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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**



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**STB DOCKET NO. AB-290 (Sub- No. 237X)**

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**NORFOLK SOUTHERN RAILWAY COMPANY  
PETITION FOR EXEMPTION  
ABANDONMENT OF FREIGHT OPERATING RIGHTS AND  
OF RAIL FREIGHT SERVICE  
BETWEEN BALTIMORE, MD AND COCKEYSVILLE, MD  
IN BALTIMORE COUNTY, MARYLAND**

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**NOTICE OF INTENT TO FILE AN  
OFFER OF FINANCIAL ASSISTANCE**

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1. James Riffin ("Riffin"), pursuant to the applicable regulations of the Surface Transportation Board ("STB" or "Board") herewith files his formal Notice of Intent to File an Offer of Financial Assistance, to purchase **all** of the Freight Operating Rights, Freight Operating Easement(s) and any related Operating Agreements or Leases, the Norfolk Southern Railway Company, or any of its subsidiaries or affiliates, hereinafter "Norfolk Southern," desires to abandon, which pertain to **any portion** of the line presently known as the Cockeysville Line, formerly the main line of the Northern Central Railway Company, which Line originates in Baltimore at or near its intersection with Amtrak's tracks near Pennsylvania station, at or near Milepost UU-0.00, and which terminates somewhere north of Cockeysville, Baltimore County, Maryland, north of Milepost UU-13.8, hereinafter the "Line." The original Line went from Baltimore, Maryland to York, Pennsylvania. 35.6 miles of the Line were in Maryland.

2. Riffin is a financially responsible person. Riffin has, or within a reasonable time will have, the financial resources to fulfill all of his proposed contractual obligations.

3. Attached to this Notice of Intent is a Motion for a Protective Order allowing Riffin to make available to the Board under seal certain confidential documents and information in connection with Riffin's proposed Offer of Financial Assistance, which documents include

Riffin's personal financial statement.

4. Pursuant to 49 U.S.C. § 10904, Riffin requests Norfolk Southern provide Riffin and the Board with the following information:

A. An estimate of the annual subsidy and minimum purchase price required to keep the Line or a portion of the Line in operation;

B. Norfolk Southern's most recent reports on the physical condition of that part of the Line involved in the proposed abandonment or discontinuance;

C. Traffic, revenue, and other data necessary to determine the amount of annual financial assistance which would be required to continue rail transportation over the Line, including, but not limited to:

a. A copy of any agreements Norfolk Southern, or any of its affiliates or subsidiaries, is a party to, which pertain in any way to the Line, including but not limited to, any Freight Operating Rights, Freight Operating Easement(s) and any related Operating Agreements or Leases, and any agreements Norfolk Southern has, or contemplates having, involving the State of Maryland, the Maryland Department of Transportation, the Maryland Transit Administration, or any other Maryland State or Local agency or entity, hereinafter "State of Maryland;"

b. A copy of all papers, documents or agreements Norfolk Southern has received, has in its possession, or has knowledge of, which pertain in any way to any agreements Fleischmann's Vinegar, Baltimore Gas and Electric Company, Imerys, or any other present, former or potential shipper, have made which pertain in any way to the use of, or non-use of, the Line, including but not limited to any agreement(s) any shipper on the Line has made with the State of Maryland.;

D. Any other information which relates to Norfolk Southern's present or prior use of the Freight Operating Rights, Freight Operating Easement(s) and Operating Agreements or Leases, which pertain to the Line, including but not limited to:

a. Any payments made to the State of Maryland for the use of the Line, and the basis for the payments;

b. The number of times the Line was used in 2003, 2004 and 2005, and the number of rail cars delivered to and / or the number of rail cars received from, each shipper on the line, for each time the Line was used;

c. The number of times the Line was unavailable for Norfolk Southern's use in 2003, 2004 and 2005, and the reason(s) why the Line was unavailable;

d. The date the Line was taken out-of-service, due to double-tracking the Line;

e. The number of times in 2003, 2004, and 2005, a train crew was unable to complete deliveries on the Line within the period of time Norfolk Southern has permission to utilize the Line (the number of times locomotives were left stranded on the Line and / or the number of times train crews had to return to their base yard via a motor vehicle);

f. The speed limits on the Line, and any other restrictions which pertain to the use of the Line, by Milepost;

g. Which switches on the Line Norfolk Southern train crews may operate, and which switches on the Line are exclusively controlled by a centralized traffic control system. Which switches the train crew must wait at while a remote switch operator throws the switch, and the average amount of time the train crew had to wait for the switch to be thrown.

h. A summary of all disagreements, misunderstandings, or points of contention between Norfolk Southern and the State of Maryland concerning Norfolk Southern's use of the Line during 2003, 2004 and 2005;

i. An indication of where Riffin would interchange rail traffic with Norfolk Southern;

j. A copy of a proposed interchange agreement;

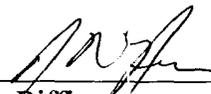
k. The substance of discussions Norfolk Southern has had with the State of Maryland regarding Norfolk Southern's continued use of the transload facility at North Avenue in Baltimore, Maryland. (Riffin has heard the State of Maryland has offered to purchase Norfolk Southern's North Avenue transload site.) In the event Norfolk Southern discontinues using the North Avenue transload site, where would Riffin interchange traffic with Norfolk Southern?

Respectfully submitted,

  
James Riffin

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24<sup>th</sup> day of January, 2006, a copy of the foregoing Notice of Intent to File an Offer of Financial Assistance, was served by first class mail, postage prepaid, upon James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Law Department, Three Commercial Place, Norfolk, VA 23510-9241.

  
James Riffin