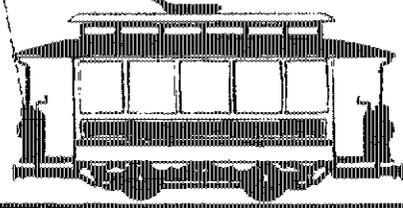


BALTIMORE STREETCAR MUSEUM, INC.

Founded
1966



POST OFFICE BOX 4381 • BALTIMORE, MD 21211 • 410/547-0264

March 7, 2007

218766

Via Hand-Delivery

Department of Transportation
Surface Transportation Board ("STB")
The Honorable Vernon A. Williams, Secretary
395 E. Street S.W.
Washington, D.C. 20423-0001
Attn: Vernon Williams

ENTERED
Office of Proceedings

MAR - 7 2007

Part of
Public Record



**Re: STB Finance Docket No. 34982
Petition to Revoke Exemption Under 49 U.S.C. 10502(d) filed by the Baltimore Streetcar Museum in protest of the Verified Notice of Exemption Under 49 CFR 1150.41 filed by James Riffin d/b/a The Northern Central Railroad ("NCR") – Additional Comments by BSM**

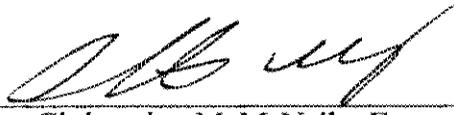
Dear Mr. Williams:

Yesterday I hand-delivered a final comment to STB (with copies served on all interested parties). I erroneously addressed these materials to David M. Konschnik. I received a telephone call from Mrs. Hardy in your office directing me to send this comment to your attention directly, which I sent yesterday by fax. I apologize for this error – I will be sure to direct all future correspondence to your attention. I also realized that I failed to enclose ten (10) copies of BSM's comment, which I have enclosed hereto with apologies. I would ask that the enclosed comment please be docketed with STB and uploaded to the STB website.

I had also submitted a comment on or about February 19, 2007 (with copies served on all interested parties), a copy of which was attached as an exhibit to CSXT's comment filed on February 20, 2007. It does not appear that the original comment was ever docketed (though it was timely filed). In order to be helpful, I have re-submitted this February 19, 2007 with ten (10) copies (again, I believe I may have omitted to send 10 copies of the February 19, 2007 filing, with apologies). I am asking that this also be docketed in the captioned matter on behalf of BSM and uploaded to the STB website.

Thank you for your time and consideration – please do not hesitate to contact me should you need anything further.

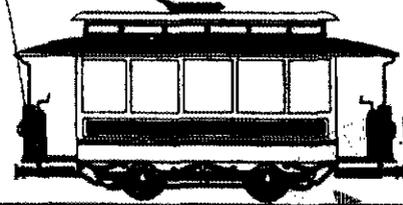
Baltimore Streetcar Museum, Inc.

By: 

Christopher M. McNally, Esq.

BALTIMORE STREETCAR MUSEUM, INC.

Founded
1966



POST OFFICE BOX 4881 • BALTIMORE, MD 21211 • 410/547-0264

February 19, 2007

Via First-Class Mail

Department of Transportation
Surface Transportation Board ("STB")
1925 K Street, N.W.
Washington, D.C. 20423-0001
Attn: David M. Konschnik, Director, Office of Proceedings

**Re: STB Finance Docket No. 34982
Petition to Revoke Exemption Under 49 U.S.C. 10502(d) filed by the Baltimore Streetcar Museum in protest of the Verified Notice of Exemption Under 49 CFR 1150.41 filed by James Riffin d/b/a The Northern Central Railroad ("NCR") – Additional Comments by BSM**

Dear Mr. Konschnik:

