

Before the  
Surface Transportation Board

JR - 1  
310642

STB DOCKET NO. AB-290 (Sub-No. 420X)

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ENTERED  
Office of Chief Counsel  
January 2, 2026  
Part of  
Public Record

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

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JAMES RIFFIN'S NOTICE OF INTENT TO PARTICIPATE –  
WITH VERIFIED COMMENTS

1. James Riffin (“**Riffin**”) herewith gives notice of his intent to participate as a party of record in the above entitled proceeding. Service of Filings and Decisions should be served on:

James Riffin  
P. O. Box 4044  
Timonium, MD 21094  
(443) 414-6210

VERIFIED COMMENTS

2. Notices of Exemption are subject to the following admonition:

“If the verified notice contains false or misleading information, the exemption is void ab initio.”

NSR'S 12-23-2025 FILED NOE CONTAINS AT LEAST SIX  
FALSE OR MISLEADING STATEMENTS

3. Riffin argues that Norfolk Southern Railway Company's (“**NSR**”) “Notice of Exempt Abandonment,” (“**NOE**”), as originally filed on **12-23-2025**, contains SIX “false or misleading statements,” and TWO significant omissions, to wit:

**False or misleading statements:**

- A. “MTA **currently operates light rail transit service over the Line.** MTA’s light rail transit system now carries over 24,000 passengers per day **over the Line.**” P. 5<sup>1</sup>, NOE Bold added. **Detailed Response below.** See ¶¶ 36 - 56.
- B. “This alternative is not satisfactory as NSR is contractually obligated **to abandon its freight rights** under its agreement with the MTA.” P. 5, NOE. Bold added. **Response:** NSR is only obligated to **seek** abandonment authority. NSR is NOT “obligated to **abandon** its freight rights.” See NOE footnote 4, P. 5, NOE. Bold added.
- C. “As such, the Line **will remain intact and in operation** for light rail transit purposes.” pp. 5-6, NOE Bold added. **Response:** Circa **February, 2023**, the MTA **removed** several hundred feet of the Line [the diamond crossings (2) that carried the Line across the MTA’s two light-rail-tracks], thereby **severing** the portion of the Line that connected the Bulk Transfer Facility to the Line, thereby rendering “**operation**” of the severed segment of the Line, impossible. See p. 101, NOE and see Google Maps satellite imagery depicting actual removal while removal was occurring.
- D. The “detailed map showing the location of the Line” “Exhibit B,” depicts Line where Line is **NOT** actually located. P. 7, 15, 91 NOE. **Detailed Response** at ¶¶ 77-79.
- E. “NSR **has no knowledge regarding changes made to the right-of-way by Amtrak or MTA.**” P. 86 NOE. Bold added. **Response:** NSR was informed by MDOT letter dated February 8, 2023, that MDOT was “currently undertaking improvements” along

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1. The pages in NSR’s NOE are NOT paginated, as required by 49 CFR 1104.2 (b), nor are the paragraphs numbered. Which makes it more difficult to cite where statements are made. Riffin paginated each page. The Mullins Law Group Cover page Riffin paginated page one. The “Introduction,” two lines, where footnote 1 [“**Note**”] begins, Riffin paginated page three. Riffin’s pagination system corresponds with the pdf pagination.

the CIT, which “improvements” included **removal of the two diamonds** that carried the Line across the MTA’s two light-rail-tracks], thereby **severing** the portion of the Line that connected the Bulk Transfer Facility to the Line. See P. 101, NOE.

F. “Dr. John A. Olszewski, Jr.” is NOT the “Baltimore County Executive.” P. 96, NOE.

**Response:** Dr. John A. Olszewski, Jr. is, and was on June 27, 2025, one of the Congressmen for Maryland. It thus is highly unlikely that NSR’s June 27, 2025 “Notice” was in fact delivered to Dr. Olszewski. And had it in fact been delivered to Dr. Olszewski, it still was NOT served on the Baltimore County Executive.

### **Significant Omissions:**

G. NSR failed to inform the STB, failed to seek abandonment authority, prior to removing all the rail infrastructure, **prior** to abandoning, by **selling, in 2019**, [see NOE at p. 101], all of its legal interests associated with Conrail’s former Flexi-Flow bulk terminal facility, associated with NSR’s [renamed] Thoroughbred Bulk Transfer Terminal, including the Line Segment that connected the Bulk Transfer Terminal to the Line, which Bulk Transfer Terminal was located near MP UU 0.8.

H. NSR’s “Historic Report” does NOT comply with 49 CFR 1105.8(d), to wit:

1105.8(d) [*Content*] (1): “A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show **buildings and other structures in the vicinity of the proposed action**) showing the location of the proposed action, and the **locations and approximate dimensions of railroad structures that are 50 years old or older** and are part of the action;

(2) A written description of the right-of-way (including approximate **widths, ...** .”

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older **and the immediately surrounding area**;

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations ... .” Bold added.

## Historic Report deficiencies:

4. One of the lessons that NSR should have learned from its AB 290 Sub. No.306X proceeding (Abandonment of the Jersey City Harsimus Line), is that Historic Reports have to be a **lot more detailed** than such reports were before the Harsimus proceeding.

5. The clause, “the immediately surrounding area,” in ¶ (3) of 1105.8(d), in the Jersey City proceeding, was held to mean the “the immediately surrounding area” adjacent to the **Line** being abandoned, as opposed to “the immediately surrounding area,” adjacent to the **historic railroad structure**.

6. **¶ (1) of 1105.8(d):** In Jersey City, the STB held that the Historic Map had to be “sufficiently detailed to show **buildings and other structures in the vicinity of the proposed action**.” The Map appended to NSR’s NOE is woefully **undetailed**.

7. Appended is a copy of Page C-1 (a Conrail CIT track chart) of Robert L. Williams’<sup>2</sup> April 20, 2007 Verified Statement, filed in the MTA’s April 20, 2017 “Response of the Maryland Transit Administration.” (“**Response**”), in FD 34975. Appended to the Response, as Exhibit 1, was the Verified Statement of Mr. Williams.

