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Transportation Solutions for the 21st Century

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January 9, 2026

EXPEDITED ACTION REQUESTED

VIA E-FILING

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Norfolk Southern Railway Company – Abandonment Exemption –In The
City of Baltimore, Maryland AB-290 (Sub-No. 420X)

Dear Chief of Case Administration:

Please accept for filing this Motion to Reject Notice of Intent to File an Offer of Financial Assistance to Purchase a Portion of the Line, submitted on behalf of Norfolk Southern Railway Company (“NSR”) in the above-referenced proceeding. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7853 or by e-mail: jedwards@mullinslawgroup.net. If I am unavailable, you may contact William A. Mullins, who can be reached at (202) 663-7823 or by e-mail at wmullins@mullinslawgroup.net.

Respectfully submitted,

/s/ John V. Edwards

John V. Edwards
Attorney for Norfolk Southern Railway Company

Enclosures

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 420X)

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

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

EXPEDITED ACTION REQUESTED

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**Attorneys for Norfolk Southern Railway
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January 9, 2026

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 420X)

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

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

The Surface Transportation Board (“STB” or “Board”) should act quickly to reject the Notice of Intent to File an Offer of Financial Assistance to Purchase a Portion of the Line (“Riffin NOI” or “JR-2”) submitted to the Board (but not served on NSR)¹ by James Riffin on January 2, 2026 in the above-captioned proceeding. Mr. Riffin is no stranger to the abandonment and offer of financial assistance (“OFA”) process. Mr. Riffin’s filing continues his pattern of abusing Board processes in pursuit of his Quixotic mission to operate a railroad. Here, Mr. Riffin failed to timely provide the notice of intent as prescribed by the Board’s regulations. He has filed to acquire a line of railroad which he would have no ability to access as he has no operating rights on the connecting lines. For Mr. Riffin’s purposes, the “rail line” that he seeks to acquire would be an “island railroad” that connects to no other freight lines. Mr. Riffin has not identified any shippers who

¹ It is not clear when the Surface Transportation Board (“STB” or “Board”) should determine to be the date of “filing” for the four pleadings filed by Mr. Riffin, but not served by him until January 8, 2026 in response to being contacted by counsel for NSR. As explained in Sections A and B below, however, the failure of Mr. Riffin to serve his pleadings on NSR have created an urgent and untenable situation for the Board and NSR, and threaten to prejudice NSR’s administrative procedural rights.

could use the line in interstate freight service.² As such, there is no public purpose to be achieved through Mr. Riffin's OFA. There are no shippers who could use the line in furtherance of interstate freight service. Mr. Riffin's "railroad" could not be accessed by any other freight railroad. As such, the OFA should be rejected outright and stricken from the record. In addition, Mr. Riffin has failed to present a case that he has met the requirement for demonstrating preliminarily the financial ability to acquire and conduct rail services over the trackage sought to be acquired. The Riffin NOI should be dismissed.

A. Riffin's Notice Was Untimely Under 49 CFR 1152.

The Board's regulations are clear: "Persons with a potential interest in providing financial assistance must, ... no later than 10 days after the Federal Register publication described in paragraph (b)(2)(i) of this section, submit *to the carrier* and the Board a formal expression of their intent to file an offer of financial assistance, indicating the type of financial assistance that they wish to provide (i.e., subsidy or purchase) and demonstrating that they are preliminarily financially responsible as described in paragraph (c)(i)(ii) of this section." 49 CFR 1157.27(c)(1)(i) (emphasis added). The Abandonment Exemption in this proceeding was published in the Federal Register on December 23, 2025. 90 FR 60221. As explained above, FN1, Mr. Riffin did not provide to NSR formal express of his intent to file an offer of financial assistance until January 8, 2026, 16 days after publication in the Federal Register. The Riffin NOI should be dismissed as untimely.

