

SERVICE DATE – JANUARY 12, 2026

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 420X)

NORFOLK SOUTHERN RAILWAY COMPANY—
ABANDONMENT EXEMPTION—IN THE CITY OF BALTIMORE, MD.

Decided: January 12, 2026

On December 3, 2025, Norfolk Southern Railway Company (NSR) filed a verified notice of exemption (NOE) under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon its freight rail easement over an approximately one-mile rail line extending from milepost UU 0.00 +/- to milepost UU 1.00 +/- in the City of Baltimore, Md. (the Line). Notice of the exemption was served and published in the Federal Register on December 23, 2025 (90 Fed. Reg. 60,221). The notice indicated that the exemption would become effective on January 22, 2026, unless stayed by the Board or unless a formal expression of intent to file an offer of financial assistance (OFA) was filed by January 2, 2026.¹

On January 2, 2026, Riffin filed a notice of intent to file an OFA under 49 U.S.C. § 10904 and 49 C.F.R. § 1152.27 to purchase a portion of the Line from milepost UU 0.00 to approximately milepost UU 0.90. (Notice of Intent to File OFA 2). Riffin’s notice of intent to file an OFA includes information seeking to demonstrate that he satisfies the Board’s requirement that offerors be “preliminary financially responsible,” as required by 49 C.F.R. § 1152.27(c)(2)(i). Also on January 2, 2026, Riffin filed a notice of intent to participate with a comment attached, a request that NSR provide him with information, and a motion requesting

¹ NSR previously filed a verified NOE to abandon the Line on October 31, 2024, in Docket No. AB 290 (Sub-No. 412X). Notice of the exemption was served and published in the Federal Register on November 20, 2024 (89 Fed. Reg. 91,869). On December 6, 2024, NSR requested permission to withdraw its NOE to resolve certain real estate and other issues. Prior to NSR’s request to withdraw its NOE, James Riffin (Riffin) filed a notice of intent to file an OFA to purchase the Line. The Acting Director of the Office of Proceedings (now, the Office of Chief Counsel) granted NSR’s request to withdraw its NOE and dismissed the proceeding without prejudice to NSR seeking authority to abandon the Line in the future. Norfolk S. Ry.—Aban. Exemption—in Balt. City, Md., AB 290 (Sub-No. 412X) (STB served Dec. 9, 2024). By decision served April 14, 2025, the Board construed a submission by Riffin as a request to reopen the Acting Director’s decision and denied that request. Norfolk S. Ry.—Aban. Exemption—in Balt. City, Md., AB 290 (Sub-No. 412X) (STB served Apr. 14, 2025). Riffin’s challenge to the decisions before the U.S. Court of Appeals for the District of Columbia Circuit remains pending. Riffin v. STB, Nos. 24-1385 & 25-1141 (consol.) (D.C. Cir.).

that the Board issue a protective order that would allow him to submit “bank statements and a balance sheet” under seal. (Mot. for Protective Ord. 1.)

On January 9, 2026, NSR filed a motion to reject Riffin’s notice of intent to file an OFA. NSR argues, among other things, that Riffin’s notice of intent to file an OFA is untimely because Riffin failed to serve NSR until January 8, 2026; that it is unclear what assets Riffin seeks to acquire; and that Riffin has failed to demonstrate that he is preliminarily financially responsible. That same day, NSR also filed a response to Riffin’s motion for protective order.

Riffin’s notice of intent does not satisfy the requirements for demonstrating preliminary financial responsibility set forth in 49 C.F.R. § 1152.27(c)(1)(ii). There are several significant deficiencies in Riffin’s notice of intent to file an OFA. First, the Board’s regulations require that a potential offeror calculate the amount needed to demonstrate preliminary financial responsibility using “the rail steel scrap price per ton (dated within 30 days of the submission of the expression of intent).” 49 C.F.R. § 1152.27(c)(1)(ii). Here, Riffin’s notice of intent to file an OFA does not include a price within 30 days but rather references a quote from a scrap dealer dated November 15, 2024, well beyond the timeframe required by the regulation.² (See Notice of Intent to File OFA 3 n.1); N. Coast R.R.—Aban. Exemption—in Mendocino, Trinity, & Humboldt Cnty., Cal., AB 1305X, slip op. at 2 (STB served June 10, 2022).