I am writing on behalf of the Baltimore Streetcar Museum, Inc. ("BSM") in response to a letter filed by Petitioner James Riffin d/b/a The Northern Central Railroad ("NCR") on February 5, 2007 (attached hereto as Exhibit A), and as a follow-up and supplement to BSM's detailed Petition to Revoke Exemption filed on February 2, 2007 (hereafter "petition"). Mr. Riffin has alleged in his letter that he did not receive a copy of the comments submitted by the Baltimore Streetcar Museum, which we believe is simply not true. Attached as Exhibit B hereto is an affidavit from Gregory Wilson of Mason Dixon Process Service confirming that service of a copy of the Petition was effectuated on February 1 at 11:00am by hand-delivering a copy to Tim O'Neill, an employee of the business located at the address of record for James Riffin d/b/a The Northern Central Railroad (1941 Greenspring Drive), which is a private place of business. Mr. O'Neill stated to the process server that he was authorized to accept service for Mr. Riffin at this address. This affidavit is conclusive evidence that NCR did receive notice of the Petition.

I also felt it necessary to point out several factual inaccuracies in NCR's February 5, 2007 letter. First, NCR cites to a website it incorrectly characterizes as "The Baltimore County, Maryland" website. In fact, the website Mr. Riffin referred to is entitled "Ghosts of Baltimore," which is owned and maintained by Adam Paul, a local transit enthusiast. The URL for the website is <http://www.btco.net/ghosts/>. It is noteworthy that this website is not an official Baltimore County or government website, and we contend that the information contained on this website should not

be considered authoritative to these proceedings in any way. Moreover, the photograph depicted of the trackage under the North Avenue bridge is misleading in its entirety – the trackage no longer exists in the area under the North Avenue bridge, as it was removed approximately three years ago in order to construct the bike trail that now exists alongside Falls Road (a very small unusable portion of rail still lurks beneath the pavement across Falls Road near this location, and on the opposite side of the road). You will note that the “Baltimore Ghosts” website was last updated on or about December 29, 2002 (see the “What’s New” link) before the construction of the bike trail. Therefore, we contend that Mr. Riffin’s statement that he inspected the rail depicted in this photograph (under the North Avenue bridge) is false and misleading information sufficient to make his original filing void *ab initio*, inasmuch as this rail no longer exists.

BSM also notes, as a supplement to the information provided in its original Petition, that the rail presently used by the streetcar museum was constructed entirely by museum volunteers between approximately 1968 and 2007. The rail is almost all low-weight street-railway rail, most of which was rescued from the streets of Baltimore (including t-rail and girder rail), and is gauged to Baltimore’s unique street railway gauge of five-feet four and a-half inches. 600 Volt trolley wire is strung above this rail to provide power to the electric streetcars which are operated on this line. The line is maintained by museum volunteers. This rail would be entirely unusable for railroad purposes.

BSM also hereby incorporates by reference the points and arguments raised in the comments filed in this matter, including but not limited to those filed by the Maryland Transportation Administration (“MTA”), CSXT, Norfolk Southern (NS) and the City of Baltimore, and renews its request that this matter be dismissed in its entirety with prejudice.

Baltimore Streetcar Museum, Inc.

By: 

Christopher M. McNally, Esq.

cc: James Riffin d/b/a The Northern Central Railroad (Via Certified Mail)
1941 Greenspring Drive
Timonium, Maryland 21093
Petitioner

Louis E. Gitomer, Esq. (Via First-Class Mail)
Law Offices of Louis E. Gitomer, Esq.
The Adams Building, Suite 301
600 Baltimore Avenue
Towson, Maryland 21204
Counsel for CSXT

Charles A. Spitulnik, Esq. (Via First-Class Mail)
Kaplan, Kirsch, Rockwell
1001 Connecticut Ave., Ste 905
Washington, D.C. 20036
Counsel for MTA

City of Baltimore (Via First-Class Mail)
Department of Law
100 N. Holliday Street, Room 250
Baltimore, Maryland 21202

Baltimore Streetcar Museum, Inc.
Board of Trustees (Via E-Mail)

FROM: James Riffin
1941 Greenspring Drive
Timonium, MD 21093
(443) 414-6210

DATE: February 5, 2007

RE: FD No. 34982.

