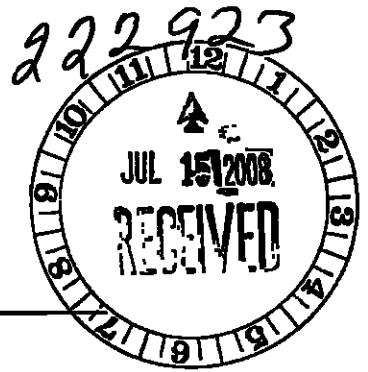


BEFORE THE
SURFACE TRANSPORTATION BOARD



STB DOCKET NO. AB-409 (Sub- No. 5X)

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
ABANDONMENT EXEMPTION
IN LOS ANGELES COUNTY, CA

SUPPLEMENTAL COMMENTS OF JAMES RIFFIN

ENTERED
Office of Proceedings
JUL 15 2008
Part of
Public Record

1 James Riffin, ("Riffin"), herewith files his Supplemental Comments on Los Angeles County Metropolitan Transportation Authority's ("LAMTA") Notice of Exemption ("NOE") to Abandon 0.31 miles of rail line in Los Angeles County, CA, which NOE is the subject of the above entitled case

2 Since these Supplemental Comments may be construed to be a reply to a reply, which is not permitted by the Board's rules, without leave from the Board, Riffin would ask that the Board accept these Supplemental Comments for the purpose of providing the Board with a more complete record, and for the purpose of focusing the Board's attention on the most salient fact in this proceeding. No authority to **abandon** that portion of the Santa Monica Industrial Lead that lies between MP 485 61 and MP 487 72, has ever been granted.

3. In a July 3, 2008 filing entitled Reply to Comments of James Riffin, the LAMTA correctly stated the LAMTA acquired a residual common carrier obligation over the subject Line See *So Pac Transp Co - Abandonment Exemption - In Los Angeles Co , CA*, 8 I.C.C. 2d 495 (1992)

4 In its July 3, 2008 filing, the LAMTA referred to a case entitled *Los Angeles Co Transp Comm'n - Acquisition Exemption - A T and S F Ry Co*, STB Finance Docket No 32172, served March 12, 1997 ("1997 Decision"). The LAMTA correctly stated this decision imposed upon the LAMTA the obligation not to interfere with the provision of freight rail service

over the lines it had acquired from Southern Pacific in 1992. This decision specifically stated it was applicable to the lines of railroad described in the Appendix of this decision. The Santa Monica Industrial Lead, which is the subject of this proceeding, was not listed in the Appendix of this decision.

5 In its July 3, 2008 filing, the LAMTA referred to *Southern Pacific Trans Co – Discontinuance of Service Exemption – In Los Angeles, CA*, ICC Docket No AB-12 (Sub-No. 154X), Service Date September 28, 1993). The LAMTA stated this decision granted SP authority to discontinue its common carrier obligation over the Santa Monica Line between MP 486.00 and MP 487.72. While this decision may have granted SP authority to discontinue providing service over the Line, the decision did not grant SP authority to abandon the Line.

6 To date, Riffin has not located, nor has the LAMTA or Union Pacific referenced, any decision which specifically granted either the LAMTA or Union Pacific, or their predecessors in title, authority to abandon any portion of the Santa Monica Line that lies between MP 485.61 and MP 487.72.

7. The LAMTA has argued the 1997 Decision gave the LAMTA authority to abandon all portions of the Line that SP was granted authority to discontinue service over. Riffin would argue the LAMTA has misread the 1997 Decision, and incorrectly ascribes to SP's discontinuance of service authority, authority to abandon.

8. The 1997 Decision made it clear that the LAMTA was not to interfere with SP's, or its successor's, ability to provide service over any of the lines the LAMTA purchased from SP.

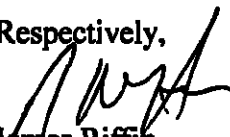
9 The 1997 Decision made it clear none of the lines the LAMTA purchased were to be abandoned without first obtaining specific authority to abandon the line. ("Santa Fe and other tenant carriers in the same position must continue to provide freight service over the lines until we allow them to abandon it." 1997 Decision at 4.) The 1997 Decision specifically stated: "If Santa Fe seeks to abandon its freight service obligation over any of the lines at a future date, we will evaluate all of the needs of freight shippers, and all of the related labor, environmental, and

historic preservation issues at that time. If we permit the freight carrier to abandon, we will not require the Transit Agencies to provide residual or fall-back freight service." *Id* at 4.

10. Riffin would argue authority to abandon that portion of the Santa Monica Industrial Lead that lies between MP 485.61 and 487.72 has never been granted, and until that authority is granted, this portion of the Santa Monica Industrial Lead is subject to the jurisdiction of the Board.

11. Riffin would further argue any attempt to abandon any portion of the Santa Monica Industrial Lead that lies between MP 485.61 and 486.00, by either the LAMTA or Union Pacific, should be rejected, since abandoning any segment in this portion of the Line, would leave a stranded segment between MP 486.00 and MP 487.72.

Respectively,



James Riffin

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of July, 2008, a copy of the foregoing Supplemental Comments of James Riffin, was served by first class mail, postage prepaid, upon Charles Spitulnik, Kaplan Kirsch Rockwell, Ste 905, 1001 Connecticut Ave, N.W., Washington, DC 20036, counsel for LAMTA.



James Riffin