B. The Filing Date Cannot Be January 2, 2026.

The Board's regulations set specific timeframes for pleadings, responses and the like in a notice of exemption proceeding, and not one of those should use January 2, 2026, as the date of

² It is not clear how Mr. Riffin would use the line. It appears that Mr. Riffin may want to try and establish some sort of operation that would simply be a junkyard for scrap steel or other metals and for which he would want to claim preemption over in the event such a yard violated state and local zoning, health, and environmental codes.

filing for Mr. Riffin’s pleadings. One of those specific timeframes is set forth in 49 CFR 1152.27(c)(1)(ii), which provides in relevant part that “If the Board does not issue a decision regarding the preliminary financial responsibility demonstration within 10 days of receipt of the expression of intent, the party submitting the expression of intent will be presumed to be preliminarily financially responsible and, upon request, the applicant must provide the information required under paragraph (a) of this section.” If the Riffin NOI is considered to have been filed on January 2, 2026, which it should not be, a Board decision that Mr. Riffin has not met the preliminary financial responsibility demonstration obligations would be due no later than January 12, 2026, notwithstanding his failure to timely serve NSR. The Board should not fail to act, and thus by default finding Riffin to be financially responsible, when NS has had no opportunity to review Mr. Riffin’s information and when Mr. Riffin did not properly serve NS.

C. Riffin’s Request Is Vague and Unworkable.

Mr. Riffin states that he seeks to acquire “all of NSR’s assets and rights associated with the line,” JR-2 at 1, and more specifically “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 first sought to abandon the Line Segment at issue, together with any additional rail pieces lying on the ground immediately adjacent to the Line.” JR-2 at 2 (referring to Exhibit 3 attached to his Notice of Intent to Participate – with Verified Comments (“JR-1”)).

First, it is not clear what Mr. Riffin seeks to acquire. “The Line is no longer owned ... by NSR, and under the governing operating agreement between [the Maryland Transit Authority (“MTA”)] and NSR, NSR must abandon the Line due to lack of use.”³ NSR Notice of Exemption,

³ In its Notice of Exemption, NSR noted that “MTA’s light rail transit system now carries over 24,000 passengers per day over the Line.” As noted, MTA owns all remaining track in the vicinity, including that single main line track over which NSR has the common carrier obligation sought to be abandoned in this Notice of Exemption proceeding. There are two other parallel main line tracks, over which NSR does not

Appendix D. NS merely has a latent common carrier obligation to operate over tracks, real property, ties, and other track materials that it does not own. Therefore, even if the OFA was legitimate, which it is not, Mr. Riffin could only acquire the right to perform common carrier operations on the small, isolated “island” track that he could not access and that does not connect to any other freight lines.

There is freight main line trackage depicted on the east (left) side and yard and other ancillary track on the west (right) side of the (outdated) diagram in JR-1, Exhibit 3. Those two segments of trackage are separated by light rail tracks operated by MTA.⁴ NSR seeks only to abandon the common carrier obligation over the freight main line trackage depicted on the east (left side) of the diagram. NSR does not seek to abandon any common carrier obligation over the yard and other ancillary track on the west (right) side of the diagram, because NSR has no common carrier obligation over that trackage.⁵

In addition, if the only segment of trackage Mr. Riffin seeks to acquire access to is that single track laying on the east (left) side of the diagram, then he (Mr. Riffin) would not be able to

have any operating rights. These three tracks are commonly referred to as the Line, but MTA’s light rail transit system currently transports passengers only over the two main lines that NS does not have operating rights over. Once NSR’s freight common carrier obligation is removed from the third track, it is anticipated that the Line will remain intact and in operation for light rail transit service. Although Mr. Riffin claims that NSR’s Notice of Exemption contained allegedly “false or misleading statements” (JR-1 at 1), most are simply misinterpretations. NSR did erroneously submit a map from a prior docket, and corrects that error through the submission of a new map attached hereto.

⁴ In its Notice of Exemption, NSR noted that it did not own the line over which it had operating rights on, but incorrectly implied that all trackage between Milepost UU 0.00 to Milepost UU 1.00 was subject to its freight operating easement, rights and operations. As shown in Mr. Riffin’s Exhibit 3, however, NSR only has freight operating rights (and apparently Mr. Riffin wants to acquire those freight operating rights) only on a single track lying to the east of those operated by the Maryland Transit Administration (“MTA”).

