

308034

March 1, 2024

ENTERED
Office of Proceedings
March 1, 2024
Part of
Public Record

VIA E-FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: *The Maryland and Delaware Railroad Company – Modified Certificate of Public Convenience and Necessity – Request of the Dorchester County, MD for Interim Trail Use*, STB Docket No. FD 29830

Dear Ms. Brown:

Enclosed please find the Request of Dorchester County, Maryland, for Interim Trail Use Pursuant to 49 C.F.R. § 1152.29 for filing in the above referenced proceeding.

Please note that the filing fee of \$350 has been paid via pay.gov. The Pay.gov Tracking ID is 27CCH27A. The County respectfully requests a waiver of the filing fee based on the City's status as a public entity pursuant to 49 C.F.R. § 1001.2(e)(1).

Sincerely,



Christian L. Alexander

FILING FEE WAIVED

COUNTY COUNCIL OF DORCHESTER COUNTY

COUNTY OFFICE BUILDING
P.O. BOX 26
CAMBRIDGE, MARYLAND 21613
PHONE: (410) 228-1700
FAX: (410) 228-9641

GEORGE L. PFEFFER, JR., PRESIDENT
MIKE DETMER, VICE PRESIDENT
ROB KRAMER, JR.
WILLIAM V. NICHOLS
RICKY C. TRAVERS



JEFF POWELL
INTERIM COUNTY MANAGER
MACLEOD LAW GROUP LLC
COUNTY ATTORNEY

February 20, 2024

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

**RE: STB Docket No. FD 29830 – The Maryland and Delaware Railroad Company –
Partial Termination of Modified Certificate: Request of Dorchester County,
Maryland for Interim Trail Use Pursuant to 49 C.F.R. § 1152.29**

Dear Ms. Brown:

Pursuant to 49 C.F.R. § 1152.29, Dorchester County, a Maryland charter county (the “County” or “Sponsor”), hereby requests issuance of a Notice of Interim Trail Use with respect to the line segments in Dorchester and Caroline Counties for which the Maryland and Delaware Railroad Company (“MDDE”) has recently filed a notice of partial termination of its modified certificate in the above-captioned proceedings. These line segments are described as follows: (1) an approximately 8.23-mile segment of line located in Dorchester County, Maryland from approximated valuation station 1714+31 +/-, as shown on valuation map V3-68, at approximate Milepost 32.47 at Cedar Street in Cambridge, Maryland, to approximate valuation station 1280+00 +/- as shown on valuation map V3-60, at approximate Milepost 24.24 at US 50 – Ocean Gateway near Linkwood, Maryland; (2) an approximately 6.1-mile segment of line located in Dorchester County and Caroline County, Maryland from approximated valuation station 1637+80 +/- as shown on valuation map V20-32, at approximate Milepost 31.2 at Broad Street in Hurlock, Maryland, to approximate valuation station 1315+90 +/-, as shown on valuation map V20-26, at

approximate Milepost 25.1 near Railroad Avenue in Preston, Maryland; and (3) an approximately 0.4-mile segment of line located in Dorchester County, Maryland from approximated valuation station 1642+28 +/- as shown on valuation map V20-32, at approximate Milepost 31.28 in Hurlock, Maryland, to approximate valuation station 1663+10 +/-, as shown on valuation map V20-26, at approximate Milepost 31.68 at Delaware Avenue in Hurlock, Maryland (collectively hereinafter referred to as the “Segments”).

Trail use is completely consistent with MDDE’s Notice. As indicated in the Notice filed by MDDE, the Segments have not been used for common carrier service in many years. The Segments are owned by the State of Maryland on behalf of the Maryland Transit Administration (“MTA”) and is therefore publicly owned with the intent to serve a public use. The County has identified the Segments as ideally suited for trail use and has engaged with MTA to further this goal. The County proposes and is willing to serve as the trail sponsor for the Segments pursuant to the requirements set forth at 49 C.F.R. § 1152.29.

