergen County, New Jersey - Notice of Exemption (Filed May 11, 2007)

Were served June 11, 2007, on the following By First Class United States mail to:

Norfolk Southern Railway Company (Party of Record)
James R Paschall
Three Commerce Place
Norfolk, VA 23510-2191

New Jersey Transit Corporation (Non-Party)
Corporate Strategy, Policy & Contracts
One Penn Plaza East
Newark, NJ 07105

New Jersey Historic Preservation Office (Non-Party)
P O. Box 404
Trenton, NJ 08625

County of Bergen Department of Parks (Non-Party)
One Bergen County Plaza 4th Floor
Hackensack, NJ 07601

U.S. Environmental Protection Agency (Non-Party)
Alan Steinberg
Jacob K. Javits Federal Building
New York, NY 10007

Vincent Caruso, Jr.
Authorized Representative
BP Rail Corporation

Dated: June 11, 2007



BP Rail Corp.

EXHIBIT B

July 20, 2007

CERTIFIED MAIL

James R Paschall
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-9241

Re: STB Docket No AB-290 (Sub. No. 288X), Norfolk Southern Railway Company
Abandonment - In Bergen County, New Jersey - Notice of Exemption (Filed May 11, 2007)

Dear Mr. Paschall;

On June 11, 2007 BPR simultaneously filed with the STB and served NSR with our intent to file an Offer of Financial Assistance ("OFA") under 49 CFR 1152.27 in the above abandonment

As part of our intent to file an OFA we request that NSR provide us with information as per 49 CFR 1152.27(a) including the minimum purchase price required to acquire the Carlton Hill Branch. Furthermore we request that NSR provide us with its most recent report on the physical condition of the involved line and traffic, revenue and other data necessary to determine NSR's estimate on net liquidation value of the line together with supporting data reflecting available real estate appraisal, assessments of quality and the quantity of track material in the line and removal cost estimates used to obtain the net liquidation value.

To date we have not received a single communication from NSR regarding this OFA or the requested information

BPR is eager to move forward with the matter, however without having received the information we asked for, and at this advanced date we will not have sufficient time to adequately review the data or prepare and file our OFA by July 30, 2007 accordingly

In all fairness to the process BPR will have no choice but to request for an extension of time with the STB in this matter, to allow NSR sufficient time to provide us with the aforementioned information for the OFA We ask that NSR do the same on their behalf.

Should you have any questions, or wish to discuss this matter please feel free to give me a call.

Best regards,

Vincent Caruso, Jr.
Authorized Representative
Bergen Passaic Rail Corp.
(973) 798-6233

VC/ab

cc Hon Vernon A. Williams Secretary, STB

Certificate of Service

I, Vincent Caruso, Jr, certify that copies of BPR's Request For Extension of Time Dated July 23, 2007,

RE: STB Docket No AB-290-288-X, Norfolk Southern Railway Company
Abandonment - In Bergen County, New Jersey - Notice of Exemption (Filed May 11, 2007)

Was served July 23, 2007, on the following By First Class United States mail to

Norfolk Southern Railway Company (Party of Record)
James R Paschall
Three Commerce Place
Norfolk, VA 23510-2191



Vincent Caruso, Jr
Authorized Representative
BP Rail Corporation

Dated July 23, 2007