8. Between the intersection of the North Avenue and Howard Street bridges, is the notation:

**“U.G. BR. 1.26” “Jones Falls”**

9. “U.G. BR. 1.26” is three, 20 or so feet radius, semi-circular stone culverts, which convey Jones Falls under the Baltimore and Susquehanna Railroad Company’s rail line right-of-way, the same right-of-way now named the CIT right-of-way. The culverts were built circa 1832. They are

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2. Robert L. Williams, [“**Williams**”], [“**Williams’ V.S.**”] Transportation Engineer IV, Light Rail Operations, Maryland Transit Administration.

‘railroad structures,’ since they were built by a railroad. They are ‘historic,’ since they are nearly 200 years old.

10. Page C-1 depicts the “Main Track,” and the “Mt. Vernon Yard & Produce Terminal Track,” which connected to the former Bolton Yard track. The track that led to the Bolton Yard, rises in elevation, as it traverses south under North Avenue. The two, parallel, light-rail tracks, follow the inclining Bolton Yard right-of-way, diverging from the CIT in the vicinity of the southern end of the MTA Maintenance Shop parking lot, located on the south end of the Maintenance Shop building.

11. The North Avenue light-rail station is located immediately West of the CIT right-of-way. Of particular note: The North Avenue light-rail station is some 20 feet HIGHER in elevation than the CIT right-of-way. A stone wall, several hundred feet in length, separates the light-rail tracks and the CIT right-of-way. That stone wall was built circa 1832. It is a ‘railroad structure,’ that was built by the Baltimore and Susquehanna railroad nearly 200 years ago.’

12. Riffin argues that the Jones Falls culverts, and the Stone Retaining Wall, are 1105.8(d)(1) “**structures in the vicinity of the proposed action,**” and are 1105.8(d)(3) “railroad structures on the property that are 50 years old or older,” and as such, NSR has the obligation to (A) note their location on a “detailed USGS map;” and (B) to place in the record, photographic prints of the two structures, together with photographic prints of the areas in the vicinity of the two structures.

13. Riffin further argues that NSR is also obligated to provide the Maryland State Historic Preservation Officer with a copy of the photographs, to apprise the Historic Preservation Officer of the existence of these two structures. Riffin will note: Both structures are on railroad property; neither structure is readily discernable from non-railroad property. Consequently, it is unlikely that the State Historic Officer is even aware of the existence of these two structures.

## NSR’S DESCRIPTION OF THE LINE

14. NSR defined the ‘Line’ as “the Cockeysville Industrial Track (“**CIT**”),” (bold added), footnote (“**FN**”) 2, “extending from Milepost +/- UU 0.00 to Milepost +/- UU 1.00 in the City of Baltimore, Maryland (the “Line”)<sup>2</sup>.” NOE at 4.

15. Footnote 3, on p. 4 of the NOE, explains why the UU mileposts differ (**by 1.18 miles**), from the original Northern Central Railroad Mileposts (the original owner of the Line).

16. On p. 15 of the NOE, NSR appended its “Exhibit B Map.” (“**Map**”), which depicts the Line (and misrepresents as Line, light-rail tracks that are NOT a part of the Line).

17. The Map depicts the relative locations of:

A. The **beginning** of the Line, at UU 0.00, which beginning point is 180 or so feet south east of the south side of the North Howard Street overhead bridge.

B. The West North Avenue bridge, which is north west from the beginning point, which is at **UU 0.12**.<sup>3</sup> See Page C-1 of Williams’ V.S., appended hereto as **Riffin’s Exhibit One**.

C. The former B & O RR bridge, now CSX RR bridge, immediately north of the North Avenue bridge.

D. The W 28<sup>th</sup> Street Bridge, which is at **UU 0.74**.<sup>4</sup>

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3. Williams’ Exhibit C, (a track chart), filed in FD 34975, “reflects conditions existing as of 1965. The mile post markers on **Exhibits B** and **C** correspond to those shown on the valuation maps used to establish the mileage of the CIT when MTA acquired the line in 1990.” ¶3, Williams V.S. Page C-1: North Avenue is at original Milepost 1.30. Minus 1.18 = **UU 0.12**.

4. Page C-1: 28<sup>th</sup> St. Bridge is at original Milepost 1.92. Minus 1.18 = **UU 0.74**.

E. The **end** of the Line, at UU 1.0, 270 feet or so north of the north side of the Wyman Park Drive (formerly Cedar Avenue) overhead bridge.

18. On p. 4 of the NOE, in NSR's footnote 2, [NSR Acquisition ...] NSR correctly notes that in 2007, the Maryland Transit Administration ("**MTA**"), filed a Petition for Declaratory Order, FD 34975, wherein the MTA sought, and received, a Declaratory Order, holding that the MTA did NOT "acquire a common carrier obligation by virtue of its acquisition of the CIT ... ."

19. Riffin participated in the FD 34975 Proceeding.

20. In the FD 34975 Proceeding, the Surface Transportation Board ("**Board**"), ordered the MTA to explain why the Northern Central's Mileposts did NOT coincide with the UU Mileposts being used by the MTA.

21. In response to that Order, on **April 20, 2007**, **Charles Spitulnik**,<sup>5</sup> counsel for the MTA, filed the MTA's "Response of the Maryland Transit Administration." ("**Response**"). Appended to the Response, as Exhibit 1, was the Verified Statement of Robert L. Williams, [**"Williams"**], [**"Williams' V.S."**] Transportation Engineer IV, Light Rail Operations, Maryland Transit Administration."

22. Williams' Exhibit D, a track chart, "reflects conditions existing as of 1988. This is the last track chart prepared prior to MTA's acquisition of the line." ¶ 4, Williams' V.S.

23. Pages D-4 and D-5 of Williams Exhibit D. is appended as **Riffin's Exhibit Two**,

24. Riffin draws the Board's attention to the circled-in-Red "Amtrak ⇒ | ⇐ Conrail" notation, which depicts the approximate location of the real property line that separates Amtrak's

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5. On November 20, 2024, Mr. Spitulnik entered his appearance in the October 23, 2024 version of this Proceeding on behalf of the MTA, and filed the MTA's Notice of Intent to Participate as a Party of Record, without comment.

real property, and what was Conrail's real property (which now is the MTA's real property).

25. Page D-4: It should be noted, that the Amtrak / Conrail real property boundary line is to the right of (north of) the North Avenue Bridge, to the right of the "CSX RR Trks O.H. Br." [North of those two bridges.]

26. Page D-5: It should be noted that the Amtrak / Conrail real property boundary line is to the left of (south of), the 28<sup>th</sup> Street and 29<sup>th</sup> Street bridges.

27. Based on the above, the boundary line between the Amtrak real property underlying the CIT, and the MTA's real property underlying the CIT, is somewhere between the North Avenue Bridge, at Milepost UU 0.12, and the 28<sup>th</sup> Street bridge, at Milepost UU 0.74.

28. In NSR's October 23, 2024 filed version, NSR argued that it owned the ENTIRE Line. Riffin presented the above-noted track charts, then argued that the MTA only owned half or so of the Line.

29. In this Proceeding, NSR acknowledges that the MTA only owns half of the Line at Issue.

#### **WHO OWNS THE UNDERLYING REAL PROPERTY IS NOT MATERIAL**

30. If abandonment authority is granted, title to the underlying real property will vest with the record title owner (if held in fee simple) / with the adjacent property owners [If NSR's title is just an easement (as it is), and the use by Amtrak / MTA, no longer is a use for which the easement was granted].

31. If the Board permits the Line to be acquired via an Offer of Financial Assistance ("OFA"), the new freight rail carrier for the line will continue having the right to use the surface of the real property, for freight rail purposes.

32. Since NSR's legal interests in the real property underlying the Line is an easement,<sup>6</sup> as opposed to fee simple, there is no 'Constitutionally recognized value' for the real property underlying the Line. [Abandonment of a rail easement causes title to the real property to revert back to the original owners / the present day adjacent real property owners. Therefore, it has no 'Constitutionally recognized value.' An OFA Offeror is NOT required to pay the abandoning rail carrier for the underlying real property, when title is an easement title.]

33. End result: Who owns the underlying real property in an abandonment proceeding involving a line that only has easement title to the real property underlying the line, is totally immaterial.

34. In the October 23, 2024 filed NOE, NSR filed a Withdrawal Request, to permit NSR to address the ownership issue, and other issues. The STB stamped the Withdrawal Request, 'Granted.' That STB decision is the subject of a Petition for Review, currently before the Court of Appeals, D.C. Circuit. See CADC Case Nos. 24-1385 and 25-1141.

35. Regrettably, NS failed to address the other issues raised by Riffin. [The MTA does not "operate light rail transit service over the Line." The MTA's Map misrepresents as Line, MTA light-rail track that are NOT a part of the CIT Line. The MTA severed the segment of the Line that provided service to the Bulk Transfer Facility. NSR abandoned, then sold, the Bulk Transfer Facility, and a portion of the Line Segment that served the Bulk Transfer Facility, all without STB authority.] The Section 106 Historic Report deficiencies are newly raised in this Proceeding.

### **THE MTA DOES NOT**

### **"OPERATE PASSENGER RAIL TRANSIT SERVICE OVER THE LINE"**

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6. See NSR's footnote 2, p. 4, NOE.

36. Exhibit 2 of the MTA's Response, depicted "MTA Light Rail Line North Avenue to Hunt Valley Current Configuration."

37. Page 2.1 of the MTA's Response Exhibit 2, see **Riffin's Exhibit 3**, depicts:

A. 'Station Numbers' for the 'Light Rail Line' between Baltimore Street, Station 0 + 00, and the bridge that carries the 'Jones Falls Expressway' (I-83) over the Light Rail Line, at Station (N) 164 + 50. The 'Symbols' notes indicate that a **continuous line** [ ——— ] depicts "Existing [Light Rail] Tracks."

B. The 'Symbols' notes indicate that a **dashed line** [ - - - - ] depicts "Existing Frt. [freight] Tracks."

38. Riffin directs the Board's attention to the portion of Page 2.1, that says: "NORTH AVE,." which is located at Milepost 2 of the Light Rail Line (Station (N) 105 + 60). (Bottom half of the graphic.)

39. The graphic has **continuous** lines, denoted as "TRK #1 (S.B.)," and "TRK #2 (N.B.)."

40. The "Symbols" Notes indicate that these **continuous** lines are the Light Rail Lines that are used for passenger transit services.

41. Immediately below the TRK #1 and TRK #2 lines, are TWO 'dashed' lines, separated by a vertical line.

42. The dashed line to the LEFT of the vertical line, is 3/32 inch long, while the dashed line to the RIGHT of the vertical line is 5/32 inch long. Verbiage below the 3/32 line says: "Amtrak (To Penn Sta.)". Verbiage below the 5/32 line says: "MTA."

43. Riffin next draws the Board's attention to the MTA dashed line that is to the right of the 29<sup>th</sup> Street bridge (at Station (N) 118 + 40).

44. It will be noted there is a **dashed** "N.S. Run Around TRK" depicted between the 28<sup>th</sup> St and 29<sup>th</sup> street bridges.

45. Immediately north of the 29<sup>th</sup> Street bridge, (to the right of the 29<sup>th</sup> Street bridge), there is a LH turnout, depicted with a **dashed** line, which **dashed** line crosses the Light Rail Line at Station (N) 122 + 82.

46. After the **dashed** line crosses to the West side of the Light Rail Tracks, it connects, via a LH turnout, to the "Norfolk Southern Tail Track."

47. The "Norfolk Southern Tail Track" leads, moving South, to the "N.S. Flexi-Flo-Yard." It should be noted that ALL of the Flexi-Flo-Yard tracks are **dashed** lines, signifying those tracks are FREIGHT tracks (a part of the Line).

48. Riffin re-directs the Board's attention back to the turnout at Station 122 + 82.

49. Circa February, 2023, the MTA removed the turnout to the crossing track. MDOT Letter, p. 101, NOE. The parts of the turnout removed, were replaced with tangent track. Riffin verified, see ¶15, Riffin's 11-24-2024 Affidavit, **Riffin's Exhibit Four**, that the crossing turnout is no longer there, that tangent track is where the crossing turnout used to be.

50. A bit north of where the crossing turnout used to be, a bit south of where the turnout that connects the CIT to Light Rail Track # 2 N.B is located, at Light Rail Station North (N) 126 + 52, there is a derail on the CIT.

