

MULLINS LAW GROUP PLLC

Transportation Solutions for the 21st Century

2001 L Street NW
Suite 720
Washington, DC 20036

William A. Mullins
wmullins@mullinslawgroup.net
mullinslawgroup.net

Telephone: (202) 663-7850
Direct: (202) 663-7823
Facsimile: (202) 459-2115

May 18, 2026

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VIA E-FILING

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

ENTERED
Office of Chief Counsel
May 18, 2026
Part of
Public Record

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

Dear Chief of Case Administration:

Norfolk Southern Railway Company (“NSR”) respectfully moves the Board to reject—outright—the May 15, 2026 “Response” filing submitted by James Riffin (the “Riffin Filing”) because it is an unauthorized reply to a reply, plainly prohibited by the Board’s rules and contrary to recent Board precedent emphasizing strict enforcement of pleading limits. Indeed, on its face, the Riffin Filing is a self-styled “Response” to NSR’s “Response.”¹

The “Response/Reply” clearly violates the Board’s rules. The governing regulation is unequivocal: “A reply to a reply is not permitted.” 49 C.F.R. § 1104.13(c). This is not a discretionary guideline. It is a flat prohibition. The procedural posture here is straightforward: (1) Riffin filed his January 2, 2026 comments; (2) The Board directed NSR to respond; and (3) NSR filed its Response on April 30, 2026 in compliance with that order. Riffin has now attempted to file yet another round of argument without leave. That filing is procedurally barred on its face and should be summarily rejected under § 1104.13(c).

The Board has recently made clear that it is “moving away from past leniency” and toward “strict enforcement” of the prohibition on replies to replies. See Norfolk S. Corp.—Acquis. of Control—Norfolk & Portsmouth Belt Line R.R., FD 36836, slip op. at 10 (STB served March 14, 2025) (Chairman Fuchs concurrence); see also, Sunflower State Industrial Ry.—Pet. for Declaratory Order, FD 36714 (Sub-No. 1) (STB served Mar. 28, 2025)

¹ The word “reply” is defined as “something said, written, or done in answer or response” The word “response” is defined as “something constituting a reply or a reaction.” Merriam-Webster’s Collegiate Dictionary (11th ed. 2003).

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(reaffirming the importance of enforcing this prohibition). As a response to a response, the Riffin Filing is not a proper pleading—it is an attempt to circumvent the Board’s rules and improperly refine and expand prior arguments after seeing NSR’s response. This is the textbook abuse the rule is designed to prevent.²

In fact, Riffin’s latest submission reflects a continued pattern of attempting to evade the Board’s procedural rules through serial filings and iterative argumentation. The Board should not permit its processes to be manipulated in this manner. Allowing such conduct would not only prejudice NSR, but would undermine the integrity of the Board’s adjudicatory framework, encourage similar abuses in other proceedings, and frustrate the Board’s stated objective of promoting efficiency, finality, and disciplined pleadings.

Respectfully submitted,

/s/ William A. Mullins

William A. Mullins

Attorney for Norfolk Southern Railway Company

cc: Parties of Record

² Although the Board has accepted a reply to a reply in the recent past, those situations involved new evidence or arguments that were unavailable earlier, a legitimate inability to respond within the authorized cycle, and no prejudice to the opposing party. None of those conditions are met here. The Riffin Filing merely repackages prior assertions, expands on earlier arguments, and is an attempt to get an impermissible second bite at the apple. NS also notes that the Board is currently exploring the possibility of permitting certain replies to replies that are procedurally and essentially a rebuttal being filed by the party with the burden of proof. Review Of Replies To Replies, EP 790 (STB served May 18, 2026). Regardless of the merits of that proposal, the Riffin Filing is not a rebuttal. The defect here is undeniable. The Riffin Filing should be summarily rejected.