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March 18, 2024

VIA E-FILING

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

Re: *Walkersville Southern Railroad Company — Notice of Exempt Abandonment,*
STB Docket No. AB 1339X

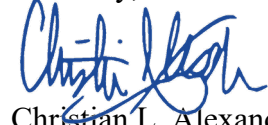
Dear Ms. Brown:

Please find enclosed the Notice of the Walkersville Southern Railroad Company of Exempt Abandonment for filing in the above referenced proceeding.

In addition, please note that the filing fee of \$4,700 has been paid via pay.gov. The pay.gov Tracking ID is 27CR4TRF.

Please do not hesitate to contact me with any questions.

Sincerely,



Christian L. Alexander

Counsel for Maryland Transit Administration

FILED
March 18, 2024
SURFACE
TRANSPORTATION BOARD

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March 18, 2024
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, DC**

Docket No. AB 1339X

**WALKERSVILLE SOUTHERN RAILROAD COMPANY
– DISCONTINUANCE EXEMPTION –
IN FREDERICK COUNTY, MD**

VERIFIED NOTICE OF EXEMPTION

Communications with respect to this document should be
addressed to:

Wayne Kirchhof
President
Walkersville Southern Railroad, Inc.
34 West Pennsylvania Avenue
Walkersville, MD 21793
Pres@WSRR.org

Date : March 18, 2024

**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, DC**

Docket No. AB 1339X

**WALKERSVILLE SOUTHERN RAILROAD, INC.
– DISCONTINUANCE EXEMPTION –
IN FREDERICK COUNTY, MD**

VERIFIED NOTICE OF EXEMPTION

The Walkersville Southern Railroad, Inc. (“WSRR”), a Class III rail carrier, hereby submits this Verified Notice of Exempt Discontinuance pursuant to 49 C.F.R. § 1152.50, to discontinue common carrier service over a 2.21-mile line of railroad in Frederick County, Maryland, constituting a portion of rail line known as the Frederick Secondary Track extending between milepost 65.17, valuation station 3442+61.4 and milepost 67.38, valuation station 3560+00 north of the City of Frederick, MD, U.S. Postal Service ZIP Codes 21705 and 21793 (the “Line”). A map of the Line owned by the Maryland Transit Administration (“MTA”) on behalf of the State of Maryland (“State”) is attached as **Exhibit A**. Based on information in MTA’s and WSRR’s possession, the Line does not contain federally granted rights-of-way. Any documentation in WSSR’s possession will be made available promptly to those requesting it.

The State acquired the Line from the Penn Central Corporation (“Penn Central”) in 1982 in order to preserve the Line for rail service following Penn Central’s bankruptcy. Prior to acquisition, the Line was designated for abandonment or public subsidy under the United States

Railway Association's ("USRA") Final System Plan,¹ see Final System Plan, vol. II, p. 497, which identified which lines were to be transferred from Penn Central and other bankrupted railroads to the Consolidated Rail Corporation ("Conrail") and which lines were permitted to be abandoned by the railroad owner, or to be subsidized or acquired by States. The Final System Plan identified the Line as being the subject of an interim application for abandonment under Section 304(d) of the Regional Railroad Reorganization Act of 1973, Pub. L. 93-236, 87 Stat. 985 (formerly codified at 45 U.S.C. § 741, *et seq.*) ("3R Act"), see Final System Plan, vol. II, p. 528, although there is no record of abandonment consummated through notice to State and local governments, as required under the 3R Act. See 3R Act, Section 304(a) and (b), codified as amended at 45 U.S.C. § 744(a) and (b). See also Interstate Commerce Commission, Evaluation of Eight Light-Density Rail Lines in Maryland, 42 Fed. Reg. 20396, 20402-06 (Apr. 19, 1977). The Board and MTA subsequently characterized the Line as abandoned, *Walkersville So. R.R.—Operation Exemption—Line Owned by the State of Md.*, FD 32329, slip op. at 1 n.1 (ICC served Sept. 30, 1993) ("1993 Authorization"), but in any event MTA has preserved the right-of-way since acquiring it.

WSRR obtained authority to operate common carrier service over a 4.8-mile line of railroad between valuation station 3316+02 and valuation station 3560+00, which included the Line, through a notice of exemption from the Interstate Commerce Commission ("ICC") in 1993. See 1993 Authorization. WSRR has maintained operating rights over this line pursuant to operating agreements with MTA since that time.

¹ The Final System Plan was produced by the USRA to examine the properties of the Penn Central and seven other northeastern railroads that declared bankruptcy in 1970. In response to these bankruptcies, Congress enacted the Regional Rail Reorganization Act of 1973 (3R Act), Pub. L. No. 93-236, 87 Stat. 985 (codified at 45 U.S.C. §§ 701-719), which created the USRA to identify which of the bankrupt railroads' lines would be retained in active service and consequently conveyed to Conrail. The Final System Plan was submitted to Congress on July 26, 1975, and was approved in § 601(e) of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. No. 94-210, 90 Stat 31 (1976).

While WSRR has maintained the right to provide common carrier service over the Line, because of a lack of requests from shippers, no freight service has moved over the Line for many years, and the Line has been embargoed for several years due to deteriorated track conditions. As a result, because there are no shippers, WSRR is not providing notice to any shippers.