51. The derail is at Milepost UU 0.90 + / -, is about 500 feet south of Milepost UU 1.0, is about 100 feet south of the south side of the Wyman Park Bridge, which bridge is at Light Rail North

Station (N) 127 + 10. See Riffin's Affidavit at ¶17.

52. Riffin certifies, from personal knowledge, and asks the Board to take Official Notice of, the fact that ALL of the MTA's "passenger transit cars" are:

A. Powered solely by electricity;

B. Which is conveyed to the 'passenger transit cars' via catenary wires directly above the Light Rail Tracks.

53. An electricity-powered passenger transit car CANNOT OPERATE on tracks that have NO catenary wires above the tracks.

54. Riffin certifies, from personal knowledge, see ¶ 18 of his appended Affidavit, **Riffin's Exhibit 4**, that NONE of the Freight Tracks depicted on the MTA's Light Rail graphic / Riffin's **Exhibit 3**, have catenary wires above the Freight Tracks.

55. Consequently, it is NOT physically possible for the MTA to "operate **passenger** transit services," (bold added), on ANY of the Freight Tracks depicted on the MTA's Light Rail graphic.

56. Had NSR put into the Record the photographic prints **required** by 49 CFR 1108.5(d)(3), those photographic prints would have depicted **NO** catenary wires above ANY of the CIT freight tracks.

**THE 'DIAMONDS' THAT WERE USED TO CARRY THE FREIGHT TRACKS  
ACROSS THE LIGHT RAIL TRACKS  
WERE REMOVED CIRCA FEBRUARY, 2023, BY THE MTA**

57. On p. 100 - 101 of NSR's NOE, is a copy of a **February 8, 2023** letter from the Maryland Department of Transportation ("MDOT") to Norfolk Southern Corporation.

58. The first paragraph of that letter says:

"The Maryland Transit Administration ("MTA") **is implementing** (present tense, not future tense), a track reconfiguration project over a segment of the above referenced property ... ."

59. In the fourth paragraph on p. 2 of the MDOT letter, the letter says:

"It is MTA's understanding that NSR sold its property interest in what was previously the NS Baltimore, MD Thoroughbred Bulk Transfer Terminal ("**Terminal**") in 2019." Bold added.

60. In the fifth paragraph, on p. 2 of the MDOT letter, the letter says:

"As mentioned above MTA **is currently undertaking** (present tense), improvements along the CIT to improve its light rail service, which include **the removal of crossings formerly used by NSR to access the Terminal.**" Bold added.

61. On November 12, 2024, Riffin verified that the LH turnout on the CIT on the East side of the Light Rail Tracks, at Light Rail North Station 122 + 82, had been removed, the removed turnout parts had been replaced by tangent track, the CIT crossing track and two crossing diamonds, had been removed. Riffin's Affidavit ¶15.

62. Since the 'Diamonds' that carried the Line across the Light Rail Tracks were removed in 2023, the MTA's 'passenger transit cars,' as of February, 2023, no longer 'operated' on ANY portion of the CIT tracks.

63. Based on the above, Riffin argues that NSR's statement that the "MTA currently operates **passenger** rail transit service over the Line," (bold added), is a material false statement, particularly since the Board has historically exempted from the OFA process, any line that is used for passenger rail transit.

**THE MTA'S REMOVAL OF THE DIAMONDS VIOLATED  
THE PROVISIONS IN 'RAILROAD VENTURES'  
INTERFERES WITH THE OFA PROCESS  
AND RESULTED IN UNAUTHORIZED ABANDONMENT OF A LINE OF RAILROAD**

64. *Railroad Ventures Inc. v. Surface Transp. Bd.*, 299 F. 3d 523, 552 (6<sup>th</sup> Cir. 2002), held that neither a rail carrier, nor a third party, can dispose of line assets prior to abandonment authority.

65. In AB 103 (Sub. No. 21X), a local government entity removed a trestle railroad bridge after an OFA had been filed, but before the OFA process had concluded, without the knowledge, or consent of the rail carrier. The Board ordered the rail carrier to stop the local government entity from further destruction of the railroad bridge, and further ordered the rail carrier to deduct from the Net Liquidation Value of the line, the estimated cost to restore the railroad bridge, even though no value had been ascribed to the bridge. See Decision Served February 22, 2008.

66. NSR, in its Environmental Report, at p. 79 of its NOE, represented:

“... NSR will not be conducting salvage operations. Accordingly, NSR believes that no storm water mitigation measures, including, but not limited to, a National Pollutant Discharge Elimination System permit will be required.”

67. While NSR's 'no salvage operations will be conducted in the **future**' representation, is technically correct, Riffin argues it is '**misleading**,' since 'salvage operations' / 'ground disturbance,' occurred **before** NSR filed its abandonment exemption. [It is the 'ground disturbance' that creates the requirement for a NPDES permit. (National Pollutant Discharge Elimination System permit.)]

68. Riffin argues that the MTA's removal of the diamonds **before** abandonment authority was granted, **before** the OFA process could be started, seriously, materially adversely affected the right of an OFA offeror to determine how much of what the rail carrier desires to abandon, the OFA offeror desires to acquire.

69. The removal of the diamonds was similar to the *Railroad Venture's* sale of land and track material before abandonment authority was sought, or obtained, before the OFA process concluded.

70. Riffin argues that the removal of the CIT crossings track turnout, [at the CIT crossings turnout at Light Rail North Station (N) 122 + 82], crossings diamonds, and the crossings' CIT freight track leading to the LH turnout in the Norfolk Southern Tail Track, which provided **Line** access to the Flexi-Flow Terminal, resulted in an unauthorized abandonment of that portion of the **Line** that went from approximate Milepost UU 0.85, [at the CIT crossings turnout at Light Rail North Station (N) 122 + 82], to Milepost UU 1.0, which would be at the northern end of the "Norfolk Southern Tail Track," and that portion of the **Line** that went from the LH Tail Track turnout, south to the Flexi-Flow Terminal, as depicted on **Riffin's Exhibit 3**.

71. In addition, if stub end yards must have at least one Line track that terminates at the stub end of a stub end yard, then the removal of ALL of the Flexi-flow Terminal tracks resulted in the unauthorized abandonment of the portion of the CIT Line that provided line access to all of the Flexi-flow yard tracks. (Yard tracks, not being Line, may be removed without Board authority. But must at least one track in a stub end yard, be Line? Riffin would argue, a track that provides access to a yard track, is, by the definition of line, a line track. Therefore, a line track must connect to each arterial yard track. Once a line track is connected to an arterial yard track, that arterial yard track then could diverge into additional yard tracks.)

### WIDTH OF RIGHT-OF-WAY

72. 49 CFR 1105.8(d)(2) mandates that NSR include in its written description of the right-of-way, the "approximate widths" of the right-of-way. NSR failed to do this.

73. NSR has Valuation Maps for the CIT, which Valuation Maps depict the width of the right-of-way. Consequently, Riffin argues that NSR should put into the Record, a copy of the Valuation Map for the Line Segment at Issue.

## ENVIRONMENTAL REPORT COMMENTS

74. NSR's Environmental Report contains, and reiterates, multiple false and / or misleading statements, to wit:

A. The MTA **currently operates light rail transit service over the Line**. MTA's light rail transit system now carries over 24,000 passengers per day **over the Line**." P. 5, NOE Bold added.

B. The **Map** appended to NSR's NOE depicts **non-existent Line**.

75. The Environmental Report ignores previous 'salvage activities' performed by the MTA in February, 2023, previous 'salvage activities' performed by NSR circa 2019.

## FALSE STATEMENTS

76. The MTA does **NOT** "**currently operate[] light rail transit service over the Line**. MTA's light rail transit system [**DOES NOT**] now carr[y] over 24,000 passengers per day **over the Line**." Nor could the MTA operate any of its passenger transit rail cars over ANY portion of the Line, since (A) there is NO catenary line over ANY portion of the presently-existing Line (freight) tracks; and (B), ALL of the MTA's passenger transit rail cars operate via electricity provided by catenary wires suspended over the center-line of whatever tracks the passenger transit rail cars are operated on. See **Ex. 2**, and ¶¶ 29 - 48 of Riffin's 11-25-2024 Comments.

77. The **Map** appended to NSR's NOE, falsely represents Line where no Line exists. The Line consists of ONE freight track between Milepost UU 0.0 and UU 0.85 + / -. At or about UU 0.85, there **was** a turnout, at Light Rail North Station (N) 122 + 82. The Turnout was removed February, 2023 by the MTA, without the knowledge or consent, of NSR. The turnout track crossed the Light Rail Tracks. The crossing freight track, and the two diamonds, were removed February, 2023, by the MTA, without the knowledge or consent, of NSR. The crossing freight track then connected to the Norfolk Southern Tail Track, via a LH turnout. The Tail Track was a North-South

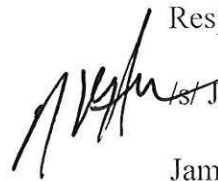
oriented track, parallel to, and about 40 feet West of, the Western Light Rail Track (Trk # 1 S.B.). The Tail Track extended north beyond the LH Tail Track turnout, about 500 feet (a bit north of Wyman Park Dr., at or near UU 1.0), and south beyond the LH Tail Track turnout, to the Flexi-Flo Yard, which contained 12 or so yard tracks. See **Ex. 3** of Riffin's 11-25-2024 Comments.

78. ALL of the Flexi-Flo yard tracks were stub-end tracks. NONE of the tracks in the Flexi-Flo yard connected to ANY track, freight or Light Rail track, at the south end of the Flexi-Flo yard (as falsely depicted on the Map appended to NSR's NOE.

79. The Map **falsely depicts as Line**, the MTA's two "Yard Leads" tracks, which connect to Light Rail Track, #1, S.B., and # 2 N.B., at Light Rail North Station (N) 91 + 89 and 91 + 97. NONE of the MTA's yard tracks connect to ANY of the Flexi-Flo yard tracks. See **Ex. 3** of Riffin's 11-25-2024 Comments.

80. Riffin certifies under the penalties of perjury, that the above is true and correct to the best of Riffin's personal knowledge.

Respectfully,

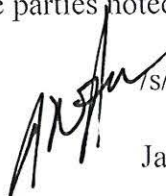


/s/ James Riffin

James Riffin  
P. O. Box 4044  
Timonium, MD 21094  
(443) 414-6210

### CERTIFICATE OF SERVICE

I hereby certify that on the 2<sup>nd</sup> day of January, 2026, a copy of the foregoing Notice of Intent to Participate, with Comments, was served on the parties noted below, by E-mail.



/s/ James Riffin

James Riffin

E-mail:

NSR: Crystal M. Zorbaugh

czorbaugh@mullinslawgroup.net

RIFFIN'S EXHIBIT ONE

P. C-1

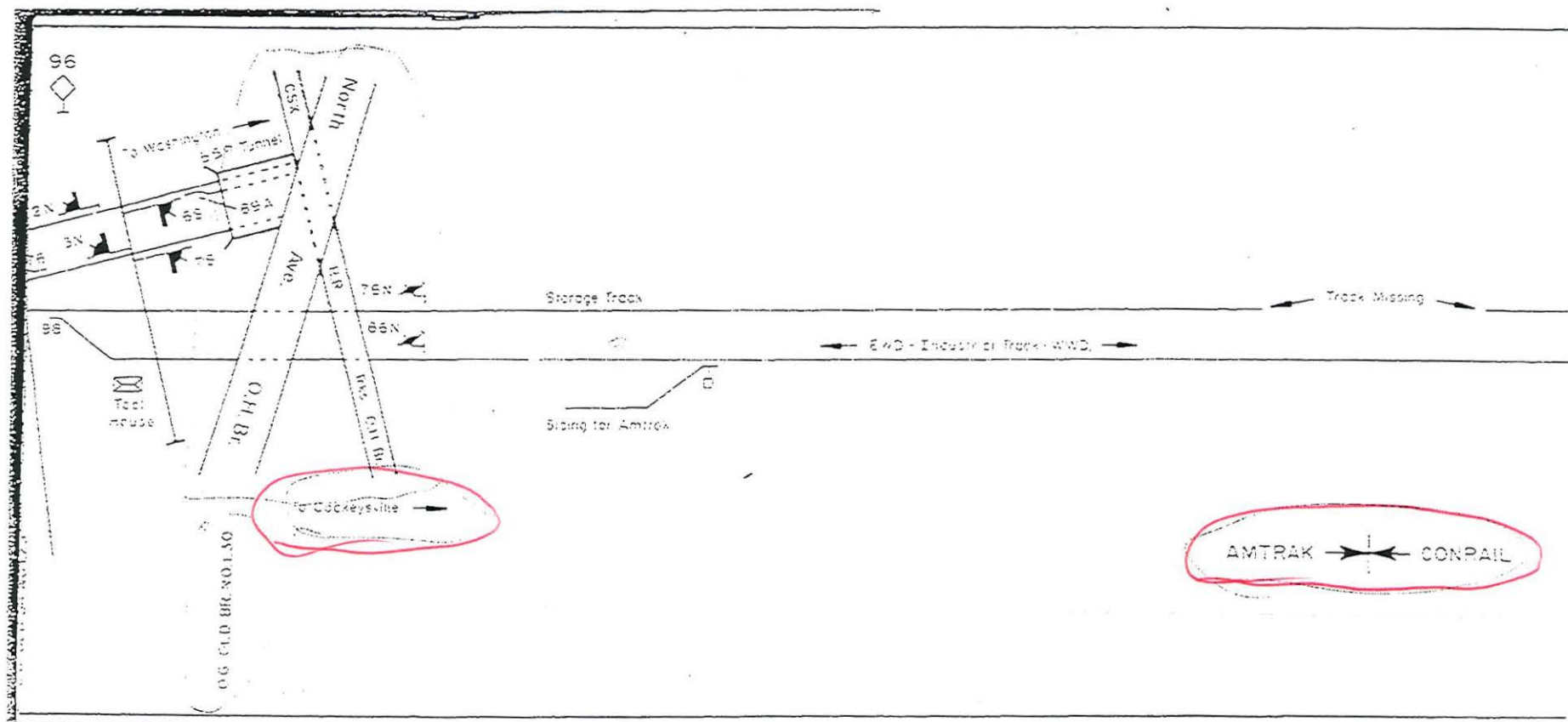
V. S. WILLIAMS



RIFFIN'S EXHIBIT 2

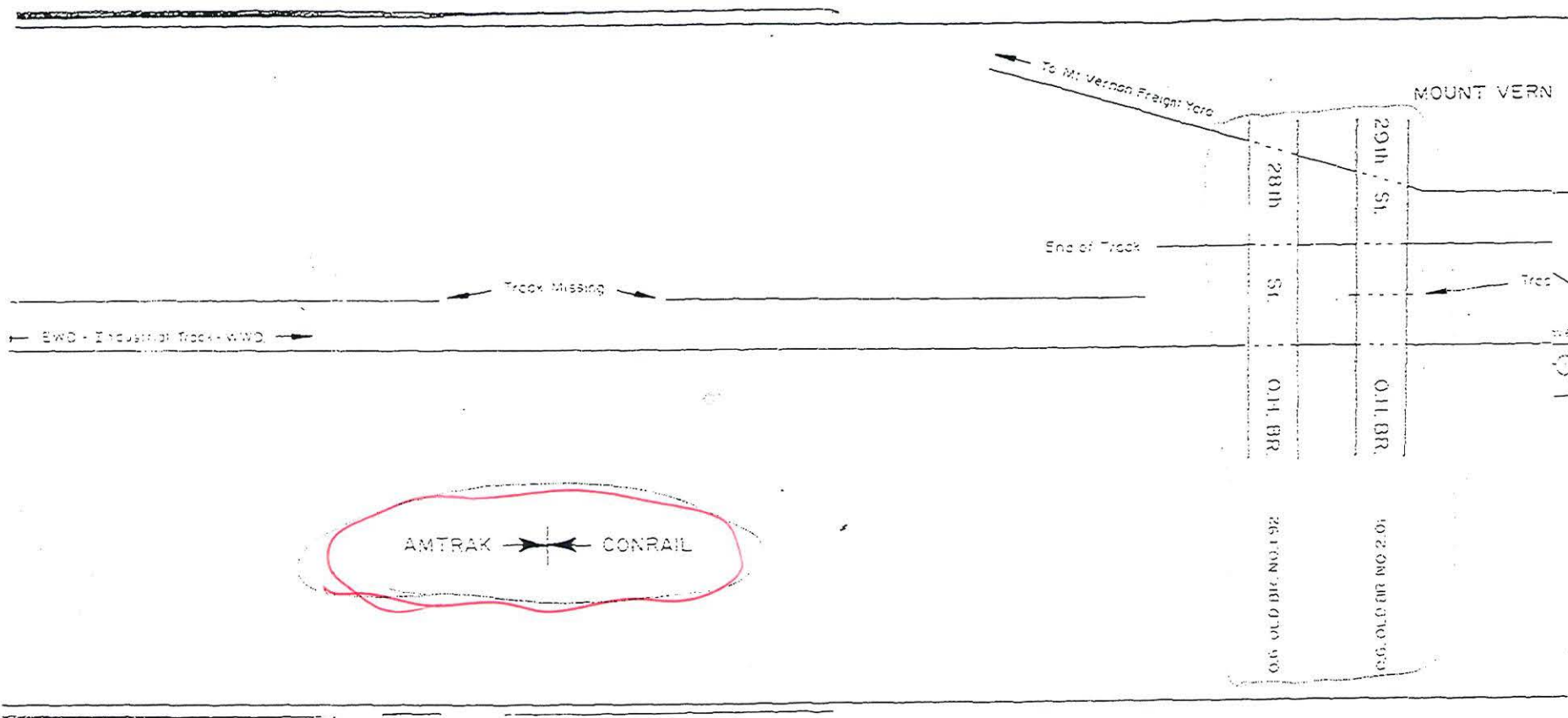
"  
PAGES D-4 & D-5

V. S. WILLIAMS



Verified Statement of Robert L. Williams  
Exhibit D

PAGE D-4



Verified Statement of Robert L. Williams  
Exhibit D

PAGE D-5

RIFFIN'S EXHIBIT 3

LIGHT RAIL TRACK CHART

LIGHT  
RAIL  
LINE

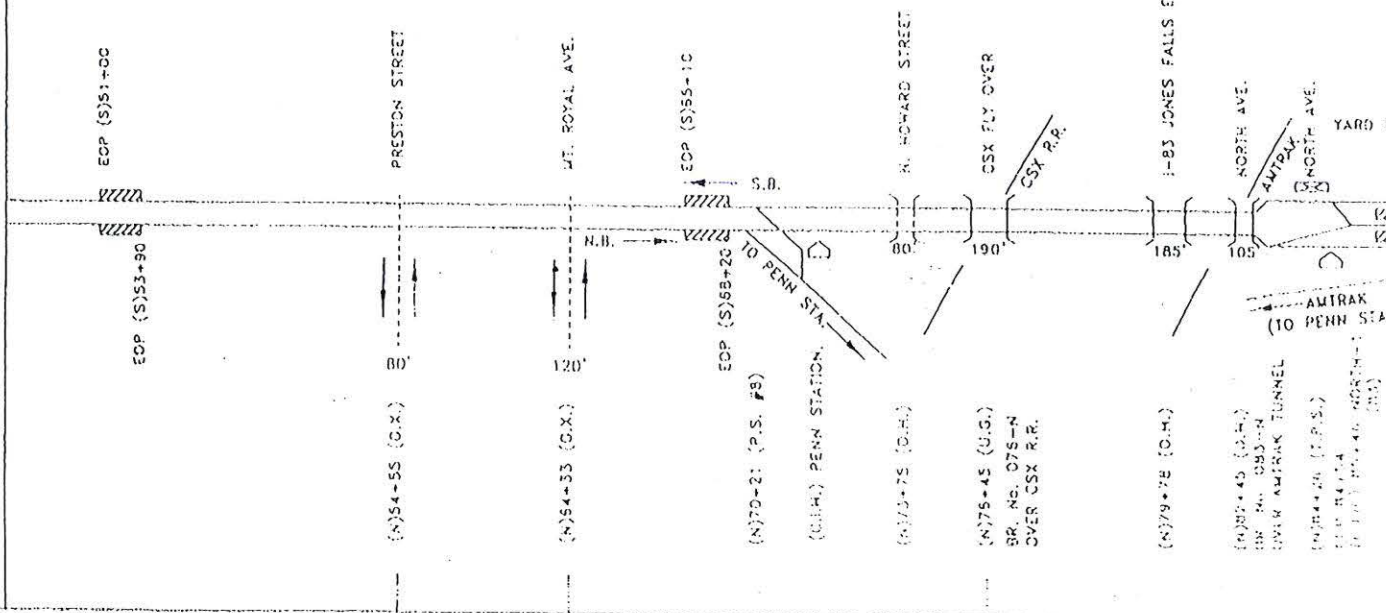
**MTA**  
*Maryland*

|                                                                                   |                                                      |
|-----------------------------------------------------------------------------------|------------------------------------------------------|
|  | EXISTING FRL TRACKS                                  |
|  | EXISTING TRACKS                                      |
|  | EXISTING CENTRAL INSTRUMENT HOUSE                    |
|  | EXISTING TRACTION POWER SUBSTATION                   |
| C.I.H.                                                                            | CENTRAL INSTRUMENT HOUSE                             |
| T.P.S.                                                                            | TRACTION POWER SUBSTATION                            |
| E.O.P.                                                                            | END OF PLATFORM (Including High Block)               |
| O.H.                                                                              | OVERHEAD BRIDGE                                      |
| P.S.                                                                              | POINT OF SWITCH                                      |
| G/X                                                                               | GRADE CROSSING                                       |
| STN.                                                                              | STATION                                              |
