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Before the
Surface Transportation Board

STB DOCKET NO. AB-167 (Sub-No. 1189X)

**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**

STB DOCKET NO. AB-290 (Sub-No. 306X)

**NORFOLK SOUTHERN RAILWAY COMPANY – DISCONTINUANCE OF SERVICE
EXEMPTION – IN HUDSON COUNTY, NJ**

**JAMES RIFFIN’S *CLARIFICATION OF HIS* MOTION TO STRIKE *PORTIONS OF*
CONRAIL’S SEPTEMBER 23, 2016 REPLY IN PARTIAL SUPPORT OF
CITY ET AL.’S MOTION FOR SANCTIONS**

1. Comes now James Riffin, (“**Riffin**”) who herewith files his *Clarification of his* Motion to Strike *Portions of* Conrail’s September 23, 2016 Reply in Partial Support of City’s, et al.’s¹ (“**Montange**”) September 15, 2016 Motion for Sanctions (“**Motion**”), [**“Conrail’s Reply”**] and in clarification states:

¹ Jersey City, Rails to Trails Conservancy, Pennsylvania Railroad Harsimus Stem Embankment Preservation Coalition.

2. While Riffin thought that his Motion to Strike (JR-19) was clear with regard to what Riffin moved to strike, it appears that it might not have been as clear as it could have been. Riffin apologizes for any confusion.

3. Riffin **does NOT** move to strike that portion of footnote 1 on p. 2 of Conrail's Reply, that Riffin quotes in ¶ 4 of his Motion to Strike.

4. Conrail's footnote 1 clearly is a responsive reply to the City et al.'s Motion for Sanctions. [Conrail 'takes no position' on City et al.'s Motion for Sanctions for Riffin's (alleged) failure to comply with ALJ Dring's August 25, 2016 Order.]

5. Riffin **does move to strike ALL** of the rest of the 'body' of Conrail's Reply.

6. City et al.'s Motion for Sanctions is based on ALJ Dring's August 25, 2016 Order.

7. ALJ Dring **only has authority** to rule on 'discovery issues.' ALJ Dring **does not** have any authority to rule on other issues, such as the OFA process, or alleged abuses of the OFA process / procedures. The STB is the **only entity** that can rule on OFA issues, including imposition of sanctions for abuse of the OFA procedures / process / or other issues.

8. It appears to Riffin, that the balance of Conrail's Reply (all those arguments other than what appears in footnote 1), address the OFA process, and Riffin's use / alleged misuse, of the OFA process.

9. To the extent that Conrail's Reply raises, discusses, or provides argument regarding issues **other than discovery related issues**, Riffin moves to Strike. [Conrail is in the wrong forum / making its arguments to the wrong decision maker.]

10. Riffin hopes that the above clarifies precisely what it is that Riffin moved to strike.

12. If Conrail, or any other party, wishes / desires to argue that ALJ Dring has the authority to address issues other than discovery-related issues (such as whether anyone is abusing / misusing, the OFA procedures), Riffin will not object. Riffin will reserve the right to reply to any of those arguments.

13. Riffin apologizes for any confusion, or misunderstanding, anyone may have had due to Riffin's failure to note with sufficient particularity precisely what he moved to strike.

Respectfully,

James Riffin
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CERTIFICATE OF SERVICE

I hereby certify that on or before the 27th Day of September, 2016, a copy of the foregoing Clarification of Riffin's Motion to Strike Portions of Conrail's Reply in Partial Support of City et al.'s Motion for Sanctions against Riffin, was served on all of the parties in this proceeding, either via e-mail, or via U.S. Postal Service, postage prepaid.

James Riffin