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GOVERNMENT RELATIONS

October 4, 2004

Hon. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Re: *James Riffin, d/b/a The Northern Central Railroad – Acquisition and
Operation Exemption, Finance Docket No. 34501*

Dear Sir:

I am enclosing an original and ten (10) copies each of:

- 1) Motion of the State of Maryland for Leave to File a Reply to the Answer to Petition of the State of Maryland to Revoke Verified Notice of Exemption;
- 2) Reply of the State of Maryland to Answer of James Riffin d/b/a The Northern Central Railroad to Petition to Revoke Verified Notice of Exemption; and
- 3) Motion of the State of Maryland to Strike the Notice of Intent to Construct, Operate and Maintain a Railroad Facility

in the above referenced proceeding. Please date stamp the extra copies of these documents and return to our messenger. In addition, we are enclosing a 3.5" diskette with this document.

Thank you for your assistance.

Sincerely,

Alex Menendez

Enclosure

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2/2/42

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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FINANCE DOCKET NO. 34501

**JAMES RIFFIN, d/b/a THE NORTHERN CENTRAL RAILROAD – ACQUISITION
AND OPERATION EXEMPTION – YORK COUNTY, PA**

**MOTION OF THE STATE OF MARYLAND
FOR LEAVE TO FILE A REPLY
TO THE ANSWER TO PETITION OF THE STATE OF MARYLAND TO REVOKE
VERIFIED NOTICE OF EXEMPTION**

Communications with respect to this
document should be addressed to:

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One Massachusetts Avenue, NW
Suite 800
Washington, DC 20001
(202) 842-2345

Counsel for the State of Maryland

Dated: October 4, 2004

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Office of Proceedings

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BEFORE THE
SURFACE TRANSPORTATION BOARD

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FINANCE DOCKET NO. 34501

JAMES RIFFIN, d/b/a THE NORTHERN CENTRAL RAILROAD – ACQUISITION
AND OPERATION EXEMPTION – YORK COUNTY, PA

MOTION OF THE STATE OF MARYLAND
FOR LEAVE TO FILE A REPLY
TO THE ANSWER TO PETITION OF THE STATE OF MARYLAND TO REVOKE
VERIFIED NOTICE OF EXEMPTION

The State of Maryland (“Maryland”), pursuant to 49 C.F.R. § 1117.1 respectfully requests leave to file the accompanying reply to James Riffin’s Answer to Petition of the State of Maryland to Revoke Verified Notice of Exemption (“Answer”) filed on or about September 14, 2004. The Reply is necessary because to address the new issues that Mr. Riffin, d/b/a The Northern Central Railroad (“Mr. Riffin”), raises in his Answer, namely whether Maryland has standing to file the Petition to Revoke and whether that Petition is timely.

The State’s Reply will ensure that this Board decides the issues raised based on a complete and accurate record with respect to the issues raised by Mr. Riffin without broadening the scope of the proceeding. *See The Elk River Railroad, Inc.--Construction and Operation Exemption--Clay and Kanawha Counties, W.V.*, S.T.B. Finance Docket No. 31989 (Service Date April 11, 1997) (granting leave for reply in the interest of making an informed decision on a complete record without broadening the issues in any significant respect). This is consistent with the public interest and will not prejudice any party.

In anticipation of a favorable ruling on this motion, Maryland's Reply is attached to this motion for filing today.

WHEREFORE, Maryland respectfully requests the Board to grant it leave to file its Reply to Mr. Riffin's Answer.

Respectfully submitted,

The State of Maryland

By: 
Charles A. Spitulnik
Alex Menendez
McLeod, Watkinson & Miller
One Massachusetts Avenue, N.W.
Suite 800
Washington, D.C. 20001
(202) 842-2345

Dated: October 4, 2004

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of October, 2004, a copy of the foregoing Motion of the State of Maryland for Leave to File a Reply to the Answer to Petition of the State of Maryland to Revoke Verified Notice of Exemption was served by first class mail, postage prepaid, upon:

James Riffin d/b/a The Northern Central Railroad
1941 Greenspring Drive
Timonium, MD 21093


Charles A. Spitulnik