

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

WILLIAM A. MULLINS

(202) 663-7823 (Direct Dial)
E-Mail: wmullins@bakerandmilller.com

June 29, 2015

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ENTERED
Office of Proceedings
June 29, 2015
Part of Public Record**VIA E-FILING**Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001Re: *Norfolk Southern Railway Company – Acquisition and Operation -
Certain Rail Lines of the Delaware and Hudson Railway Company, Inc.*, STB
Docket FD 35873

Dear Ms. Brown:

On June 24, 2015, James Riffin, a party who is not a carrier, shipper, government entity, or other party who would suffer any injury in fact that is traceable to the acquisition by Norfolk Southern Railway Company (“NS”) of the D&H South Lines, and thus has no standing, filed a reply to the June 4, 2015 petition for stay filed by Samuel J. Nasca, another party with doubtful legal standing. With respect to the merits contained within the Riffin reply to the stay petition or the corresponding Riffin reply to the petitions for reconsideration, NS simply notes that the issues raised are repetitive of previously “asked and answered” questions or are addressed in NS-20. NS writes, however, not to address the merits, but rather to request that Riffin’s reply be rejected as untimely. Regardless as to whether Nasca’s stay petition was filed under 49 C.F.R. § 1115.3(f) or § 1115.5(a), Riffin had either six or five days to reply to the stay petition. These specific time periods for replying to stay petitions take precedence over the more general reply provisions of § 1104.13(a).¹ Riffin did not file his reply until June 24 – way beyond either regulatory deadline. As such, his reply should be rejected as untimely. See § 1104.6 (timely

¹ Riffin is partially right in the sense that the May 19 decision did not alter the 20-day time period contained within § 1104.13(a). Rather, it is the regulations themselves that have, in the context of a stay petition, altered the 20-day time period. See § 1104.13(a) (20 days “unless otherwise provided”). Here, the regulations “otherwise provided.”

filing required). See, e.g., Edwin Kessler – Petition For Injunctive Relief, FD No. 35206 (STB served June 12, 2009) (various filings, including one by Riffin, rejected as untimely filed).

Respectfully submitted,



William A. Mullins
Attorney for Norfolk Southern Railway Company

cc: Parties of Record