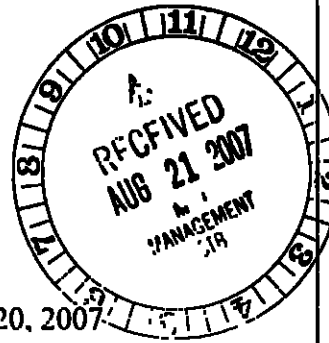


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August 20, 2007

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Hon. Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

Re: Town of Babylon and Pinelawn Cemetery Petition for Declaratory Order
Finance Docket No. 35057

Dear Secretary Williams:

This letter is written on behalf of petitioners Town of Babylon (the "Town") and Pinelawn Cemetery ("Pinelawn") (the Town and Pinelawn are together referred to as "Petitioners") to request that their time to serve a reply in further support of their Petition for a Declaratory Order be extended until after the Board has ruled on the motion for a protective order made by the New York and Atlantic Railway Co. ("NYAR") and Coastal Distribution I.L.C. ("Coastal")

The central issue that the Town and Pinelawn raise in their petition is whether Coastal, a non-rail carrier which operates an independent transfer station/transloading business on railroad property and which has never sought any kind of authorization from the Surface Transportation Board (the "Board"), can avoid state and local regulation by signing an agreement with NYAR, a rail carrier subject to preemption under the Interstate Commerce Commission Termination Act ("ICCTA"). Since this issue requires a close examination of the facts and a careful analysis of Coastal's actual operations, Petitioners served discovery requests designed to uncover relevant information concerning Coastal's actual operations.

NYAR and Coastal refused to comply with any of Petitioners' discovery requests and instead served a motion for a protective order objecting to all of the discovery Petitioners seek. In opposition to the motion, Petitioners submitted a response explaining why the information they requested is relevant to the issue before the Board. (A copy of Petitioners' response to the motion for a protective order is annexed hereto and incorporated herein.) Petitioners' response to the motion for a protective order also shows why NYAR and Coastal are mistaken in claiming that Coastal is NYAR's agent or is entitled to preemption under ICCTA as NYAR's "contract operator."

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Hon Vernon Williams
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Petitioners need the information called for in their discovery requests in order to prepare a reply in further support of their petition. Accordingly, it is respectfully submitted that Petitioners should not be required to file a reply until thirty days after (i) discovery is completed or (ii) the motion for a protective order is granted.

Respectfully,

A handwritten signature in black ink that reads "Fran M. Jacobs". The signature is written in a cursive, flowing style.

Fran M Jacobs

Enclosure

cc Ronald Lane, Esq (by FedEx and w/encl)
John F McHugh, Esq (by FedEx and w/encl)
Howard M Miller, Esq (by FedEx and w/encl)
Mark A Cuthbertson, Esq (by FedEx and w/encl)