TO: Vernon A. Williams, Secretary
Surface Transportation Board

218581

ENTERED
Office of Proceedings

FEB 5 - 2007

Part of
Public Record

Dear Mr. Williams:

On February 2, 2007, three comments were filed in FD 34982 *Notice of Exemption - Acquisition and Operation - In Baltimore City, Maryland* ("NOE"). As of today, February 5, 2007, I have not received a copy of the comments submitted by the Maryland Transit Administration or by the Baltimore Streetcar Museum. I did download a copy of the comments that were posted on the Board's Web Site.

In footnote One of the Board's January 26, 2007 decision in this case, the Board indicated that if authority was granted to abandon the line which is the subject of this NOE, then my NOE should be filed under 49 USC §10901 and 49 CFR 1150.31 *et. seq.*, rather than under 49 USC §10902 and 49 CFR 1150.41 *et. seq.* One commenter, Louis Gitomer, counsel for CSXT, indicated the Interstate Commerce Commission ("Commission") granted the Maryland and Pennsylvania Railroad ("MPR") authority to abandon that portion of MPR's line that is the subject of my NOE. Mr. Gitomer cited *Maryland & P.R. Co. Abandonment*, 295 I.C.C. 719 (1958). In its opinion, the Commission stated the abandonment was "specifically made subject to the condition that any part of the line, tracks, and appurtenant facilities essential to continued operation in the performance of railroad service shall be sold to any responsible firm, person, or corporation offering, at any time prior to the effective date of the certificate herein (35 days from its service), to purchase the line of railroad involved or any portion or portions thereof at a price not less than the net salvage value of the property sought to be acquired." *Id.* at 727.

On page one of an article posted on the Baltimore County, Maryland Web Site, entitled *Unsung Monuments in "The Monumental City,"* appears a photograph depicting the portion of the MPR that went under the North Avenue bridge. The byline for the photograph states:

"Longest surviving piece of MA & PA trackage in Baltimore is this track at the North Avenue Bridge which was used as an interchange to the Pennsylvania Railroad tracks just west of Pennsylvania [sic] Station. In reality, the rails were laid down by the PRR around 1960, as they still used the rails after MPA abandonment to reach Morgan Millwork."

On Sunday, February 4, 2007, I inspected the rail which is depicted in this photograph, and those additional portions of rail still visible on that portion of the line which is the subject of my NOE. The rail is 130-pound rail. The Morgan Millwork turnout, which is located approxima

EXHIBIT

tabbles

A

feet north of the top of the photograph, is a PRR 152-pound No. 8 turnout

On page 721 of the Commission's Opinion, the Commission stated: "The rail of the line's trackage consists of 12.35 miles of 70-pound weight laid in 1900; 18.9 miles of 80- and 90-pound weight laid as part of a gradual renewal program between 1917 and 1927; and 11.15 miles of similar weight laid since 1927." On page 726 of the Opinion, the Commission stated: "The millwork warehouse at Baltimore [Morgan Millwork] receives between 120 and 150 carloads of various items which move in small packages and require unloading by hand. The traffic moves over the line about 0.5 mile from the point of connection with the Pennsylvania or the Baltimore & Ohio ...".

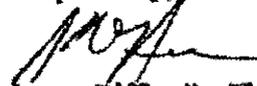
Based on the facts recited above, it would appear the PRR did acquire that portion of the MPR line that is the subject of my NOE, replaced the MPR's 90-pound rail with 130-pound rail, and replaced the MPR's 90-pound turnout with a PRR 152 # turnout. The Commission's Opinion also stated Morgan Millwork received traffic from both the Baltimore and Ohio and Pennsylvania railroads, and that this traffic moved over the portion of the MPR line that is the subject of my NOE. It should also be noted, the only Maryland portion of the MPR line that still has rails on it, is that portion which is the subject of my NOE.

