

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**



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**STB DOCKET NO. AB-1071**

233443

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**STEWARTSTOWN RAILROAD COMPANY  
ADVERSE ABANDONMENT  
IN YORK COUNTY, PENNSYLVANIA**

ENTERED  
Office of Proceedings

DEC - 3 2012

Part of  
Public Record

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**MOTION FOR A RULING**

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1. Comes now James Riffin ("Riffin"), who respectfully requests a ruling from the Surface Transportation Board ("STB") regarding whether Riffin needs to submit an even more recent Personal Financial Statement ("PFS").

2. On October 10, 2012, Riffin submitted to the STB an updated PFS. The updated PFS indicated Riffin's Net Worth as of September 14, 2012. Previously, Riffin had submitted a PFS indicating his Net Worth as of January 15, 2012. On November 16, 2012, the STB rendered a decision in AB-1071 – *Stewartstown Railroad Company – Adverse Abandonment – In York County, PA.*, permitting the OFA process to move forward.

3. Riffin has indicated that he intends to submit an OFA to purchase portions of the Stewartstown Railroad's assets. In support of his OFA, Riffin is required to submit to the STB a PFS to demonstrate that he is 'financially responsible.' Riffin argues that he is 'financially responsible.' In support of his argument that he is 'financially responsible,' he has submitted two PFSs, the most recent on October 10, 2012.

4. Since Riffin's most recent PFS is as of September 14, 2012, and since that is more than 60 days in the past, the STB may hold that Riffin's October 10, 2012 PFS is 'stale,' and is of no legal import. To prevent Riffin's OFA from being dismissed due to Riffin's failure to submit a

'current' PFS, Riffin is asking the STB to make a ruling on whether Riffin must submit a third PFS, which is slightly more current.

5. From January, 2012 until September, 2012, the STB should note that Riffin's Net Worth increased. From September, 2012, until now, there has been little change in Riffin's Net Worth. (It may have increased an additional small amount.) The Banks that have provided Riffin with Statements regarding Riffin's financial resources, have done so reluctantly, since it is bank policy not to render such statements. It does take about 30 minutes to prepare the statements, and requires that at least two bank employees devote their time exclusively to Riffin. This can seriously impair the bank's ability to service its other customers. They have done so in the past, because Riffin is a customer of long-standing. However, Riffin is reluctant to impose upon the banks an additional time, particularly since the days before Christmas is a busy time for the bank's employees.

6. Riffin would further note that even if he were to obtain a current PFS, and submit it to the STB, by the time the STB renders its 'financial responsibility' decision, even a more recently submitted PFS will likely be several months old, given the pace at which this proceeding has moved forward.

7. WHEREFORE, Riffin would ask that the STB render a decision regarding whether Riffin's September 14, 2012 PFS is sufficiently current to meet the STB's criteria.

Filed: November 30, 2012

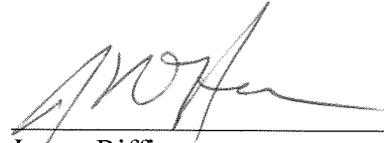
Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of November, 2012, a copy of the foregoing Motion for a Ruling, was served by first class mail, postage prepaid, upon Alex Snyder, Barley Snyder, P.O. Box 15012, York, PA 17405-7012, counsel for the Stewartstown Railroad and upon Keith G. O'Brien, Baker and Miller, Ste 300, 2401 Pennsylvania Ave, Washington, DC 20037, counsel for the estate of George Hart.



James Riffin