A map of the property depicting the right-of-way comprising the Segments is attached as **Exhibit A**.

In accordance with the applicable regulations, the County submits the following Statement of Willingness to Assume Financial Responsibility and other information:

Statement of Willingness to Assume Financial Responsibility:

In order to establish interim trail use and rail banking under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29, with respect to the right-of-way owned by State of Maryland, on behalf of the Maryland Transit Administration (the “MTA”), and operated by the Maryland and Delaware Railroad Company pursuant to a Modified Certificate of Public Convenience and Necessity, Dorchester County, a Maryland charter county (the “County” or “Sponsor”), is willing to assume full responsibility for: (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the Sponsor is immune from liability, in which case it need only indemnify the MTA against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way. The property, constituting segments of the rail

line known as the Cambridge Secondary Track, extends between milepost 32.47, valuation station no. 1714+31 in Cambridge, MD to milepost 24.24 valuation station no. 1280+00 near Linkwood, MD, between milepost 31.2, valuation station no. 1637+80. in Hurlock, MD to milepost 25.1 valuation station no. 1315+90 in Preston, MD, and between Milepost 31.28 valuation station no. 1642+28 to Milepost 31.68, valuation station no. 1663+10 +/- in Hurlock, Maryland. The right-of-way is part of a line proposed for abandonment pursuant to termination of a Modified Certificate in STB Docket No. FD 29830.

Other required information:

The County acknowledges that use of the right-of-way is subject to its obligation to continue to meet its responsibilities as sponsor described above and subject to possible future reconstruction and reactivation of the right-of-way for freight rail service. A copy of this statement is being served on the owner of the Segment, MTA, on the same date it is being served to the Board.

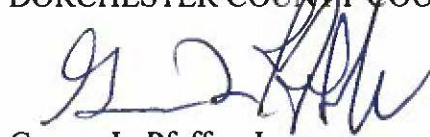
Additional information:

The County and MTA are beginning the negotiation of a trail use agreement to use the Segments as an interim trail.

For the foregoing reasons, the County requests that the Board issue a Notice of Interim Trail Use for the Segments.

Respectfully submitted,

DORCHESTER COUNTY COUNCIL OF MARYLAND

A handwritten signature in blue ink, appearing to read "G. L. Pfeffer, Jr.", is written over the printed name.