From the facts recited above, I would deduce the PRR acquired that portion of the MPR line that is the subject of my NOE, then continued to use it as a line of railroad. Since Morgan Millwork had shipped / received traffic from the B&O via the MPR / B&O interchange, it would be reasonable to conclude that Morgan Millwork continued to ship / receive traffic on the B&O. Based on the above, it would appear that portion of the MPR line that is the subject of my NOE, continued to be used as a line of railroad after the MPR was granted authority to abandon its line of railroad.

The Baltimore Trolley Museum and the Maryland Transit Administration both have requested the effective date of my NOE be stayed. If the Board thinks a stay for 30-days would be appropriate, I would not oppose a 30-day stay. If the Board does grant a stay, I would suggest the period for filing comments be extended by two-weeks, to February 16, 2007. This would provide interested parties who have not made comments, time to file comments. It also would give me sufficient time to research the Board's records to ascertain whether the PRR / B&O ever filed a Petition to abandon that portion of the MPR line that they operated on.

Following the comment period, I would propose to file my reply to whatever comments were filed.

Respectfully,



James Riffin dba The Northern Central Railroad
Applicant

Visiting Monuments in
"The Monumental City"
Museum

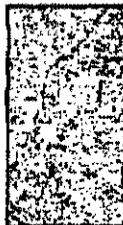
"The Ma & Pa"

all photos by Adam Paul



Longest surviving piece of MA & PA trackage in Baltimore is this track at the North Avenue Bridge which was used as an interchange to the Pennsylvania Railroad tracks just west of Pennsylvania Station. In reality, the rails were laid down by the PRR around 1930, as they still used the rails after MPA abandonment to reach Morgan Millwork.

It was often called "WORLD FAMOUS." Others referred to it as the "model railroad built to the scale of 12 inches to the foot." Officially known as THE MARYLAND & PENNSYLVANIA RAILROAD, the "Ma & Pa" was arguably the most loved and cherished railroad in Baltimore. It carried with it a degree of charm not often seen on the larger railroads, largely the result of it's hilly, twisting route and smaller trains. It ran steam trains in regular service until the early 1950's, which were only sidelined as the road's traffic declined.



[Click Here to see a map of the Baltimore area trackage covered by the MA & PA.](#)

In 1958, the "Ma" of the Ma & Pa all but died, as the Maryland district trackage was abandoned, aside from a small part in Northernmost Harford County to Whiteford. Eventually, by the 1970's, the line would assume control of a ex-Pennsy line into

RETURN OF SERVICE

Case Number: 34982

For:
Christopher McNally
21 W. Susquehanna Ave.
Towson, MD 21204-5279

Received by Mason-Dixon Process Service, Inc. to be served on **JAMES RIFFIN, 1941 GREENSPRING DRIVE, TIMONIUM, MD 21093.**

I, Gregory Wilson, do hereby affirm that on the **1st day of February, 2007 at 11:00 am, I:**

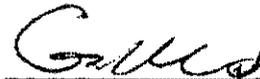
Delivered the **PETITION TO REVOKE EXEMPTION FILED BY BALTIMORE STREETCAR MUSEUM, INC.** to the within named address.

Additional information pertaining to this Service:

I went to 1941 Greenspring Drive, Timonium, Md 21093. I was told that the James Riffin had a mailbox in the back of the building but never came in. Tim O'Neill explained that he was authorized to accept service for James Riffin at the above stated address.

Description of Person Served: Age: 32+, Sex: M, Race/Skin Color: White, Height: 5/11, Weight: 225, Hair: Brown, Glasses: Y

I am over the age of 18 and have no interest in the above action.



Gregory Wilson
Process Server

Mason-Dixon Process Service, Inc.
8700 Old Harford Rd
Suite U6
Parkville, MD 21234
(410) 665-4929
Our Job Serial Number: 2007004613

EXHIBIT

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