



KAPLAN KIRSCH ROCKWELL

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February 4, 2008

E-Filing

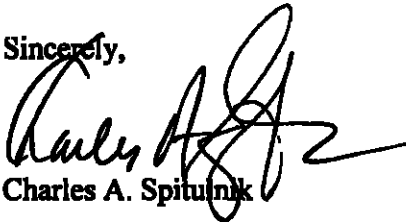
Anne K. Quinlan, Esquire
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: Docket No. AB-55 (Sub-No. 659X)
CSX Transportation, Inc. – Abandonment Exemption – In Allegany County, MD

Dear Ms. Quinlan:

I am enclosing the Reply of Allegany County, MD to Motion to Compel in the above referenced proceeding. This is an electronic filing in accordance with the Board's rules.

Sincerely,



Charles A. Spitulnik

Enclosure

Attorneys at Law
Denver • New York • Washington, DC

Kaplan Kirsch & Rockwell LLP
1001 Connecticut Ave., N.W., Suite 905
Washington, DC 20036
tel. (202) 955-5600
fax: (202) 955-5616
www.kaplankirsch.com

**Before the
Surface Transportation Board
Washington, D.C.**

Docket No. AB-55 (Sub-No. 659X)

**CSX TRANSPORTATION, INC. - - ABANDONMENT EXEMPTION - -
IN ALLEGANY COUNTY, MD**

**REPLY OF ALLEGANY COUNTY, MD, TO
MOTION TO COMPEL**

Communications with respect to this
document should be addressed to:

Charles A. Spitulnik
Allison I. Fultz
Kaplan Kirsch & Rockwell LLP
1001 Connecticut Avenue, N.W.
Suite 905
Washington, DC 20036
(202) 955-5600
e-mail: cspitulnik@kaplankirsch.com
c-mail: afultz@kaplankirsch.com

Dated: February 4, 2008

**Before the
Surface Transportation Board
Washington, D.C.**

Docket No. AB-55 (Sub-No. 659X)

**CSX TRANSPORTATION, INC. - - ABANDONMENT EXEMPTION - -
IN ALLEGANY COUNTY, MD**

**REPLY OF ALLEGANY COUNTY, MD, TO
MOTION TO COMPEL**

Allegany County, Maryland (the "County"), by undersigned counsel, hereby files this Reply to the Motion to Compel of James Riffin ("Riffin") in this proceeding.¹ Riffin's Motion to Compel seeks to have the Board order CSX Transportation, Inc. ("CSX") to reform the deed transferring the fee interest in the Georges Creek Subdivision in Allegany County, Maryland (the "Line") and amend the name of the grantee as requested by Riffin. As documents previously filed in this proceeding reflect, CSX delivered the deed to Riffin in 2006.²

¹ In a document styled "Opposition to Allegany County's Late Filed Notice to Participate as a Party of Record," posted on the Board's website as of January 29, 2008, Riffin alleges that the County has failed to observe the requirements necessary to qualify as a party in this proceeding. The County satisfied the requirements of 49 C.F.R. 1152.25 governing party status by filing its Request for an Extension of Time on June 30, 2006, and Comments on July 17, 2006. The County is therefore already a party to this proceeding. Contrary to Mr. Riffin's mistaken assertion that the County opposes CSX's abandonment petition in this matter, the County is not attempting to re-litigate that long-closed issue.

² The Board previously authorized Riffin, in his individual capacity, to be substituted as the offeror in connection with an offer of financial assistance ("OFA") in this proceeding. Because the Board has completed the administrative process necessary to authorize the substitution of an offeror pursuant to 49 C.F.R. 1152.27, this proceeding is administratively closed. Riffin has failed to file a petition to reopen an administratively final

The Board should deny Riffin's Motion to Compel. The Board has done all it has the authority to do pursuant to 49 C.F.R. 1152.27. CSX has done all the Board required it to do in connection with the transfer of the property that is the subject of this proceeding. As of the date CSX issued the deed, WMS L.L.C. was the party approved by this Board to acquire the property. Now, as Riffin himself reiterates in the Motion to Compel, he is the sole owner of WMS L.L.C., the entity named as the grantee on the deed delivered by CSX. Accordingly, he alone has the right and authority to correct any current defects relating to WMS L.L.C.'s corporate status, record the deed and transfer the fee interest in the Line from WMS L.L.C. to himself. No further action by this Board is necessary or appropriate at this time.

For the reasons stated above, the Board should deny Riffin's Motion to Compel.

Respectfully submitted,



Charles A. Spitulnik
Allison I. Fultz
Kaplan Kirsch & Rockwell LLP
1001 Connecticut Avenue, NW
Suite 905
Washington, DC 20036
(202) 955-5600
e-mail: csputulnik@kaplankirsch.com
e-mail: afultz@kaplankirsch.com

Counsel for Allegany County, MD

proceeding, as 49 C.F.R. 1115.4 requires, and has also failed to demonstrate that any such request would satisfy the criteria necessary for the Board to grant a petition to reopen, namely, that the proceeding involved material error, new evidence or substantially changed circumstances. In the interest of brevity, the County will not belabor this fundamental failure on Riffin's part.

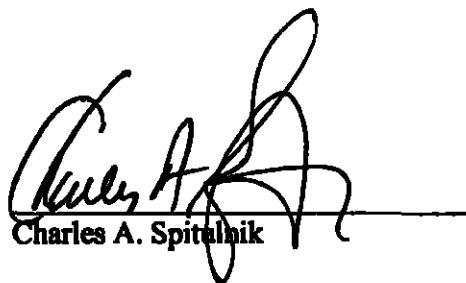
CERTIFICATE OF SERVICE

I hereby certify that I have this 4th day of February, 2008, caused to be served a copy of the foregoing Reply of Allegany County, MD to Motion to Compel upon the following parties of record by first class mail, with postage prepaid:

John D. Heffner
John D. Heffner, PLLC
1750 K Street, N.W., Suite 350
Washington, DC 20036

James Riffin
1941 Greenspring Drive
Timonium, MD 21093

Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204



Charles A. Spitalnik