

Before the Surface Transportation Board
STB Docket No. AB-167 (Sub-No. 1189X)

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CONSOLIDATED RAIL CORPORATION—ABANDONMENT EXEMPTION—
IN HUDSON COUNTY, NJ

STB Docket No. AB-55 (Sub-No. 686X)
CSX TRANSPORTATION, INC.—DISCONTINUANCE OF SERVICE
EXEMPTION—IN HUDSON COUNTY, NJ

ENTERED
Office of Proceedings
February 22, 2017
Part of
Public Record

STB Docket No. AB-290 (Sub-No. 306X)
NORFOLK SOUTHERN RAILWAY COMPANY—DISCONTINUANCE OF
SERVICE EXEMPTION—IN HUDSON COUNTY, NJ

**Comment on the Appeal of Riffin and the Related
Filings by Jersey City, et als. ("City")**

On behalf of the LLC Intervenors, who have now replied to the two appeals filed by James Riffin, we again urge the Board to proceed to a final and expeditious resolution of his current appeal. If that resolution results in the dismissal of Mr. Riffin from these proceedings, as both the City and we have argued it should, then all else becomes moot. That would include efforts by the City to re-animate its discovery in pursuit of conspiracy theories, and Riffin's efforts to ensnare other property owners in the web initially spun by the City to prevent the LLCs from the use and enjoyment of their properties.

Since October 24, 2016 when Judge Dring dismissed Mr. Riffin there have been no less than twenty-three filings entered on the docket. Those include several, concise requests from the LLC Intervenors to end the delay and distractions engendered by Mr. Riffin's presence in the case, and the opportunity it provides to the City for further delay in reaching the merits of this exempt abandonment and

related applications. The chimeras that Mr. Riffin and the City wish to pursue have nothing to do with the proper regulation of the railroad industry, or any legitimate issue in these proceedings. The Board, through the Director of Proceedings, and Administrative Law Judge Dring, has issued no less than five decisions in this matter since October 24, 2016. We respectfully request that the Board now bring the matter fully back to its proper course and a prompt conclusion.

Respectfully submitted,

S/ Daniel E. Horgan

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DATED: February 22, 2017

CERTIFICATION OF SERVICE

I, Daniel E. Horgan, hereby certify that I have caused a copy of the foregoing to be served by First Class Mail upon those on the attached Service List by having same deposited with the U.S. Postal Service on February 22, 2017.

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