Additionally, WSRR and MTA have been advised that Frederick County, Maryland (the “County”) will be filing a request for Notice of Interim Trail Use for the Line to construct a recreational trail parallel to, and barrier separated from, the existing track within the right-of-way. The County has indicated that it is willing to serve as the trail sponsor pursuant to the requirements set forth at 49 C.F.R. § 1152.29. WSRR does not object to the County’s request for interim trail use authority, under which the County proposes to enter into a trail use agreement with MTA. MTA, as the Line’s owner, is expected to file a reply accepting the County’s request to negotiate trail use.

Pursuant to the Board regulations, MTA, as owner of the Line, is exempt from the Board’s jurisdiction for acquisition of an abandoned line. 49 C.F.R. § 1150.22. Accordingly, the only authority necessary is discontinuance of WSRR’s operating exemption authorized under the 1993 Authorization. WSRR now seeks to discontinue its common carrier obligation on the Line. WSRR will retain its common carrier obligation with respect to the remaining line covered under the 1993 Authorization between valuation station 3442+61.4 and valuation station 3316+02.

The information required by 49 C.F.R. § 1152.50 follows:

1. Proposed Consummation Date: 50 days after filing.
2. Certification required by 49 C.F.R. § 1152.50(b): The required certification is attached hereto as **Exhibit B**.

3. Information required by 49 C.F.R. § 1152.22(a)(1):

The exact name of the applicant is the Walkersville Southern Railroad, Inc.

4. Information required by 49 C.F.R. § 1152.22(a)(2): WSRR is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

5. Information required by 49 C.F.R. § 1152.22(a)(3): WSRR seeks to use the class exemption at 49 C.F.R. 1152.50 to discontinue the Line. There has been no common carrier service on the Line in at least two years.

6. Information required by 49 C.F.R. § 1152.22(a)(4): A detailed map of the Line and the surrounding area is attached hereto as **Exhibit A**.

8. Information required by 49 C.F.R. § 1152.22(a)(7): Applicants' representatives to whom correspondence should be sent are:

For the WSRR:

Wayne Kirchhof
President
Walkersville Southern Railroad, Inc.
34 West Pennsylvania Avenue
Walkersville, MD 21793

9. Information required by 49 C.F.R. § 1152.22(a)(8): The Line traverses U.S. Postal Service ZIP Code 21705 and 21793.

10. Information required by 49 C.F.R. § 1152.22(e)(4): WSRR is cooperating with MTA, the owner of the Line, and Frederick County, the proposed trail sponsor, to construct a recreational trail parallel to, and barrier separated from, the existing track pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29. Walkersville Southern is not aware of any restriction on the title to the property that would affect the use of the property for than rail purposes.

11. The level of labor protection: There are no rail employees whose interests would be adversely affected by this discontinuance.
12. Compliance with notice requirements of 49 C.F.R. §§ 1105.7, 1105.8, 1105.11, 1105.12 and 1152.50(d)(1): Certificates of compliance with the requirements of 49 C.F.R. §§ 1105.11, 1105.12, and 1152.50(d)(1) are attached hereto as **Exhibit B**. Pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, a copy of the Environmental and Historic Report is attached hereto as **Exhibit C**. Proof of publication of the newspaper notice required pursuant to 49 C.F.R. § 1105.12 is attached as **Exhibit D**.

[SIGNATURE TO FOLLOW ON NEXT PAGE]

Respectfully submitted,

Wayne Kirchhof

Wayne Kirchhof

President

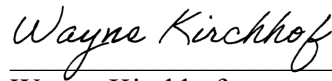
Walkersville Southern Railroad, Inc.

34 West Pennsylvania Avenue

Walkersville, MD 21793

VERIFICATION

I, Wayne Kirchhof, President, Walkersville Southern Railroad, Inc. verify under penalty of perjury that the facts recited in the foregoing Notice of Exemption with respect to the abandonment proceeding are true and correct to the best of my knowledge, information, and belief. Further, I certify that I am qualified and authorized to cause this Verified Notice of Exemption to be filed.

A handwritten signature in cursive script that reads "Wayne Kirchhof".

Wayne Kirchhof
President
Walkersville Southern Railroad, Inc.

