

Before the
Surface Transportation Board

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

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

ENTERED
Office of Chief Counsel
April 29, 2026
Part of
Public Record

JAMES RIFFIN'S MOTION
TO SUMMARILY REJECT THE EXEMPTION NOTICE

1. James Riffin ("Riffin"), herewith Moves to **Summarily Reject** the Exemption Notice in the above docketed Proceeding, since (A) the Surface Transportation Board ("STB") was divested of its **jurisdiction** over the status of the subject Line on **December 23, 2024**, when Riffin filed a Petition for Review of the STB's **December 9, 2024** Served decision in STB Docket No. AB-290 (Sub-No. 412X), which jurisdiction has yet to revest with the STB; and (B) pursuant to 49 CFR 1152.50 (d)(3), since the Exemption Notice contains multiple **material** "false or misleading information."

LACK OF JURISDICTION

2. The filing of a Petition for Review of a decision of the STB, divests the STB of its jurisdiction concerning the matter that is the subject of an appeal. *U.S. v. Christy*, 3 F. 3d 765, (C.A. 4 1993).

3. The STB retains its jurisdiction only over matters separate from matters under consideration on appeal. *Walsh v. Kelly*, D. Nev. 2001, 203 F.R.D. 597 (D. Nev. 2001).

4. The 'matter under consideration on appeal' is whether Norfolk Southern Railway ("NSR") should be granted authority to abandon the last mile of the Cockeysville Industrial Track ("CIT), which is the same matter that is before the STB in this Proceeding.

5. The controlling issue: If the D.C. Circuit had granted Riffin's Petition for Review, reversed the STB's December 9, 2024 decision, then remanded the matter back to the STB, would that have rendered NSR's 420X proceeding, without effect? It would have. Therefore, both proceedings involve the same 'matter.'

6. The STB's jurisdiction reverts on the day that the Court of Appeals issues its Mandate in the Petition for Review proceeding.

7. To date, the U.S. Court of Appeals for the D.C. Circuit, has NOT issued its Mandate in Case No. 24-1385, and on information and belief, may NOT issue its Mandate sooner than May 25, 2026. [45 days (FRAP 40, U.S. involved) + 7 days (FRAP 41 (b)) from date of Decision (**April 3, 2026**)]

**NSR'S 12-3-2025 FILED NOE CONTAINS AT LEAST SIX
FALSE OR MISLEADING STATEMENTS**

8. Riffin argued in his January 2, 2026 filed Verified Comments, that Norfolk Southern Railway Company's ("NSR") "Notice of Exempt Abandonment," ("NOE"), as originally filed on **12-3-2025**, contains SIX "false or misleading statements," and TWO significant omissions, to wit:

9. **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. 5¹, NOE. Bold added. See ¶¶ 36 - 56 of Riffin's Comments ("**Comments**").

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.

- 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." 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. See ¶¶ 77-79 of Comments.
- 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 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

10. In ¶¶ 4-13 of Riffin's Comments, Riffin argued NSR's Historic Report failed to acknowledge, failed to address, two historic railroad structures.

APRIL 20, 2026 DECISION

11. In a Decision Served **April 20, 2026** in this Proceeding, the STB directed NSR to file a response to Riffin's January 2, 2026 Allegations, by April 30, 2026.

WHY – FILE THIS MOTION NOW

12. Why Riffin is filing this Motion to Reject BEFORE reading NSR's April 30, 2026 - due Response:

13. To apprise the STB, and NSR, that it is Riffin's belief that the STB is WITHOUT JURISDICTION to entertain, in any way, any aspect, of the 420 X proceeding.

14. To put it another way: IF NSR **fails** to withdraw its NOE // or in the alternative, IF NSR **fails** to seek permission to AMEND its 420X Exemption Notice, with the caveat that the Amended NOE would NOT be filed, would NOT become effective, until AFTER the Court of Appeals issues its Mandate in 24-1385, // OR IF, in the alternative, the STB elects NOT to **reject** the 420 X Exemption Notice, THEN Riffin intends to file a petition for review, which will ask the Court of Appeals to reverse any decision which does not result in NSR's Exemption Notice either being amended, being withdrawn, or being rejected.

