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ENTERED
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Public Record

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
Washington, DC 20423

**Re: Finance Docket No. 34982, James Riffin, dba The Northern Central
Railroad—Acquisition and Operation Exemption—Former Maryland and
Pennsylvania Railroad Right-Of-Way**

Dear Secretary Williams:

On February 5, 2007, James Riffin dba The Northern Central Railroad (the "NCR") filed a letter with the Surface Transportation Board (the "Board") purportedly responding to the pleadings filed by the Baltimore Streetcar Museum, Inc. (the "Museum"), the Maryland Transit Administration ("MTA"), and CSX Transportation, Inc. ("CSXT"). CSXT requests leave to respond to the previously unmade allegations presented in the NCR letter.

The NCR did not respond to any of the issues or arguments raised by the Museum, MTA or CSXT. Instead, the letter attempts to mislead the Board and demonstrates the validity of CSXT's arguments.

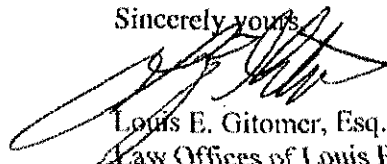
As is clear from the Museum's pleading, the City of Baltimore (the "City") owns the property, which is leased to the Museum. In addition, the rail on the property is not standard gauge, but far wider to accommodate historic streetcars. There is no indication that the City or the Museum is even interested in negotiating with the NCR, much less allowing access to property that has been dedicated to a non-railroad use. Instead of conducting due diligence and negotiating with the owner and user of the property before filing with the Board, the NCR appears to have merely found property with track on it and filed with the Board to obtain the authority to operate a railroad over that property without regard to the owner or lessee of the property. In its February 5, 2007 letter, NCR attempts to rationalize its conclusion that rail service is required on the property by relying on a fatally flawed inspection (NCR did not even notice that the rail was not standard gauge) and a decision of the Interstate Commerce Commission from 1958 describing past rail operations, which did not conclude that there was a continuing need for rail service, but concluded that the public convenience and necessity permitted abandonment of the then rail line because it was a burden on interstate commerce.

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NCR requests additional time to conduct its due diligence before the Board acts on the Notice of Exemption. CSXT respectfully requests the Board to deny that request. CSXT further requests the Board to revoke the Notice of Exemption with prejudice since it is abundantly clear that the owner of the property and the user of the property have no interest in converting it to a line of railroad. Moreover, NCR has made no arrangements to connect this property to the national rail system through agreements with CSXT. Indeed, because the connection between NCR and CSXT would be with one of CSXT's high volume main lines operating on the east coast, CSXT is not willing to assume any risk of delays or disruptions on this main line through a connection with NCR. It would be inappropriate for a Board decision, even though permissive, to create the ability in NCR to claim the rights of a common carrier railroad in this situation. The use of a notice of exemption is inappropriate here.

CSXT is e-filing this letter and serving it on the parties identified below by first class mail, postage pre-paid.

Sincerely yours,



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cc: Mr. Riffin
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Mr. McNally