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BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

225826



Finance Docket No. 35246

JAMES RIFFIN – § 10902 ACQUISITION AND OPERATION APPLICATION –
VENEER SPUR – IN BALTIMORE COUNTY, MD

MOTION FOR A POSTPONEMENT

1. Now comes James Riffin, the Applicant in the above entitled proceeding, who herewith files this Motion for a Postponement of the Decision in the above entitled proceeding.

2. The issue before the Board is whether the Applicant is an existing carrier. In a recent decision, the Board prematurely ruled that the Applicant was not an existing carrier on the sole basis that the deed to the Applicant's Allegany County Line had not been recorded, even though that very issue was before the U.S. Court of Appeals.

3. Since the U.S. Court of Appeals may rule that it was unlawful for CSX not to deed the Allegany County Line to Applicant in his individual name, the Applicant argues that rendering a decision in this proceeding prior to the Court of Appeals rendering its decision, would be premature, and would be a waste of the Board's limited resources. (If the Court rules that CSX must deed the Line to the Applicant, then the basis for the Board's ruling that Applicant is not a carrier, no longer exists.)

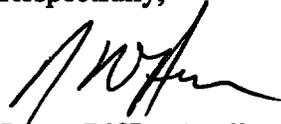
4. In addition, in AB 167 Sub No. 1190, the Applicant has before the Board an Offer of Financial Assistance to acquire and operate a portion of the Lehigh Valley line in Jersey City, NJ.

If the Applicant is successful in receiving authority to acquire the Jersey City line of railroad, Applicant would immediately become a carrier on that Line.

5. For the above reasons, the Applicant argues that rendering a decision in this proceeding prior to resolution of the issue of ownership of the Allegany County Line, and prior to a decision in AB 167, Sub No. 1190, would be premature, and would lead to further litigation and a waste of the Board's limited resources.

6. For these reasons, the Applicant would ask that the Board delay rendering its decision in this proceeding until after the Court of Appeals renders its decision, and until after the issue of exemption from the OFA procedures in AB 167 Sub No. 1190, has been resolved.

Respectfully,



James Riffin, Applicant

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October, 2009, a copy of the foregoing Motion for Postponement, was served by first class mail, postage prepaid, upon James R. Paschall, Senior General Attorney, Norfolk Southern Railway Company, Law Department, Three Commercial Place, Norfolk, VA 23510; and upon Charles Spitulnik, Kaplan Kirsch Rockwell, Ste 905, 1001 Connecticut Ave, N.W., Washington, DC 20036, counsel for MTA, MDOT, MDE and Allegany County.



James Riffin