⁵ In its Notice of Exemption, NSR noted that “NSR has no knowledge regarding changes made to the right-of-way by Amtrak or MTA.” Notice of Exemption, Historic Report, page 11 (cited by JR-1 at 2 as an alleged “false or misleading statement” because MTA removed two diamonds on a yard track leading from the Flexi-Flo facility to the main line track over which NS has a common carrier obligation sought to be abandoned in this proceeding). Mr. Riffin references MTA alterations to tracks not subject to this abandonment proceeding.

reach it, and there are no shippers able to be served by it. NSR notes that the main line track segment it seeks to abandon is now an isolated 1-mile island of track with a common carrier obligation attached. If Mr. Riffin were to assert that he is attempting to acquire the common carrier obligation over that line segment for continued rail service, he would be completely incapable of providing that service, because he has no connective operating rights to reach that line segment. See, JR-1, Exhibit 3 (noting that access to the freight tracks sought to be acquired are accessed via operations over an Amtrak line to Penn Station). There are no shippers who could use that line as part of any interstate move, nor has Mr. Riffin identified any shipper who has requested that service be provided over this “island” freight railroad. All Mr. Riffin has said is that “he” desires to provide service to shippers, but no shippers have expressed “their” desire for service.

If Mr. Riffin seeks, instead, to also acquire access to trackage on the west (right) side of the diagram (as may be indicated by an arrow that he put onto the diagram), then he would be attempting to acquire the common carrier obligation and operating rights over Section 10906 yard trackage and which trackage is not subject to this abandonment NOE and cannot be acquired through an OFA proceeding. It appears, in fact, that Mr. Riffin is attempting to acquire the common carrier obligation and operating rights over yard trackage – trackage, in fact, that no longer exists. Mr. Riffin is attempting to acquire a common carrier obligation over trackage that previously served a transfer facility (labeled as the “NS Flexi-Flow” facility), which no longer exists, located on land now owned by Amtrak.⁶ In any event, Mr. Riffin expressly states that he does not want to acquire

⁶ In another filing submitted to the Board on January 2, 2026, but also not served on NSR until January 8, 2026, Mr. Riffin seeks further information from NSR. (“Request for Information” or “JR-3”). One piece of information sought by Mr. Riffin is the net liquidation value of “the 0.90 portion of the Line that Riffin seeks to purchase,” (the “Single Main Line”) while another piece of information sought is the net liquidation value of “the remaining FREIGHT rail on the East side of the Light Rail Tracks [consisting of] the Trail Track and former Flexi-Flow Terminal” (collectively, the “Eastside Yard Trackage”). NSR interprets this as stating that Mr. Riffin does not seek to acquire the Eastside Yard Trackage, but in any event, Mr. Riffin is not clear. Even if he were seeking to acquire such Eastside Yard Trackage, such “track” (which no longer exists) is Section 10906 track outside of the scope of this abandonment proceeding.

the rights associated with diamonds that allowed access to that former Flexi-Flow transfer facility.⁷ JR-2, at 2. Mr. Riffin’s track diagram is out-of-date and showing trackage associated with the former Flexi-Flow transfer facility even though those tracks no longer exist. Even if they did, however, absent the diamonds that Mr. Riffin states he does not want to acquire (and also which do not exist anymore – see, JR-1 at 2 (noting that MTA removed several hundred feet of trackage including the diamond crossings), there is no way to reach what used to be the yard and lead trackage on the west (right) side of the diagram found in JR-1, Exhibit 3.

Finally, Mr. Riffin states that he wishes to acquire “all of the freight rail, and associated track material depicted on Mr. Riffin’s Exhibit 3 as “Freight Tracks” which were on the ground on October 31, 2024, the day that NSR first sought to abandon the Line Segment at issue, together with any additional rail pieces lying on the ground immediately adjacent to the Line.” JR-1 at 2. Mr. Riffin cannot acquire materials that were in the vicinity of the track segment on any day in the past that he defines.⁸

D. Riffin Failed to Demonstrate Preliminary Financial Responsibility.

A person submitting an expression of intent to file an offer of financial assistance “must demonstrate that they are financially responsible ... for the calculated preliminary financial

⁷ In its Notice of Exemption, NSR noted that it did not own the line over which it had operating rights on, but incorrectly implied that all trackage between Milepost UU 0.00 to Milepost UU 1.00 was subject to its freight operating easement, rights and operations. As shown in Mr. Riffin’s Exhibit 3, however, NSR only has freight operating rights (and apparently Mr. Riffin wants to acquire those freight operating rights) only on a single track lying to the east of those operated by the Maryland Transit Administration (“MTA”).