Dated: March 18, 2024

EXHIBIT A

MAP OF THE LINE

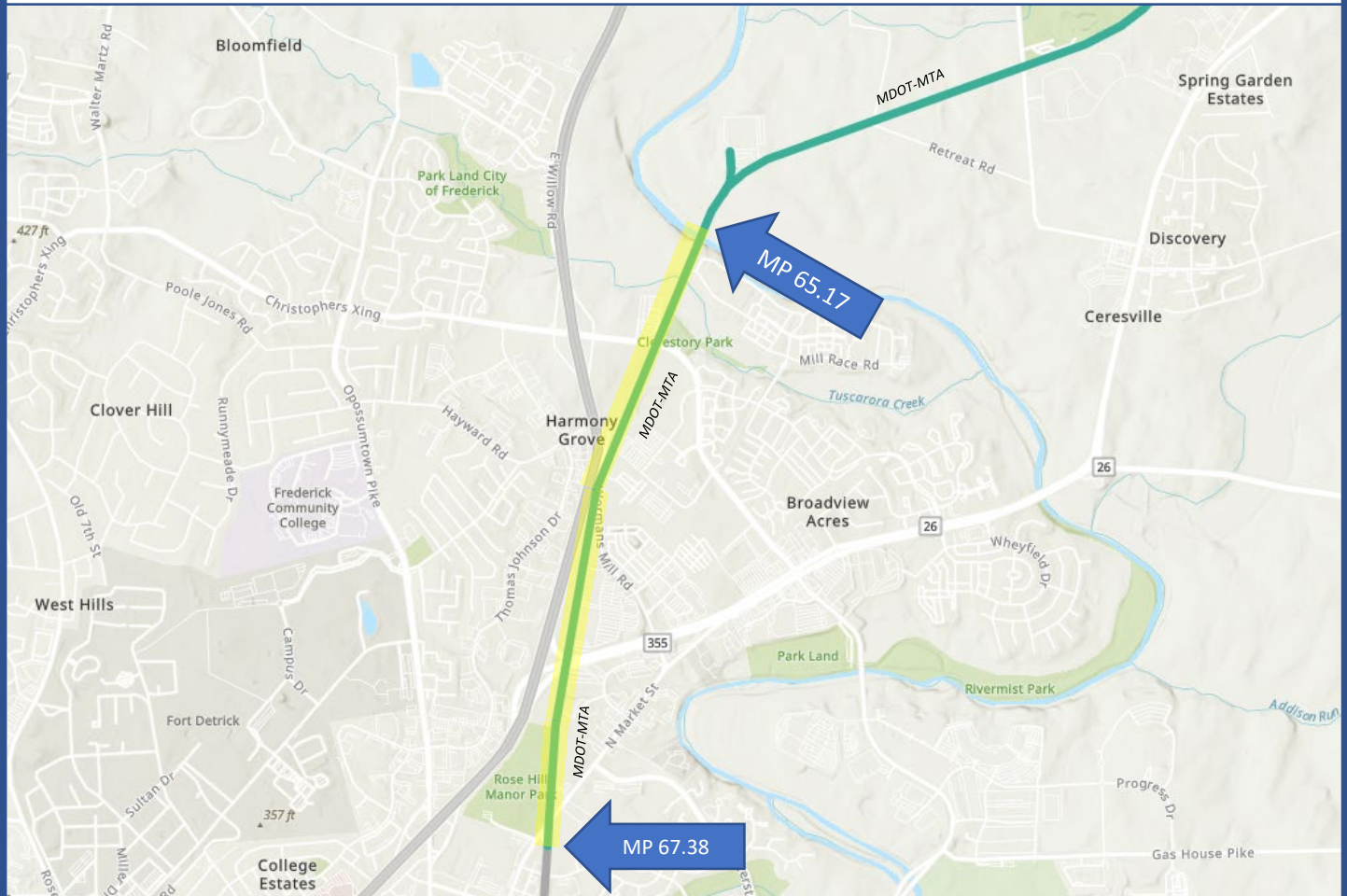
[attached hereto]

THE FREDERICK SECONDARY

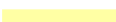
Section to be Railbanked

Monocacy River to End of Track

The Walkersville Southern Railroad



Legend

-  Walkersville Southern
-  Segment to be Railbanked

September 26th, 2023
MDOT TSO, RIF

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



Map showing the section of MDOT-MTA owned freight railroad line to be railbanked from MP 65.17 (Monocacy River Bridge) to MP 67.38 (end of track).

EXHIBIT B

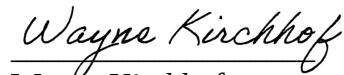
CERTIFICATIONS

[attached hereto]

CERTIFICATE OF COMPLIANCE WITH 49 C.F.R. §§ 1152.50(b) and (d)(2)

CERTIFICATION

I hereby certify that no local freight traffic has moved over the Line for at least two (2) years, that no overhead traffic will need to be rerouted, and that no formal complaint filed by a user of rail service on the Line (or state or local government entity acting on behalf of such a user) regarding cessation of service over the Line either is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

A handwritten signature in cursive script that reads "Wayne Kirchhof".

Wayne Kirchhof

President

Walkersville Southern Railroad, Inc.

Dated: March 18, 2024

CERTIFICATE OF COMPLIANCE WITH 49 C.F.R. § 1105.11

CERTIFICATION

I hereby certify, pursuant to § 1105.11, that Environmental and Historic Report (attached at **Exhibit C**) for STB Docket No. AB-1339X was submitted to the United States Fish and Wildlife Service, the Maryland Department of Natural Resources, and the appropriate State Historic Preservation Officer at least twenty (20) days prior to the filing of this Notice.

Dan Reagle

Daniel Reagle
Maryland Transit Administration
Planning and Programming — Environmental

Dated: 3/18/24

**CERTIFICATE OF COMPLIANCE WITH 49 C.F.R. §§ 1105.11, 1105.12 AND
1152.50(d)(1)**

CERTIFICATION

I hereby certify:

- (1) pursuant to § 1105.11, that the Environmental and Historic Report (attached at **Exhibit C**) for STB Docket No. AB-1339X was submitted to the appropriate State Clearinghouse, the appropriate State Environmental Protection Agency, the head of the appropriate county, the appropriate regional offices of the Environmental Protection Agency, the U.S. Army Corps of Engineers, the National Park Service, the Natural Resources Conservation Service, and the National Geodetic Survey at least twenty (20) days prior to the filing of this Notice;
- (2) pursuant to § 1105.12, that a notice of intent to discontinue rail service under STB Docket No. AB-1339X was properly published prior to the filing of this Notice (see **Exhibit D**); and
- (3) that the notice required by § 1152.50(d)(1) for STB Docket No. AB-1339X was given at least ten (10) days prior to the filing of this Notice to the following parties:

