

Before the
Surface Transportation Board

JR - 2

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STB DOCKET NO. AB-290 (Sub-No. 412X)

NORFOLK SOUTHERN RAILWAY COMPANY –
ABANDONMENT EXEMPTION --
IN THE CITY OF BALTIMORE, MARYLAND

ENTERED
Office of Proceedings
November 25, 2024
Part of
Public Record

**JAMES RIFFIN'S NOTICE OF INTENT TO FILE AN OFFER
OF FINANCIAL ASSISTANCE TO PURCHASE A PORTION OF THE LINE**

1. James Riffin ("**Riffin**") herewith gives notice of his intent to file an Offer of Financial Assistance ("**OFA**") to purchase a portion of the Line in the above proceeding.

2. In *Railroad Ventures Inc. v. Surface Transp. Bd.*, 299 F. 3d 523, 552 (6th Cir. 2002), the Court held that while a rail carrier has the right to determine what portion(s) of its line(s) it chooses to abandon, an OFA offeror has the right to determine what portions(s) of what a rail carrier seeks authority to abandon, the OFA offeror proposes to acquire.

WHAT NSR SEEKS AUTHORITY TO ABANDON

3. Norfolk Southern Railway Company ("**NSR**"), in the above entitled proceeding, seeks authority to abandon that portion of its line of railroad known as the Cockeysville Industrial Track ("**CIT**") which lies **between** Milepost UU 0.00, which is located approximately 0.07 miles (370 feet) East of the Howard Street Bridge, in Baltimore, Maryland, **and** Milepost UU 1.0, which is approximately 0.01 mile (53 feet) north of the bridge that carries Wyman Park Drive (formerly known as Cedar Avenue) over the Maryland Transit Authority's ("**MTA**") Light Rail Tracks, the center of which bridge is located at Light Rail North Station 127 + 35, (the "**Line**"), including all of NSR's assets and rights associated with the Line.

PORTION OF LINE RIFFIN PROPOSES TO PURCHASE

4. Riffin proposes to purchase, via the OFA process, the following portions(s) of what Norfolk Southern Railway Company (“NSR”) proposes to abandon in the above entitled proceeding:

- A. **The Line:** **Beginning** at UU 0.00, the beginning point of the Line. **Ending** at, or just south of, the derail on the CIT, which is near Light Rail North Station (N) 126 + 52, as depicted on Riffin’s **Exhibit 3**, which ending point is at approximate Milepost UU 0.90, which ending point is about 500 feet south of Milepost UU 1.0, which ending point is about 100 feet south of the south side of the bridge that carries Wyman Park Drive (formerly Cedar Avenue) over the Light Rail Tracks;
- B. ALL of NSR’s assets and rights associated with the portion of the Line that lies between Milepost UU 0.00 and Milepost 0.90;
- C. ALL of the FREIGHT rail, and associated track material, depicted on Riffin’s **Exhibit 3** as “**Freight Tracks,**” which was on the ground on October 31, 2024, the day that NSR filed the above entitled proceeding, together with any additional rail pieces lying on the ground immediately adjacent to the Line.

5. Riffin expressly states that Riffin does NOT want to purchase, nor does he want to acquire any rights associated with, that portion of the Line that crossed the Light Rail tracks via diamonds at or near Light Rail Station (N) 125 + 00, which portion of the Line was removed by the MTA circa **February, 2023.**

PRELIMINARY FINANCIAL RESPONSIBILITY CALCULATIONS

6. 49 CFR 1152.27 (c) (1)(ii) states:

"If they seek to purchase, the preliminary financial responsibility amount shall be the sum of the rail steel scrap price per ton (dated within 30 days of the submission of the expression of intent), times 132 short tons per track mile or 117.857 long tons per track mile, times the length of the line in miles, plus \$4,000 times the number of miles of track times two."

7. Length of Line, in miles, Riffin offers to purchase:	0.90 mile
8. Number of long tons per mile:	<u>117.857</u>
9. Number of long tons per 0.90 mile:	106.07 long tons / 0.90 mile
10. Scrap price offered ¹ for rail, F.O.B. the scrap dealer yard: ²	<u>@ \$201 / long ton</u>
11. Gross scrap value at scrap dealer yard:	\$21,320
12. Annual Maintenance Cost per mile:	\$4,000
13. Number of Line miles:	<u>0.9</u>
14. Annual Maintenance Cost per 0.9 mile:	\$3,600
15. Two times Annual Maint. Cost:	\$7,200 <u>7,200</u>
16. Gross scrap price + Ann. Maint. Cost:	\$28,520
17. Calculated Preliminary Financial Responsibility Amount:	\$28,520

PROOF OF FINANCIAL RESPONSIBILITY

18. Riffin's **Exhibit Six**, filed under seal, contains bank statements which show that Riffin currently has sufficient liquid funds to cover the cost of the calculated Preliminary Financial Responsibility Amount.

19. Parties of Record, will be provided with a copy of Riffin's Exhibit Six AFTER the party of record provides Riffin with an executed Undertaking.

1. See Riffin's **Exhibit Five**: 11-15-2024 scrap rail quote from Owl Metals, Dundalk, MD.

2. This price is NOT the 'net liquidation value' of 0.9 miles of track material, since this price does NOT include "removal costs," nor does it include the cost of transporting removed materials to the point of sale.



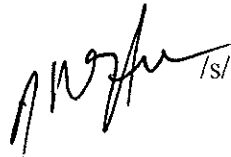
Respectfully,

/s/ James Riffin

James Riffin
P. O. Box 4044
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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of November, 2024, a copy of the foregoing Notice of Intent to File an OFA, was served on the parties noted below, by E-mail.



/s/ James Riffin

James Riffin

E-mail:

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