Second, even if Riffin had submitted a timely rail steel scrap price, his notice of intent does not adequately demonstrate that he possesses the financial resources needed for a preliminary financial responsibility amount. In his notice of intent to file an OFA, Riffin refers to “Exhibit Six,” which he states “contains bank statements which show that Riffin currently has sufficient liquid funds to cover the cost of the calculated Preliminary Financial Responsibility Amount.” (Notice of Intent to File OFA 3.) However, there are no exhibits to the notice of intent to file an OFA, and the exhibits attached to his notice to participate do not include a bank statement.³ Riffin did attach a “Personal Financial Statement” to his motion for protective order, but it does not include any evidentiary support for his figures. 49 C.F.R. § 1152.27(c)(1)(ii) (“[p]ersons submitting an expression of intent must provide evidentiary support for their calculations.”); see N. Coast R.R., AB 1305X, slip op at 2 (finding insufficient for purposes of preliminary financial responsibility documentation of a home equity line of credit that did not make clear what amount of funds would be available for purchase of the rail segment sought to be acquired).

² Riffin does not include a copy of the quote with his notice of intent to file an OFA. Instead, a copy of the quote is attached as an exhibit to his January 2, 2026 notice of intent to participate in the proceeding. The quote is the same November 2024 quote he used in his notice of intent to file an OFA in Docket No. AB 290 (Sub-No. 412X).

³ Riffin’s notice of intent to file an OFA includes nearly identical language to his prior notice of intent to file an OFA in Docket No. AB 240 (Sub-No. 412X). Accordingly, the reference to exhibit six in his current notice of intent may be referring to an exhibit in his previous filing in Docket No. AB 240 (Sub-No. 412X), in which he did provide bank statements. However, as noted, no current bank statements are provided with his filing in this proceeding. Although Riffin was presumed to be preliminarily financially responsible in the prior docket, that does not carry forward to this proceeding.

In his motion for protective order, Riffin states that he seeks a protective order to “allow[] Riffin to make available to the Board, under seal, certain highly confidential documents and information,” including bank statements and a balance sheet. (Mot. for Protective Ord. 1.) Under 49 C.F.R. § 1152.27(c)(2)(i), persons interested in providing financial assistance must submit to the carrier and the Board “a formal expression of their intent to offer financial assistance” that “demonstrate[es] that they are primarily financially responsible” by “no later than 10 days after [notice of the exemption is published in the Federal Register].” The deadline for Riffin to file of a notice of intent to file an OFA in this case was January 2, 2026 (the same day he filed his motion for protective order). Accordingly, any evidence Riffin wanted the Board to consider in making its determination regarding preliminary financial responsibility—including any confidential materials—was required to be submitted by that date.⁴

For these reasons, Riffin’s notice of intent to file an OFA does not comply with the Board’s requirements and will be rejected. Because Riffin is found to have failed to meet the requirement for preliminary financial responsibility, there is no need for any other party to access the information he submits under seal with his motion for protective order. Riffin’s motion for protective order, therefore, will be denied as moot.

Stay of the Proceeding. As noted, supra note 2, Riffin has appealed the Board’s decisions in Docket No. AB 290 (Sub-No. 412X) to the U.S. Court of Appeals for the District of Columbia Circuit. In that appeal, Riffin argues that his right to pursue an OFA vested despite NSR having withdrawn its verified NOE. That appeal remains pending. The exemption in the current proceeding is scheduled to become effective on January 22, 2026, at which point NSR could consummate its abandonment authority, which in turn would remove the Line from the Board’s jurisdiction. Accordingly, the effective date of the current verified NOE will be stayed pending further order of the Board.

It is ordered:

1. Riffin’s notice of intent to file an OFA is rejected.
2. Riffin’s motion for protective order is denied as moot.
3. The effective date of the notice of exemption in this docket is stayed until further order of the Board.
4. This decision is effective on its date of service.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

⁴ Although Riffin’s notice of intent to file an OFA includes a certificate of service stating that the filing was served on NSR, (see Notice of Intent to File OFA 4), NSR argues that Riffin did not serve it until January 8, 2026, (see Mot. to Reject 4). If Riffin failed to serve NSR by the January 2, 2026 deadline, Riffin has also failed to meet the service requirements for filing a notice of intent to file an OFA.