Andrew S. Johnston, Executive Secretary
Maryland Public Service Commission
William Donald Schaefer Tower
6 St. Paul St., 16th Floor
Baltimore, MD 21202

U.S. Department of Interior –National Park
Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001
NER_RTCA@nps.gov

Military Surface Development and
Distribution Command ATTN: Railroads for
National Defense
1 Soldier Way, Building 1900W
Scott AFB, Illinois 62225-5006
sean.d.neef.civ@mail.mil

U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, SW
Washington, DC 20250-0003
randy.moore@usda.gov



Christian L. Alexander
Kaplan Kirsch & Rockwell, LLP
Counsel for Maryland Transit Administration

Dated: March 18, 2024

EXHIBIT C

ENVIRONMENTAL AND HISTORIC REPORT

[attached hereto]

**Before the
Surface Transportation Board
Washington, D.C.**

Docket No. AB-1339X

**Maryland Transit Administration
Discontinuance Exemption in Frederick County, MD**

Environmental and Historic Report

DATE: February 26, 2024

ENVIRONMENTAL REPORT

49 C.F.R. 1105.7(e) Requirements:

- (1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.**

The Walkersville Southern Railroad, Inc. (“WSRR”), a Class III rail carrier, proposes to discontinue service over approximately 2.21 miles from milepost 65.17, valuation station 3442+61.4 to milepost 67.38, valuation station 3560+00, north of Frederick, MD (the “Line”). The Line constitutes a portion of the right-of-way known as the Frederick Secondary Track, designated as USRA Line No. 199 in the United States Railway Association’s Final System Plan for Restructuring Railroads in the Northeast and Midwest Region Pursuant to the Regional Rail Reorganization Act of 1973 (1975) (“Final System Plan”), vol. II, p. 497. A map of the Line is attached as **Exhibit A**. The Maryland Transit Administration (“MTA”), a political subdivision of

the State of Maryland and a non-carrier, owns the Line and will continue to own it subsequent to discontinuance. MTA's letter to federal, state and local government agencies is attached as **Exhibit B**. Any responses to the letter or other comments received as a result of consultations will be attached at **Exhibit C**.

Under the Final System Plan, the Line was among those expressly excluded from transfer to the Consolidated Rail Corporation ("Conrail") or another profitable railroad, and instead was approved for abandonment and made available for public subsidy or acquisition. *See* Final System Plan, vol. II, p. 497. Although the Final System Plan identified the Line as being the subject of an interim application for abandonment under Section 304(d) of the Regional Railroad Reorganization Act of 1973, Pub. L. 93-236, 87 Stat. 985 (formerly codified at 45 U.S.C. § 741 et seq.) ("3R Act"), *see* Final System Plan, vol. II, p. 528, no available records indicate that abandonment was consummated through notice to State and local governments, as required under the 3R Act. *See* 3R Act, Section 304(a), (b), codified as amended at 45 U.S.C. § 744(a), (b). Instead, in an effort to preserve the Line for potential reinstitution of freight rail service, the State acquired the Line and several other light-density lines from the Penn Central Corporation, successor to Penn Central and the Hanover and Frederick Railway Company. Deed, January 8, 1982. *See also* Interstate Commerce Commission, Evaluation of Eight Light-Density Rail Lines in Maryland, 42 Fed. Reg. 20396, 20402-06 (Apr. 19, 1977). MTA has preserved the right-of-way since that time.

WSRR obtained authority to operate common carrier service over the Line through a Notice of Exemption from the Interstate Commerce Commission ("ICC") in 1993. *See Walkersville Southern R.R., Inc. – Operation Exemption – Line Owned by the State of Maryland,*

FD 32329, slip op. at 1 (ICC served Sept. 30, 1993). WSRR has maintained operating rights over the Line pursuant to operating agreements with MTA since that time.

MTA has recently been engaged in discussions with Frederick County (the “County”) concerning the use of the Line for trail purposes. MTA and the County agree that, given the longtime lack of demand for freight rail service on the Line and the County’s interest in providing public recreational opportunities to its residents, it would be desirable to make interim use of the Line for trail purposes.

The alternative to railbanking is to not abandon the Line. This alternative is unsatisfactory in light of the absence of demand for freight rail service and the interim benefits of railbanking. The cost of any upgrades or maintenance required to return the Line to active freight use would be prohibitive, particularly since there has been no demand for service for many years and therefore no current prospect of generating freight business to offset the cost of improvements. On the other hand, the County has indicated an intent to assume rail with trail sponsorship, which will provide an interim public benefit while preserving the right-of-way for future railroad use.

MTA intends to enter into a license with the County to develop the right-of-way for recreational trail purposes. Accordingly, the proposed railbanking will not alter the status quo with respect to the subject property.

(2) Transportation system. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

MTA’s proposed railbanking the Line will have no effect on regional or local transportation systems and patterns. There has been no freight rail traffic on the Line for decades, so no freight traffic will be diverted to other modes as a result of the proposed railbanking.

(3) Land use.

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

The proposed action is consistent with existing land use plans for the surrounding area.

- (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

The proposed railbanking will affect no prime agricultural land because there will be no disturbance of the physical right of way.

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.**

The Line proposed to be railbanked is located outside of a designated coastal zone.