George L. Pfeffer, Jr.
President

Exhibit A

Map of the Line

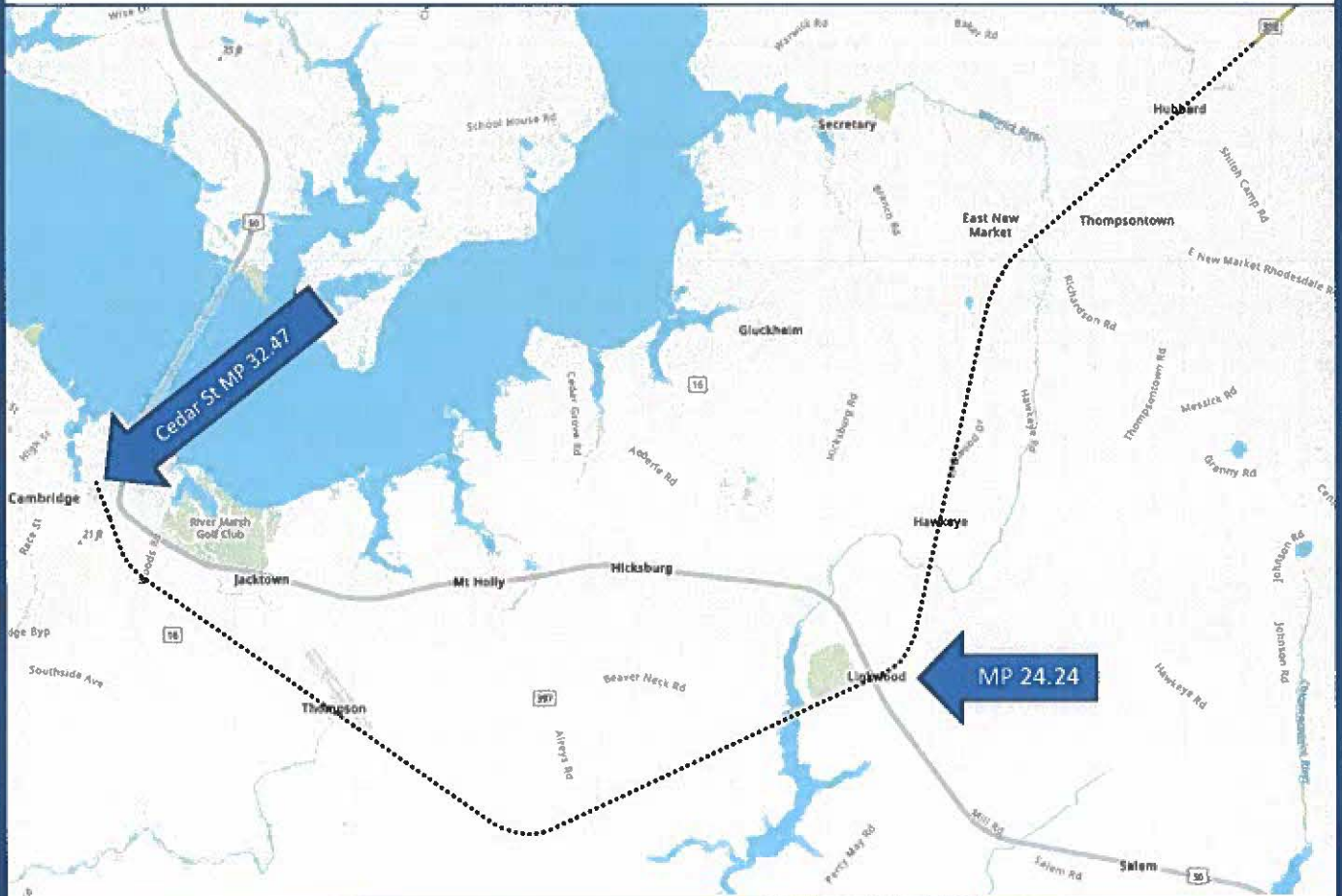
[attached hereto]

