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Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Petition to Stay of James Riffin, *Norfolk Southern Railway Company—Abandonment Exemption—In the City of Baltimore, Maryland*, AB-290 (Sub-No. 412X)

Dear Ms. Brown:

The Maryland Transit Administration (“MTA”) writes in support of the December 20, 2024 reply of Norfolk Southern Railway Company (“NSR”) to the Petition for Stay (“Riffin’s Petition”) filed by James Riffin (“Riffin”) on December 12, 2024. As NSR explains, there is no basis for the Board to stay its decision dismissing this proceeding.

Riffin’s Petition invents new rights without basis in any statute, regulation, or Board precedent. NSR chose to terminate the notice of exemption process without prejudice after identifying issues that it could not resolve appropriately quickly. MTA supports NSR’s assertion that the Director of the Office of Proceedings has authority to dispose of routine procedural matters, and that the dismissal in the subject matter was appropriate.

Further, Riffin’s Petition mutates the principle that the Board can force a carrier to sell a line or trackage rights rather than abandon it into an argument that the Board can force a sale, even when a carrier has decided to retain the subject asset and the associated common carrier obligation. Riffin’s contention that he somehow obtained a vested right to acquire NSR’s interest when NSR decided to terminate its efforts to extinguish that obligation is unsupported by any authority.

Also, Riffin’s contention assumes that his earlier filings contained no deficiencies, a point that NSR has persuasively disputed in its filing of December 20, 2024.

Nor has Riffin demonstrated he satisfies any of the criteria for a stay, particularly the threat of irreparable harm. See *Mont. Rail Link, Inc.—Discontinuance of Service Exemption—In Yellowstone Cnty., Mont.*, AB 575 (Sub-No. 2X), slip op. at 2 (STB served Apr. 6, 2023). The party seeking a stay carries the burden of persuasion on all of the elements required for such

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extraordinary relief. *Id.* Riffin falls far short of meeting that requirement. He lists a string of supposedly adverse consequences that would result from the Board's failure to grant a stay, but those consequences are speculative, irrelevant to Riffin (the supposedly harmed party is NSR), and merely restate NSR's common carrier obligation. Riffin seeks an order that he characterizes as being intended to prevent irreparable harm, but the Board's decision preserves the status quo. Riffin does not demonstrate how preserving the status quo creates irreparable harm to him or harms the public interest. Also, the dismissal was without prejudice, allowing NSR the opportunity to refile for abandonment, and for Riffin to then file any reply thereto.

The Board should therefore deny Riffin's petition.

Sincerely,



Charles A. Spitulnik

Counsel for Maryland Transit Administration

cc: All Parties of Record