- (iv) If the proposed action is an abandonment exemption, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 and explain why.**

The right of way is suitable for, and is intended to be developed as, a public recreational trail.

(4) Energy.

- (i) Describe the effect of the proposed action on transportation of energy resources.**

The proposed abandonment exemption will have no effect on the transportation of energy resources. No freight traffic has moved over the Line in decades.

- (ii) Describe the effect of the proposed action on recyclable commodities.**

The proposed abandonment will not adversely affect movement or recovery of recyclable commodities. No freight traffic has moved over the Line in decades.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The abandonment will not have any impact on energy consumed in the transportation of freight, since no freight has moved in this corridor in decades.

- (iv) **If the proposed action will cause diversions from rail to motor carriage of more than:**
 - (A) **1,000 rail carloads a year; or**
 - (B) **An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in Sec. 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Sec. 1105.7(e)(4)(iv) is required.**

Not applicable. The proposed action will not cause any diversions of rail carloads per year over any part of the affected line meeting or exceeding the specific thresholds set forth in (iv) (A) or (B).

(5) Air.

(i) If the proposed action will result in either:

- (A) **An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or**
- (B) **An increase in rail yard activity of at least 100 percent (measured by carload activity), or**
- (C) **An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.**

Not applicable. The proposed action will not result in any increase in rail or truck traffic meeting or exceeding the specific thresholds for increased rail or truck traffic set forth in

(i) (A), (B), or (C) above. There has been no freight traffic on the Line for decades.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

- (A) **An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,**

- (B) **An increase in rail yard activity of at least 20 percent (measured by carload activity), or**
- (C) **An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10502), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.**

Not applicable. The proposed action will not result in any increase in rail or truck traffic meeting or exceeding the specific thresholds for increased rail or truck traffic or rail yard activity set forth in (ii) (A), (B), or (C) above.

- (iii) **If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.**

Not applicable. The proposed abandonment will not affect the transportation of ozone depleting materials.

- (6) **Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:**
 - (i) **An incremental increase in noise levels of three decibels Ldn or more; or**
 - (ii) **An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.**

Not applicable. The proposed abandonment will cause none of these impacts.

(7) Safety.

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

The proposed abandonment will have no adverse effect on health or public safety as the impacts of the abandonment have already been experienced with cessation of service many years ago.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.**

Not applicable. The abandonment will not result in the transportation of hazardous materials.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.**

There are no known hazardous waste sites or hazardous spill sites within the right-of-way.

(8) Biological resources.

- (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

On August 30, 2022, the FWS indicated the project would only affect the Northern Long Eared Bat if over 15 acres of trees are cleared. Because this project will not lead to tree clearing, construction, ground disturbance or changes in train volumes, the project will not adversely impact sensitive species or habitat. On September 14, 2022, the Maryland Department of Natural Resources (DNR) indicated the project will not impact sensitives

species because the project will not lead to construction, ground disturbance or changes in train volumes.

- (ii) **State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

No National or State parks and no wildlife sanctuaries or refuges will be affected by the proposed abandonment.

(9) **Water.**

- (i) **Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

The proposed abandonment will have no impact on applicable Federal, State or local water quality standards as there will be no ground disturbance or changes to drainage patterns.

- (ii) **Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

No permits are required for the proposed abandonment.

- (iii) **State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)**

No permits are required for the proposed abandonment.

- (10) **Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.**

The proposed abandonment will not change any conditions currently existing on the Line. Accordingly, no mitigation of impacts will be required in connection with the proposed action.

(11) Additional Information for Rail Constructions. The following additional information should be included for rail construction proposals (including connecting track construction):

(i) Describe the proposed route(s) by State, county, and subdivision, including a plan view, at a scale not to exceed 1:24,000 (7½ minute U.S.G.S. quadrangle map), clearly showing the relationship to the existing transportation network (including the location of all highway and road crossings) and the right-of-way according to ownership and land use requirements.

Not applicable.

(ii) Describe any alternative routes considered, and a no-build alternative (or why this would not be applicable), and explain why they were not selected.

Not applicable.

(iii) Describe the construction plans, including the effect on the human environment, labor force requirements, the location of borrow pits, if any, and earthwork estimates.

Not applicable.

(iv) Describe in detail the rail operations to be conducted upon the line, including estimates of freight (carloads and tonnage) to be transported, the anticipated daily and annual number of train movements, number of cars per train, types of cars, motive power requirements, proposed speeds, labor force, and proposed maintenance-of-way practices.

Not applicable.

(v) Describe the effects, including indirect or down-line impacts, of the new or diverted traffic over the line if the thresholds governing energy, noise and air impacts in Sec. 1105.7(e)(4), (5), or (6) are met.

Not applicable.

(vi) Describe the effects, including impacts on essential public services (e.g., fire, police, ambulance, neighborhood schools), public roads, and adjoining properties, in communities to be traversed by the line.

Not applicable.

(vii) Discuss societal impacts, including expected change in employment during and after construction.

Not applicable.

Additional Information

Any responses received from state and federal agencies will be attached at **Exhibit C**.

HISTORIC REPORT

49 C.F.R. 1105.8(d) Requirements:

The Historic Report should contain the information required by § 1105.7(e)(1):

- (1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.**

See the discussion of the proposed action at Sec. 49 C.F.R. 1105.7(e)(1) of the preceding Environmental Report.

