

Before the
Surface Transportation Board

STB DOCKET NO. AB-156 (Sub-No. 27X)

**DELAWARE AND HUDSON RAILWAY COMPANY, INC. –
DISCONTINUANCE OF TRACKAGE RIGHTS EXEMPTION --
IN NY, PA, NJ, MD, VA AND DC**

JAMES RIFFIN’S NOTICE OF INTENT TO FILE

AN OFFER OF FINANCIAL ASSISTANCE

1. James Riffin herewith provides his Notice of Intent to File an Offer of Financial Assistance (“OFA”) in the above entitled proceeding.

2. Normally, in a trackage rights discontinuance proceeding, the only type of OFA that may be filed, is an offer of financial assistance to subsidize operation of the line(s) for one year. See *Delaware and Hudson Railway Company, Inc. – Discontinuance of Trackage Rights Exemption – In PA and NY*, STB Docket No. AB-156 (Sub-No. 25X), Served March 30, 2005, wherein the STB explained:

“From a regulatory standpoint, when trackage rights are discontinued, a common carrier obligation remains with the line owner. Only when a full abandonment (**or discontinuance by the only party with a common carrier obligation**) is approved is a complete loss of service threatened. It is this loss of service that may be forestalled by purchase of the line, in the case of an abandonment, or by subsidy of existing operations, in the case of a discontinuance.” Bold added.

3. In this proceeding, there are a number of line segments where the Delaware and Hudson Railway Company (“D&H”) is **“the only party with a common carrier obligation.”**

4. The D&H has trackage rights between MP 1.7 (Jersey City) and MP 72.1 (Phillipsburg, NJ), on the former CNJ main line. See paragraph IV, in Exhibit B to the D&H's Exemption.

5. In Hudson County, NJ, the D&H's trackage rights begin at MP 1.7 on the former CNJ mainline, which is about 1,320 feet north of where the CNJ mainline crosses Caven Point Road. See Riffin's NJ Map 40 (Hudson County Map One), in Riffin's Exhibit One to Riffin's Petition to Revoke D&H's Exemption, JR-6. These trackage rights continue on to Elizabeth, NJ, which is at MP 9.0, and thence on to Phillipsburg, NJ.

5. On information and belief, Conrail abandoned its common carrier obligation on the CNJ freight main line, between MP 1.7 and MP 3.0, some years ago. (The CNJ passenger and freight lines joined at MP 3.0, then continued westward.) The real estate underlying the freight main line, between MP 1.7 and MP 3.0, **was sold to non-carrier parties**. A portion of the real estate underlying the passenger main line, between MP 1.0 and MP 5.0 (E. 34th Street, Bayonne, NJ), **was sold to New Jersey Transit**, for use as the Hudson - Bergen Light Rail System.

6. On information and belief, Conrail abandoned its common carrier obligations on the CNJ main line between MP 6.5 (E. 15th Street, Bayonne, NJ), to MP 8.5, on the East side of Elizabeth, sometime in the early 1980's, when the CNJ's railroad bridge across Newark Bay was removed.

7. On information and belief, Conrail received discontinuance authority over the CNJ main line between MP 11 (Spring Street, West End of Elizabeth Port Yard), to MP 15 (Aldene) several decades ago. Circa 1985.

8. On information and belief, Conrail received discontinuance authority over the CNJ main line between MP 54 (High Bridge, NJ, See NJ Map 11.) and MP 60.1 (Ludlow Station Road, Hampton Borough, NJ. See NJ Map 13.) several decades ago. Circa 1985.

9. On information and belief, Conrail connected the CNJ to the LVRR at MP 66 (a bit East of Warren Glen Road in Warren County, NJ. See NJ Map 8.), then discontinued service on the

CNJ between MP 66 and MP 70.48 (Kent Street, Phillipsburg, NJ. See NJ Map 6.), several decades ago. Circa 1985. This was alluded to in Paragraph IV of the D&H's Exhibit B to its Exemption. ("The line west of Glen Gardner, NJ [See NJ Map 12.] was removed following construction of the I-78 extension near Alpha, NJ." [See NJ Map 7.]

10. On information and belief, where Conrail connected the CNJ and LVRR at MP 70.48 (Kent Street, Phillipsburg, NJ. See NJ Map 6.), Conrail began using the CNJ line exclusively between MP 70.48 (Kent Street) and MP 72.5, which is in Easton, PA. (See NJ Map 6.) After this connection between the CNJ and LVRR at MP 70.48 was made, Conrail discontinued its common carrier obligation over the former LVRR between Kent Street, in Phillipsburg, NJ, and the West end of the LVRR bridge that carried the LVRR over the Delaware River at Phillipsburg, NJ / Easton, PA, several decades ago. Circa 1985. See NJ Map 6.

11. When Conrail received its discontinuance authority over the segments described above, the only carrier left with a common carrier obligation on the CNJ segments described above, and on the Phillipsburg LVRR segment described above, was the D&H.

12. Consequently, if the STB were to grant the D&H authority to discontinue its trackage rights on the above segments, there would no longer be a carrier with a common carrier obligation over these segments.

13. When the last carrier on a line files to discontinue its common carrier obligations on a line, that is when the OFA remedy becomes available.

NOTICE OF INTENT TO FILE AN OFA TO ACQUIRE AND OPERATE

14. Consequently, Riffin gives notice of his intent to file an OFA to acquire those line segments described above.

NOTICE OF INTENT TO FILE AN OFA TO SUBSIDIZE THE OPERATION

OF PORTIONS OF THE D&H'S TRACKAGE RIGHTS

15. Riffin herewith gives Notice of his Intent to Subsidize the Operation of the following Portions of the D&H's Trackage Rights:

- A. Between Oak Island, NJ and a point of interchange with the Delaware and Lackawanna, in the vicinity of Scranton, PA. Commodity: Municipal Solid Waste, in sealed containers. Quantity: Approximately 250,000 tons per year. (About 2,500 cars per year.)

- B. Between Oak Island, NJ and Buffalo, NY. Commodity: Silica. In private hopper cars. Quantity: Approximately 400,000 tons per year. (Approximately 4,000 cars per year.)

- C. Between Norfolk Southern's Orangeville Yard, in Baltimore, MD, and Perryville, MD (to a point one mile north of where the D&H's trackage rights leave Amtrak's NorthEast corridor in Perryville, MD). Commodity: Single-stacked Containers on flat cars. Quantity: Approximately 20,000 cars per year.

- D. Between Norfolk Southern's Orangeville Yard, in Baltimore, MD, and Enola (Harrisburg), PA. Commodity: Single-stacked Containers on flat cars between Baltimore and Perryville. Quantity: Approximately 20,000 cars per year. Double-stacked containers on flat cars between Perryville and Enola, PA. Quantity: Approximately 10,000 cars per year.

16. Riffin herewith demands that the D&H provide Riffin with the following 49 CFR 1152.27 (a) information:

- A. An estimate of the annual subsidy to provide the service identified in paragraph 15

above.

- B. The minimum purchase price for the track segments identified in paragraphs 5 through 10 above.

Respectfully,

James Riffin
P. O. Box 4044
Timonium, MD 21094
(443) 414-6210

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of April, 2015, a copy of the foregoing Notice of Intent to File an OFA, was served on the parties noted below, by E-mail, and by first class mail.

James Riffin

E-mail:

D&H Railways:

D&H Railways:

Karl Hansen:

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