| U.G.                                                                              | UNDERGRADE BRIDGE                                    |
|  | EXISTING STATION PLATFORM                            |
|  | GRADE CROSSING<br>AND DIRECTION OF VEHICULAR TRAFFIC |
| 50'                                                                               | WIDTH OF GRADE CROSSING                              |
|  | OVERHEAD BRIDGE                                      |
|  | EXISTING STORM DRAIN + CULVERTS                      |
|  | MILE POST                                            |
| 2.0+00                                                                            | STATION NUMBER                                       |
|  | ELECTRIC LOCKS--SWITCHES                             |

[illegible]

52 + 80 = 132

NORT



034110.c.dwg

(N)76+45 (U.G.)  
BR. No. 076-H  
OVER CSX R.R.

(N)79+70 (O.H.)

(N)82+45 (O.H.)  
BR. No. 083-H  
OVER AMTRAK TUNNEL

(N)84+26 (T.P.S.)  
EOP 84+54  
(C.I.H.) 85+46 NORTH-1  
(B3)

EOP 88+32 (STH.)  
(C.I.H.) 89+50 NORTH-2  
91+89 (P.S.) (08)  
91+97 (P.S.)

N.S. 92+50 (MTA) DERAIL

N.S. 101+86 (P.S. #8)

N.S. 101+86 (P.S. #8)

N.S. RUN AROUND TRK

N.S. XING 110+50

(N)113+60 (O.H.)

(N)114+40

(N)118+40 (O.H.)

(N)119+30

N.S. 110+30 (P.S. #8)

122+82 (P.S. #8)

(C.I.H.) 124+60

126+52 (P.S. #8)

(N)127+10 (O.H.)

(N)127+60

(N)145+45 (O.H.)

(N)146+55

ABANDONED  
(N)160+00 (PED. UNDERPASS)  
(STONE)

(N)164+50

(N)167+00 (O.H.)

CSX FLY OVER

CSX R.R.

I-83 JONES FALLS EXPRESS

NORTH AVE.

AMTRAK

NORTH AVE.

YARD LEADS

NORTH AVE.

MTA-NORTH AVE YARD + SHOP

TRK #1

TRK #2

N.S.

SHOP

S.B.

MTA

28TH ST.

29TH ST.

N.S. FLEX-LO-YARD

CONRAIL (124)

WYMAN PARK DR.

FALLS RD. RAMPS

NORFOLK SOUTHERN TAIL TRACK

JONES FALL EXP.

(S)6+40 (G.X.)

(H)0+00 (G.X.)

(H)4+00 (G.X.)

(H)8+03 (G.X.)  
CROSSWALK

(H)13+00 (G.X.)

(H)17+00 (G.X.)

(H)20+50 (G.X.)

(H)25+00 (G.X.)

