

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 35246

JAMES RIFFIN—ACQUISITION AND OPERATION—
VENEER SPUR—IN BALTIMORE COUNTY, MD

Decided: May 29, 2009

On May 6, 2009, James Riffin filed an application to acquire and operate, under 49 U.S.C. 10902, approximately 400 feet of track formerly known as the Veneer Mfg. Co. Spur (Veneer Spur) in Cockeysville, Baltimore County, MD, which is currently owned by Mark Downs, Inc., a noncarrier.¹ On the same date, Riffin filed a petition for declaratory order posing the following questions: (1) did Riffin become a common carrier by rail on August 18, 2006;² and (2) would Riffin's operation of the Veneer Spur constitute operating an additional line of railroad. STB Finance Docket No. 35245, James Riffin—Petition for Declaratory Order.

A purchaser acquiring a rail line under 49 U.S.C. 10902 must be a Class II or Class III rail carrier and the line being acquired must be an extended or additional rail line. The questions posed by Riffin in the May 6, 2009 petition for declaratory order directly address these two important requirements for a section 10902 application. Proceeding with both the application and the petition simultaneously could be wasteful and duplicative. The resolution of the questions posed by Riffin in the petition, on the other hand, would facilitate the Board's consideration of the application. Therefore, this proceeding will be held in abeyance pending a final determination by the Board in STB Finance Docket No. 35245.

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

¹ By decision served on April 28, 2009, the Board rejected as inappropriate for the class exemption a notice of exemption filed by Riffin to acquire and operate this same track. James Riffin—Acquisition and Operation Exemption—Veneer Spur—In Baltimore County, MD, STB Finance Docket No. 35236 (STB served Apr. 28, 2009).

² By decision served on August 18, 2006, the Board permitted Riffin to substitute for his corporate affiliate, WMS, LLC, as the prospective purchaser of an 8.54-mile line of railroad in Allegany County, MD. CSX Transportation, Inc.—Abandonment Exemption—In Allegany County, MD, STB Docket No. AB-55 (Sub-No. 659X) (STB served Aug. 18, 2006).

It is ordered:

1. This proceeding is held in abeyance pending further order of the Board pursuant to the above discussion.

2. This decision is effective on its service date.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary