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SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34982

JAMES RIFFIN D/B/A THE NORTHERN CENTRAL RAILROAD—ACQUISITION AND
OPERATION EXEMPTION—IN BALTIMORE CITY, MD

Decided: February 7, 2007

On January 12, 2007, James Riffin d/b/a The Northern Central Railroad (NCR) filed a verified notice of exemption pursuant to 49 CFR 1150.41 to acquire and operate approximately 2.2 miles of line formerly known as the Maryland and Pennsylvania Railroad line, located between the northerly side of the former Pennsylvania Railroad right-of-way, where the Maryland and Pennsylvania Railroad connected to the former Pennsylvania Railroad line near Pennsylvania Station, along, adjacent and parallel to Falls Road, a distance of approximately 1.4 miles, and where the Maryland and Pennsylvania Railroad right-of-way passed under 29th Street, together with the 0.8-mile long switchback that connected the Maryland and Pennsylvania Railroad to the former Baltimore and Ohio Railroad, on the north side of North Avenue, all in Baltimore City, MD. NCR proposed to interchange with CSX Transportation, Inc. (CSXT), and/or Norfolk Southern Railway Company (NS). On January 26, 2007, notice of the exemption in this proceeding was served and published in the Federal Register (72 FR 3914). The exemption is scheduled to become effective on February 11, 2007.

On February 2, 2007, the Maryland Transit Administration (MTA) filed a petition to revoke the exemption and a petition to stay the effective date of the exemption. MTA states that the property covered by the notice of exemption appears to be near property MTA uses for its light rail and commuter rail operations. In its petition to revoke, MTA further asserts that NCR's notice of exemption does not provide a sufficiently detailed description of the rail line to be acquired and provides no identification of the current owners of the rail line.

Also on February 2, 2007, the Baltimore Streetcar Museum, Inc. (BSM), filed a petition to revoke the exemption, requesting that the exemption be stayed for at least 120 days, and CSXT filed a letter commenting on the feasibility of NCR's proposed transaction and supporting a stay of the exemption.

In a letter submitted to the Board on February 5, 2007, NCR states that it does not oppose a 30-day stay, should the Board find such a stay to be appropriate. NCR suggests that, if the Board grants a stay, the period for filing comments be extended to February 16, 2007.

A housekeeping stay of the effective date of the exemption is appropriate to provide sufficient time for the Board to fully consider the issues presented in the stay request, and for

parties to clarify the record regarding the issues raised in the petitions for revocation. Thus, the exemption will be stayed until further order of the Board. In accordance with 49 CFR 1104.13(a), NCR's reply to MTA's and BSM's petitions to revoke will be due by February 22, 2007. NCR may also provide further comments on the stay requests by February 22, 2007. Any other comments from interested parties will be due by March 6, 2007. Any replies to these comments will be due by March 16, 2007.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The effective date of the exemption in this proceeding is stayed pending further order of the Board.
2. NCR's reply to MTA's and BSM's petitions to revoke and any further NCR comments on the requests for stay are due by February 22, 2007.
3. Any other comments from interested parties are due by March 6, 2007.
4. Any replies to these comments are due by March 16, 2007.
5. This decision is effective on its date of service.

By the Board, Charles D. Nottingham, Chairman.

Vernon A. Williams
Secretary