⁸ Mr. Riffin has challenged the fact that the STB permitted NSR to withdraw a previously filed notice of exemption with regard to the line involved in this proceeding. That challenge remains pending before the U.S. Court of Appeals for the District of Columbia Circuit. Riffin v. STB, Nos. 24-1385 and 25-1141 (consolidated) (D.C. Cir.). Of course, Mr. Riffin cannot acquire “tracks” that NS does not own. NS merely has a latent common carrier obligation on tracks and real property that it does not own. In that sense, this proceeding is more akin to a discontinuance proceeding rather than an abandonment proceeding. And there are no OFA’s allowed in a discontinuance proceeding nor should it be allowed here, especially when all that Mr. Riffin would be acquiring is common carrier operating rights over tracks and right-of-way that he would not own and for which there is no ability to provide interstate rail service.

responsibility amount of the rail line they seek to subsidize or purchase.” 49 CFR 1152.7(c)(1)(ii).

In the Riffin NOI, Mr. Riffin stated that he intended to acquire a portion of the line being abandoned and provided a calculation for the amount of the rail line he seeks to acquire on the east (left) side of the diagram found at JR-1, Exhibit 3. But he did not provide, to NS’s knowledge, sufficient documentation of the fact that he had the financial wherewithal to acquire or be responsible for the rail line sought to be acquired. He indicates that he has filed “bank statements which show that Riffin currently has sufficient liquid funds to cover the cost of the calculated Preliminary Financial Responsibility Amount.” JR-2, at 3. As is explained further in the NSR Response to the Motion for a Protective Order (“JR-4”), Mr. Riffin seems to have provided the Board (but no one else) asserted dollar figures for his cash and real estate assets, as well as a value for his home, and an overall total net worth, but (other than bank statements showing cash assets) no documentation for the same. He apparently submitted information on real estate that he owns, as well as any mortgage, but no other information on the lack of short or long-term debts or other information that would provide a full picture of his financial wherewithal to acquire and act as a freight rail common carrier, especially on this island line of freight railroad.

As explained, with reference to a prior proceeding involving Mr. Riffin and this line segment, “The Board has identified an initial minimum financial responsibility showing as a useful tool to ensure offeror are legitimately interested in, and capable of, participating in the OFA processes....” Norfolk S. Ry. Co. – Abandonment Exemption – In the City of Baltimore, MD., AB 290 (Sub-No. 412X), slip op. at 5 (STB served April 14, 2025) (quoting Offers of Financial Assistance, EP 728, slip op. at 16 (STB served Sept. 30, 2016)). Mr. Riffin has failed to make the demonstration required by 49 CFR 1152.7(c)(1)(ii).⁹

⁹ As noted supra, one of the pleadings that Mr. Riffin filed, but failed to serve, on January 2, 2026, was a Request for Information, JR-3. NSR is not obligated to respond to any of those requests until Mr. Riffin is

E. The OFA Serves No Public Purpose.

Mr. Riffin did not clearly indicate for what reason he wished to acquire NS's latent common carrier operating rights – whether it is for the introduction of common carrier rail service or for merely scrapping what is there.¹⁰ Seeking to acquire “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,” JR-1 at 2, would indicate that he is planning to simply sell for scrap any materials he can salvage from the line (of which there are none), which is not an appropriate use of the OFA regulations, particularly when MTA and AMTRAK (and not NSR) own the tracks and associated track material and the underlying right-of-way. If his OFA is to acquire NS's common carrier obligation, to acquire such rights under an OFA, he needs to show that there is shipper need for such service and that such service is feasible.¹¹ 49 CFR 1152.27(c)(iv)(E). He has not, and cannot state that.

able to demonstrate that he meets the preliminary financial responsibility requirements, which he has not done. See, id.

¹⁰ In JR-4, Mr. Riffin seeks information characterized as “Other data necessary to determine the amount of annual financial assistance that would be required to continue rail transportation over that part of the railroad line,” but he also seeks information on scrap railroad material “on the ground” that he acknowledges no longer is present. Furthermore, because NS does not own the tracks and track materials or the underlying right-of-way, there are no “hard” assets for Mr. Riffin to acquire.