THE CAMBRIDGE SECONDARY

Inactive Section

Linkwood, MD to Cambridge, MD

USRA LINE 168



Legend

- Active
- Railbanked-Active
- Inactive
- Railbanked
- Abandoned

November 29, 2023
MDOT TSO, RIF

STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
MARYLAND TRANSIT ADMINISTRATION
FREIGHT RAIL LINES



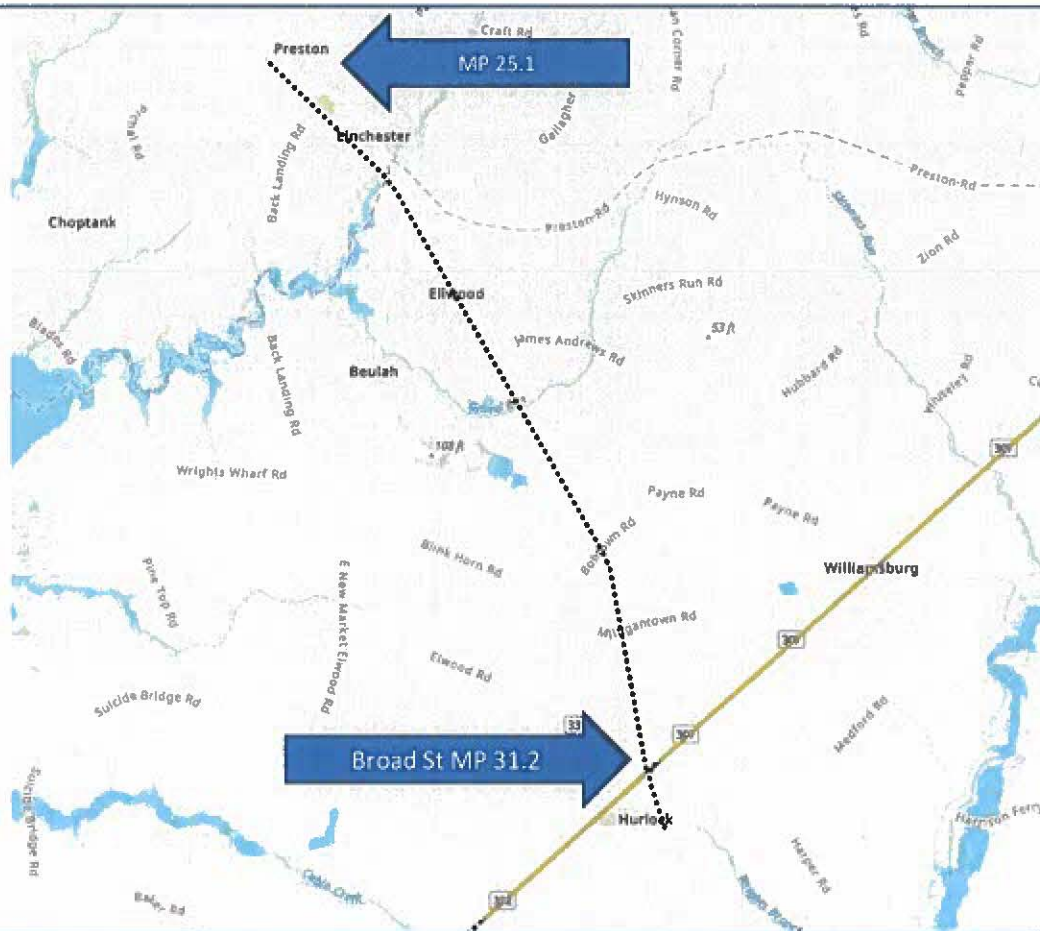
Map showing inactive sections of the Cambridge Secondary. The Maryland & Delaware Railroad, Contracted Operator and holder of modified certificate of public convenience.