(H)29+30 (G.X.)

(H)30+00 (T.P.S.)

(H)33+20 (G.X.)

(H)42+75 (O.X.)

(H)43+00 (G.X.)

(H)45+47 (G.X.)

W.L.C

EOP

EOP (S)0+80

W.B.

W. I

W. I

EOP

W. I

W. I

P.S.17

W.

W.

EOP

EOP

W.

EOP (H)28+65

W.

P.F.

W.

M.I

RIFFIN'S EXHIBIT 4

RIFFIN'S 11 - 24 - 2024 AFFIDAVIT

## RIFFIN'S EXHIBIT FOUR

### NOVEMBER 24, 2024 AFFIDAVIT OF JAMES RIFFIN

1. My name is James Riffin. I am over 21. I am authorized and competent to make this Affidavit.
2. On November 2, 2024, I read the October 31, 2024 filed Notice of Exempt Abandonment, ("NOE") in AB 290 (Sub. No. 412X).
3. I read the February 8, 2023 MDOT letter, which appears at pp. 49-50 in the NOE.
4. The MDOT letter states that the Maryland Transit Administration ("MTA"), began removing the "crossings" (diamonds), that carried the Cockeysville Industrial Tracks ("CIT") across the Light Rail tracks. [From Mile post UU 0.00 to about Milepost UU 0.90, the CIT are physically on the ground on the East side of the Light Rail Tracks. At about Milepost UU 0.90, there was a Left Hand ("LH") turnout in the CIT. The turnout track went in a north west direction, toward two diamonds, by which the turnout track crossed the Light Rail tracks at grade. Forty or so feet west of the west Light Rail Track, referred to as Track No. 1, S.B. on the Light Rail's Track Chart, the turnout track entered a LH turnout in a track referred to as the Norfolk Southern Tail Track on the Light Rail Track Chart. The Tail Track was a north-south track, parallel to the Light Rail Tracks, which extended north of the LH Tail Track turnout, about 500 feet, to its stub end. It extended south of the LH Tail Track turnout about 500 feet, where it branched into 12 yard tracks, which constituted the Flexi-Flow facility.]
5. The MDOT letter further states, on p. 2, that in 2019, Norfolk Southern sold the Flexi-Flow facility.
6. I studied Google Satellite images of the Line that is the subject of AB 290 (Sub. No. 412X)
7. The satellite images depict heavy construction equipment (excavators, etc.), which appear to have removed the diamonds, CIT crossing track, and LH turnout that was in the CIT on the East side of the Light Rail tracks.
8. I re-read, and studied, my copy of the Response that was filed by the Maryland Transit Administration ("MTA") in FD 34975, (I participated in that proceeding. I still have my copy of all of the pleadings filed in that proceeding.) The Response contains Track Charts of the Line for the years 1917, 1965 and 1988. It also contains a copy of the Light Rail Track Charts for the Northern portion of the Light Rail line.
9. I am intimately familiar with the portion of the CIT that lies between Milepost UU 0.00 and 1.0, including Conrail's Flexi-Flow Terminal, which is on the North side of the Light Rail's Shops at North Avenue, in Baltimore City, on the West side of the Light Rail main line tracks, having walked, and studied the CIT during the FD 34975 proceeding.

10. On November 12, 2024, I decided to re-visit the portion of the CIT that is the subject of AB 290 (Sub. No. 412X). I presented myself at the entrance gate to the Light Rail Shops. I stated that I desired to go to the Flexi-Flow facility. I was given permission to enter the premises. I inspected the portion of the Cockeysville Industrial Tract, that is the subject of AB 290 (Sub. No. 412X), including the (former) Flexi-flow facility. I say 'former,' because it is no longer there.

11. On my November 12, 2024 visit, I observed the following:

12. All of the yard tracks that were in the Flexi-flow facility, had been removed.

13. The former Flexi-flow facility was being used as a Contractor's Storage Yard. I observed heavy construction equipment (excavators, etc.), and substantial quantities of old water mains, and other scrap steel, being stored on the property.

14. A portion of the Tail Track, including the LH turnout in the Tail Track, was still on the ground, north of the gate through which the Tail Track entered the former Flexi-flow facility.

15. The diamonds, the CIT crossing track, and the LH turnout that had been in the CIT track on the East side of the Light Rail tracks, were no longer there. Where the LH turnout had been, tangent track had been inserted.

16. A bit north of where the turnout had been, there was a de-rail on the CIT. Past the de-rail, the CIT entered a LH turnout in Light Rail Track # 2, N.B.

17. The derail is at or near Milepost UU 0.90. The derail is about 500 feet south of Milepost UU 1.0. The derail is about 100 feet south of the south side of the Wyman Park Bridge.

18. I noted there was NO catenary wires above ANY of the CIT FREIGHT tracks. Not even above the CIT from the de-rail to the 'frog' in the LH turnout that connects the CIT to Light Rail's Track # 2. ALL catenary wires were above the center-line of Light Rail's Track No. 1 and Track No. 2.

19. The CIT track south of Milepost UU 0.9 appeared to be in usable condition.

20. The CIT track south of Milepost UU 0.9, is 50 or so feet East of Light Rail's eastern-most Track No. 2.

21. I certify, under the penalties of perjury, that the above is true and correct to the best of my personal knowledge, information and belief.



/s/ James Riffin

Executed on: November 24, 2024

James Riffin  
Affiant

RIFFIN'S EXHIBIT 5

SCRAP METAL QUOTE

11/15/24, 4:15 PM

(162 unread) - jimriffin@yahoo.com - Yahoo Mail

Find messages, documents, photos or people Advanced



Archive Move Delete Share

STEEL RAIL PRICE

Yahoo Mail/lebox

george georgegeorge  
From: george@owlmetals.com  
To: jimriffin@yahoo.com

11/15/24, 10:15 AM

Hello Jim  
Owl Metals is offering 9 cents per pound (\$201/gross ton) for steel rails  
FOB our yard in Dundalk.  
We can move the material from the site to our yard in rolloff cans. The  
cost for trucking is \$150 per trip. We would not load the material into  
the container. I have a guy that would cut the rail for you.  
The cost is \$30.00 per gross ton plus gas and ah.  
Thanks George

Reply Reply All Forward