15. Since NSR was NOT at oral argument in 24-1385, Riffin will apprise NSR of what counsel for the STB, Jetta Sardin, argued before the Panel: The STB **ALWAYS** rejects exemption notices that contain [material] false or misleading information.

16. And since NSR may not have read the Court's April 3, 2026 Decision in 24-1385, Riffin will apprise NSR of the Court's [Riffin argues, strained] reasoning for holding the STB's 'Stamped Approval' satisfied the Administrative Procedure Act's requirement for an explanation for whatever decision an agency renders:

When asked by the Court, Riffin acknowledged the false and misleading information in NSR's 412 exemption notice, was sufficient grounds to reject NSR's 412X exemption notice. Therefore, it was 'ok' for the STB to conclude that Riffin **concurred** with NSR's Withdrawal Request, thereby making the Withdrawal Request, 'uncontested,' even though Riffin made it clear, he NEVER concurred with NSR's Withdrawal Request.

17. Even though Riffin believes the STB is without jurisdiction in this Proceeding, Riffin also believes it would be useful if NSR addresses the issues raised by Riffin in his Comments, to ensure any future NSR pleading does NOT present the same [unexplained] issues.

WHY — NO RAIL TRAFFIC HAS BEEN CONSIGNED TO THE CIT

18. Previously, Riffin made a point of addressing the potential consequences if rail traffic was consigned to the CIT.

19. At the beginning of February, 2026, Riffin was looking for a place to send gondola rail traffic. To arrive at its destination in July, 2026. He considered the following:

A. The CIT. Pros: Most convenient to Riffin, if he personally ‘processed’ the commodity. Most convenient to two entities that might have an interest in ‘processing’ the commodity.

B. Riffin’s formerly-owned Georges Creek line of railroad. Pros: Would create a number of new jobs, in an area needing jobs. Plenty of room (20 acres or so at the end of the line). No traffic has moved on the line since Riffin lost the line. Has been the subject of several abandonment attempts. Saved from abandonment by a ‘discontinuance of service’ alternative. Present owner likely would be willing to sell, or lease, the line.
Con: Inconvenient for Riffin. A 3-hour drive.

C. Riffin’s York, PA line of railroad [or so Riffin argues]. Very convenient.

20. A water-related project that Riffin is working on, which is at the top of Riffin’s priority list, had to be ‘interrupted,’ in August, 2025, due to President Trump’s Tariffs // trade war with China. Due to that ‘interruption,’ Riffin began working on the gondola-traffic project. Then in March, 2026, President Trump decided to begin a war with Iran. The consequences of which, are just beginning to manifest // likely would significantly, adversely, affect Riffin’s gondola-traffic project. (The cost to ship gondola traffic escalated, due to the increased cost of diesel.)

21. Meanwhile, the Supreme Court ruled that President Trump's first round of tariffs, were without good legal basis. Which lowered the China tariffs from 100% or so, to a more manageable 15% or so.

22. End result: Riffin's water-related project has, once again, risen to the top of Riffin's priority list. While that project does involve rail traffic, that rail traffic will materialize in the Fall, of 2026, or Winter of 2026 - 2027.

23. Now the STB, NSR, and the world, knows why Riffin is still actively seeking to acquire the CIT. If he acquires the CIT, rail traffic will materialise.

24. WHEREFORE, for the foregoing reasons, Riffin respectfully requests the STB, in the event NSR **fails** to **EITHER** seek authority to **Withdraw** its 420X Exemption Notice, **OR** seek authority to **AMEND** its 420X Exemption Notice:

A. **Reject** NSR's 420X Docketed Exemption Notice; And

B. For such other and further relief as would be warranted.

Respectfully,

/s/ James Riffin

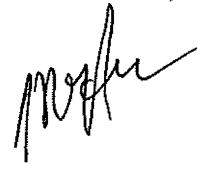


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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of April, 2026, a copy of the foregoing James Riffin's Motion to Summarily Reject the Exemption Notice, was served on the parties noted below, by E-mail.

/s/ James Riffin



James Riffin

E-mail:

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