49 C.F.R. 1105.8(d) Requirements: additional historic information:

- (1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;**

See **Exhibit A**. The Walkersville Train Station (F-8-39), constructed circa 1872, and associated freight/tool shed, constructed circa 1875, are located within the right-of-way on the east side of the rail line in the Town of Walkersville. These resources were determined eligible for listing in the National Register of Historic Places (NRHP) in 2017. The right-of-way, also known as the Pennsylvania Railroad (PRR) Frederick Secondary Line (F-3-237), constructed in 1872, was determined not NRHP eligible in 2013. The right-of-way also includes the Monocacy River Railroad Bridge (F-8-148) and the PRR Bridge over Tuscarora Creek at Milepost 65.40 (DOE-FR-0148), both of which were determined not NRHP eligible in 1994 and 2013 respectively. The right-of-way also extends through the Walkersville Survey District, for which NRHP eligibility has not yet been determined.

- (2) **A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;**

The right-of-way that is the subject of the proposed railbanking is generally sixty-six (66) feet in width. The Line is located in primarily rural, flat terrain in the Piedmont physiographic province of Maryland.

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;**

Please refer to the Maryland Historical Trust's determination of eligibility and survey forms with accompanying photographs of the buildings, rail line, and bridges. The form and photographs for the Walkersville Train Station (F-8-39) is available at:

<https://mht.maryland.gov/secure/medusa/PDF/Frederick/F-8-39.pdf>. The form for the

Pennsylvania Railroad Frederick Secondary Line (F-3-237) is available at

<https://mht.maryland.gov/secure/medusa/PDF/Frederick/F-3-237.pdf>. The form for the

Monocacy River Bridge (F-8-148) is available at

<https://mht.maryland.gov/secure/medusa/PDF/Frederick/F-8-148.pdf>. The form for the

Bridge over Tuscarora Creek (DOE-FR-0148) is available at

<https://mht.maryland.gov/secure/medusa/mapintermediate.aspx?ID=undefined&ID1=undefined&ID2=undefined&Section=doeArchInv&PropertyID=60307&selRec=doeArchInv>.

Photographs of that bridge are also available in the PRR Secondary Line survey form (photographs 11-13). The survey form for the Walkersville Survey District is available at <https://mht.maryland.gov/secure/medusa/PDF/Frederick/F-8-55.pdf>.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

The Walkersville Train Station (F-8-39) was constructed circa 1872 and the associated freight/tool shed was constructed circa 1875. The Pennsylvania Railroad Frederick Secondary Line (F-3-237) was constructed between The Monocacy River Bridge (F-8-148) was reconstructed in the 1996 using original materials from 1872, the 1920s, and modern replacement materials. The exact date of construction of the bridge structure over Tuscarora Creek (DOE-FR-0148) is not known but dates to the early twentieth century.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

Although the Line has remained available for service by WSRR, no rail carrier operations have occurred on the Line since 1972 when Penn Central sold the Maryland portion of the line to the State of Maryland, who only used the portion of the line north of Walkersville. In 1993, WSRR was selected to operate excursion/leisure train service within the right-of-way. The only changes to the right-of-way that are contemplated are the eventual construction of a recreational trail.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

MTA possesses railroad valuation maps of the Line.

- (7) **An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);**

The Walkersville Train Station (F-8-39), constructed circa 1872, and associated freight/tool shed, constructed circa 1875, are located within the right-of-way on the east side of the rail line in the Town of Walkersville. These resources were determined eligible for listing in the National Register of Historic Places (NRHP) in 2017. A copy of the Determination of Eligibility is found at

<https://mht.maryland.gov/secure/medusa/MIHPDetails.aspx?ID=11129&ID1=11129&ID2=undefined&Section=archInv&PropertyID=11129&selRec=archInvDoe>. The right-of-

way, also known as the Pennsylvania Railroad Frederick Secondary Line (F-3-237), constructed in 1872, was determined not NRHP eligible in 2013. A copy of that Determination of Eligibility is found at

<https://mht.maryland.gov/secure/medusa/DOEArchInvPropData.aspx?ID=41091&ID1=41091&ID2=undefined&Section=archInv&PropertyID=53567&selRec=archInvDoe>.

The right-of-way also includes the circa 1872 (rebuilt in 1996) Monocacy River Railroad Bridge (F-8-148) and the early twentieth century PRR Bridge over Tuscarora Creek at Milepost 65.40 (DOE-FR-0148), both of which were determined not NRHP eligible in 1994 and 2013 respectively. Copies of those Determination of Eligibility forms are found at

<https://mht.maryland.gov/secure/medusa/MIHPDetails.aspx?ID=36608&ID1=36608&ID2=undefined&Section=archInv&PropertyID=47594&selRec=archInvDoe> and

<https://mht.maryland.gov/secure/medusa/mapintermediate.aspx?ID=undefined&ID1=und>

respectively.

The right-of-way extends through the Walkersville Survey District (F-8-55), for which NRHP eligibility has not yet been determined.

No previously recorded archaeological sites were identified within or immediately adjacent to the right-of-way, which due to disturbance associated with the construction of the railroad and modifications through time, lacks the potential to contain intact or significant archaeological deposits.

- (8) **A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

There are no known hazardous waste sites or hazardous spill sites within the right-of-way.

- (9) **Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).**

The Maryland Historical Trust was served with a copy of this Combined Environmental and Historic Report and responded via letter on June 7, 2023.