¹¹ As this proceeding is more akin to a discontinuance and NS does not own any of the assets needed to under rail operations, it is not clear that an OFA for a latent common carrier obligation can even be filed. But even if it could, Riffin has not met the standards required to even pass the initial preliminary requirements necessary for the Board to even consider his OFA. As such, the Riffin NOI should be rejected outright and either dismissed or stricken.

CONCLUSION

For the foregoing reasons – untimeliness, lack of clarity, failure to demonstrate financial responsibility, and absence of public benefit – the Board should promptly reject Mr. Riffin’s Notice of Intent.

Respectfully submitted,

/s/ John V. Edwards

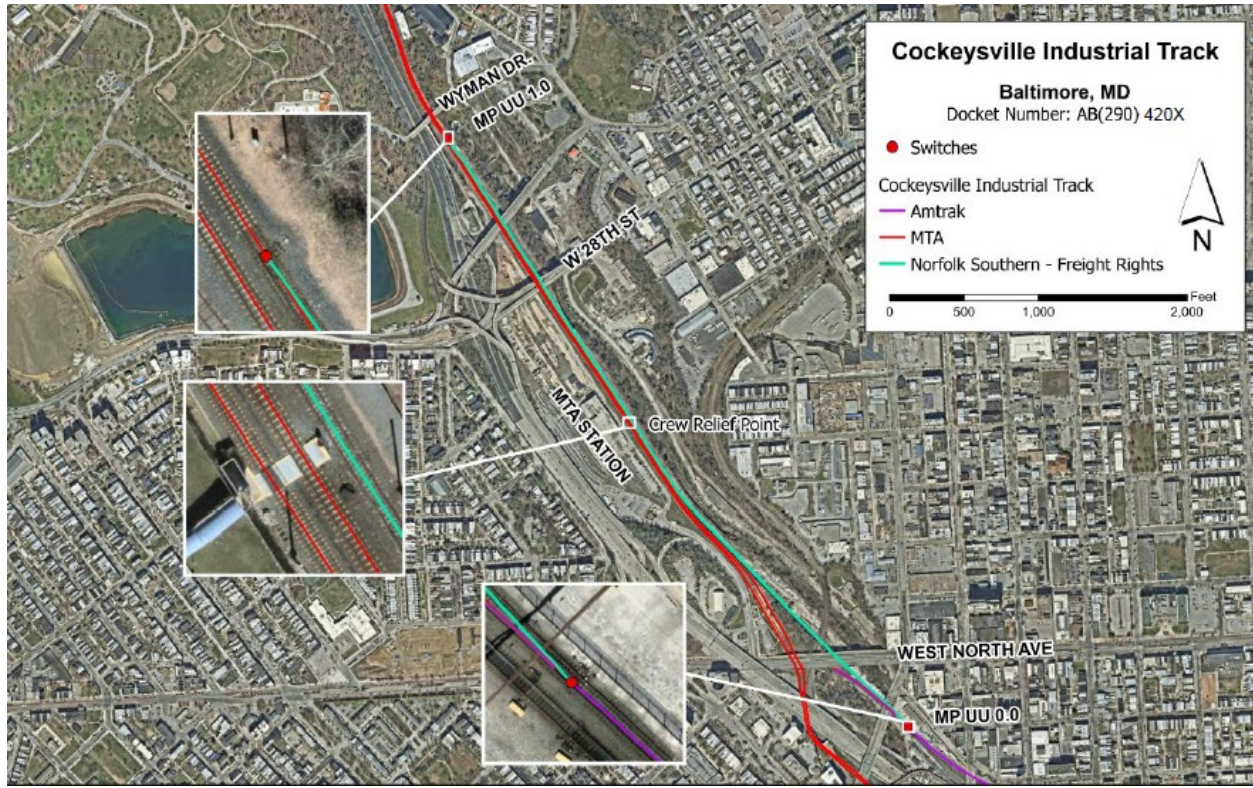
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APPENDIX A
REPLACEMENT MAP



CERTIFICATE OF SERVICE

I certify that, on January 9, 2026, in accordance with 49 CFR 1104.12(a), I have caused to be served a copy of the foregoing Norfolk Southern Railway Company's Motion to Reject Notice of Intent to File an Offer of Financial Assistance to Purchase a Portion of the Line upon each Party of Record in this proceeding.

/s/ *John V. Edwards*
John V. Edwards

Attorney for Norfolk Southern Corporation and
Norfolk Southern Railway Company