THE PRESTON TRACK

Northern Section

Hurlock to Preston, MD

USRA LINE 152



Legend

- Active
- Railbanked Active
- Inactive
- Railbanked
- Abandoned

November 29, 2023
MDOT TSO, RIF

STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
MARYLAND TRANSIT ADMINISTRATION
FREIGHT RAIL LINES



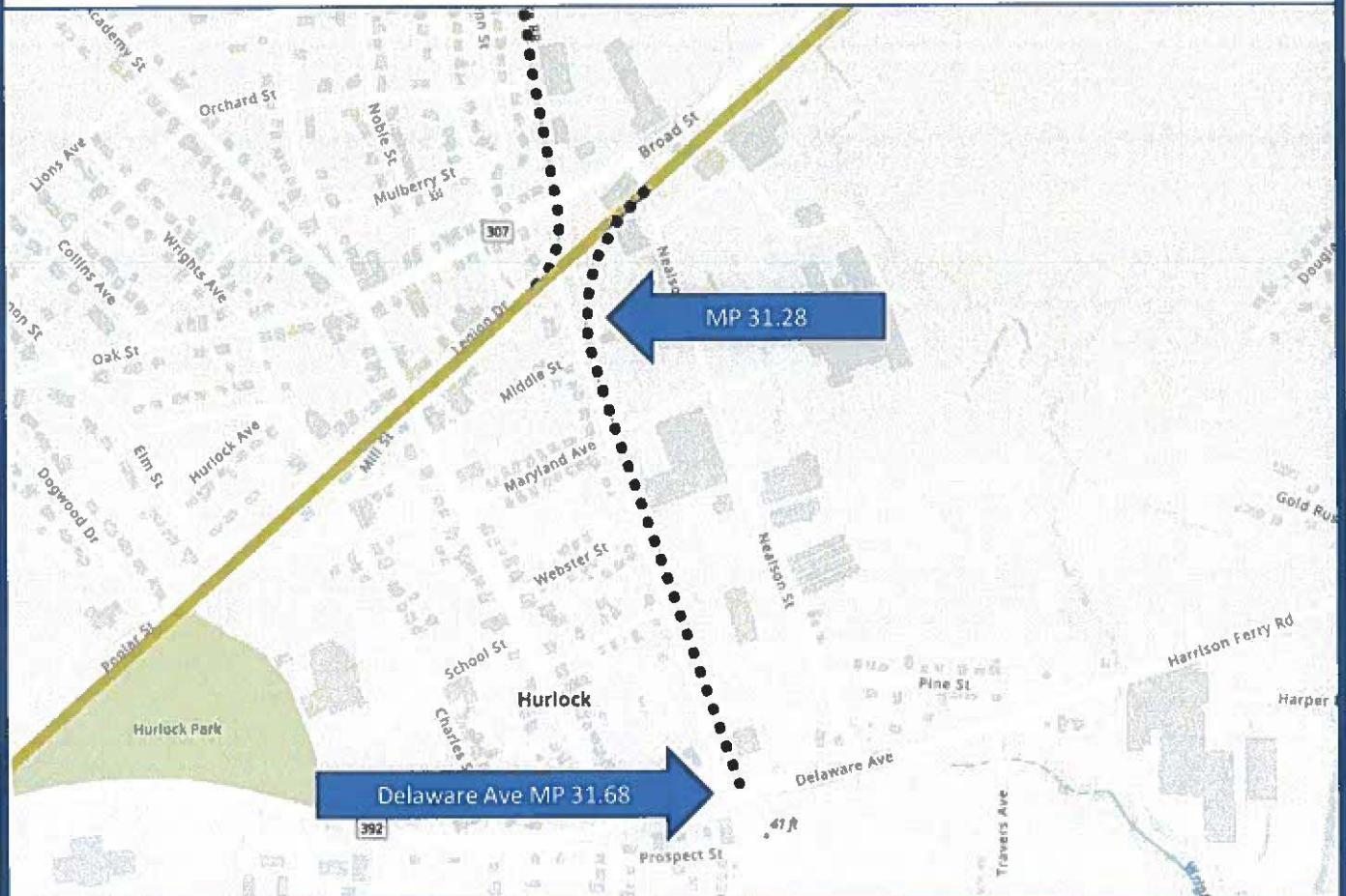
Map showing
inactive sections of
the Preston Track.
The Maryland &
Delaware Railroad,
Contracted
Operator and
holder of modified
certificate of public
convenience.

THE PRESTON TRACK

Southern Section

Hurlock, MD

USRA LINE 153



Legend

- Railbanked Active
- Inactive
- Railbanked
- Abandoned

November 29, 2023
MDOT TSO, RIF

STATE OF MARYLAND
DEPARTMENT OF TRANSPORTATION
MARYLAND TRANSIT ADMINISTRATION
FREIGHT RAIL LINES

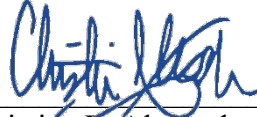


Map showing
inactive sections of
the Preston Track.
The Maryland &
Delaware Railroad,
Contracted
Operator and
holder of modified
certificate of public
convenience.

CERTIFICATE OF SERVICE

I certify that I have this 1st day of March 2024, caused copies of this Request for Trail Use of Dorchester County, Maryland, to be served by first class mail, postage prepaid on the parties listed below:

Maryland and Delaware Railroad Company
106 Railroad Avenue
Federalsburg, MD 21632-1407



Christian L. Alexander