Exhibit A

Map of the Abandonment Area

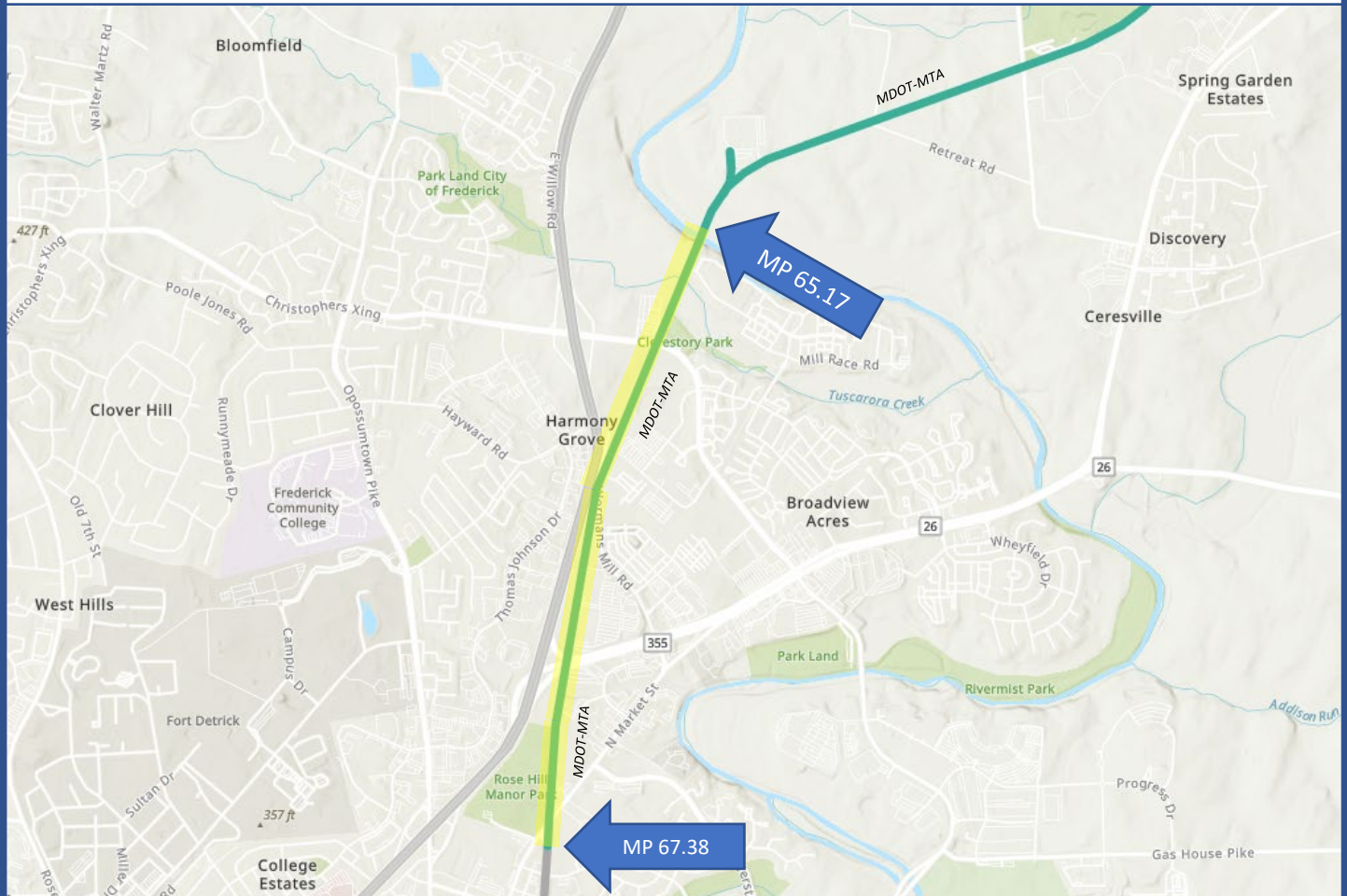
[attached hereto]

THE FREDERICK SECONDARY

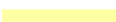
Section to be Railbanked

Monocacy River to End of Track

The Walkersville Southern Railroad



Legend

-  Walkersville Southern
-  Segment to be Railbanked

September 26th, 2023
MDOT TSO, RIF

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



Map showing the section of MDOT-MTA owned freight railroad line to be railbanked from MP 65.17 (Monocacy River Bridge) to MP 67.38 (end of track).

Exhibit B

Agency Letters

Recipient List

Proposed rail freight service operation abandonment of the segment of rail line between milepost 65.17, valuation station 3442+61.4 and milepost 67.38, valuation station 3560+00 north of the City of Frederick, MD.

Beth Cole
Administrator
Project Review and Compliance
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032
beth.cole@maryland.gov

Sandra Schrader
Assistant Secretary
Maryland Department of Planning
301 West Preston Street
Baltimore, Maryland 21201-2305
sandra.schrader@maryland.gov

David Seaborn
Deputy Program Manager
Wetlands & Waterways Program
Water Management Administration
Maryland Department of the Environment
1800 Washington Blvd
Baltimore, MD 21230
david.seaborn@maryland.gov

Jan Gardner
County Executive
Frederick County
12 E. Church St.
Frederick, MD 21701
jgardner@FrederickCountyMD.gov

Nicholas DiPasquale
Director
Chesapeake Bay Program Office
U.S. Environmental Protection Agency - Region 3
410 Severn Avenue, Suite 112
Annapolis City Marina
Annapolis, MD 21403
dipasquale.nicholas.@epa.gov

Information for Planning and Consultation (IPAC)
[IPaC: Home \(fws.gov\)](http://fws.gov)
U.S. Fish & Wildlife Service
Chesapeake Bay Ecological Service Field Office
177 Admiral Cochrane Drive

Annapolis, MD 21401

Chris Homeister
Maryland Department of Natural Resources
Environmental Review Program
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401
Christopher.Homeister@maryland.gov

U.S. Army Corps of Engineers
2 Hopkins Plaza
Baltimore, MD 21201
cenab-cc@usace.army.mil

Gay Vietzke
Regional Director
National Park Service
1234 Market Street, 20th Floor
Philadelphia, PA 19107
Gay_Vietzke@nps.gov

Diane Gray
Acting State Conservationist
USDA – Natural Resources Conservation Service
John Hanson Business Center
339 Busch's Frontage Road, Suite 301
Annapolis, MD 21409-5543

Brian Hopper
Section 7 Biologist
Greater Atlantic Regional Fisheries Office
Protected Resources Division
ESA Section 7 Consultation Branch
brian.d.hopper@noaa.gov

Exhibit C

Agency Responses

[attached hereto]

2/26/24 FWS response

3/15/24 EPA response

9/14/22 DNR response

6/7/23 MHT response



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127



In Reply Refer To:

February 26, 2024

Project code: 2022-0080298

Project Name: Proposed Railbanking of MTA-Owned Frederick Secondary Branch

Federal Action Agency (if applicable): Surface Transportation Board

Subject: Record of project representative's no effect determination for 'Proposed Railbanking of MTA-Owned Frederick Secondary Branch'

Dear Dan Reagle:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on February 26, 2024, for 'Proposed Railbanking of MTA-Owned Frederick Secondary Branch' (here forward, Project). This project has been assigned Project Code 2022-0080298 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed

action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Candidate

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

Based upon your IPaC submission, your project has reached the determination of “No Effect” on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the Chesapeake Bay Ecological Services Field Office and reference Project Code 2022-0080298 associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Proposed Railbanking of MTA-Owned Frederick Secondary Branch

2. Description

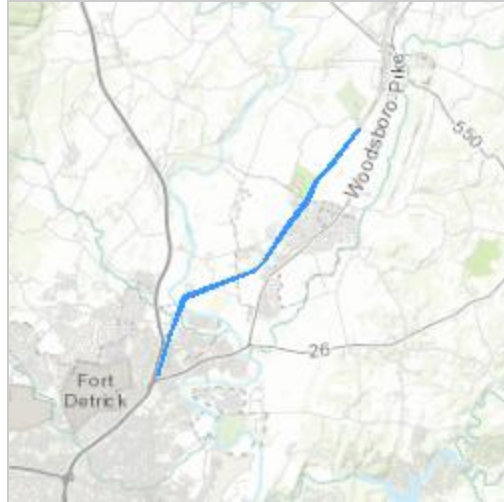
The following description was provided for the project 'Proposed Railbanking of MTA-Owned Frederick Secondary Branch':

The Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) is proposing to railbank a portion of the MDOTMTA-Owned Frederick Secondary Branch to allow Frederick County to construct a hiker-biker trail that will operated in the same right-of-way with the existing Walkersville Southern Railroad (WSRR) excursion train service. The railbanked corridor is generally 66-feet wide.

This project is only for railbanking of the property under the Surface Transportation Board authority and does not include construction, ground disturbance or change in the volume or types of trains that use the railroad corridor. Frederick County will be responsible for complying with all environmental laws related to design, construction and maintenance of the hiker-biker trail.

The railbanked segment is approximately 7.7-miles of line located in Frederick County, Maryland from approximated valuation station 3525+85 +/- as shown on valuation map V31-27 (V2-27), at approximate Milepost 67.78 at Liberty Road (MD 26) near Frederick, Maryland, to approximate valuation station 3173+28 +/-, as shown on valuation map V31-19 (V2-19), at approximate Milepost 60.1 at Glade Road near Woodsboro, Maryland.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.48099455,-77.35940011943231,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. The proposed action does not intersect an area where the northern long-eared bat is likely to occur, based on the information available to U.S. Fish and Wildlife Service as of the most recent update of this key. If you have data that indicates that northern long-eared bats are likely to be present in the action area, answer "NO" and continue through the key.

Do you want to make a no effect determination?

Yes

PROJECT QUESTIONNAIRE

IPAC USER CONTACT INFORMATION

Agency: State of Maryland
Name: Dan Reagle
Address: Maryland Transit Administration - Office of Planning
Address Line 2: 6 St. Paul Street, 9th Floor
City: Baltimore
State: MD
Zip: 21202
Email: dreagle1@mta.maryland.gov
Phone: 4107673771

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board



REGION 3

PHILADELPHIA, PA 19103

March 15, 2024

Surface Transportation Board
Office of Environmental Analysis
395 E Street, S.W.
Washington, District of Columbia 20423-001

Re: **Walkersville Southern Railroad, Inc. (WSRR)**
Discontinuance Exemption, Frederick County, MD Docket No. AB 1339X

The U.S. Environmental Protection Agency (EPA) received the notice filed with the Surface Transportation Board (STB) on February 27, 2024 on behalf of the Maryland Transit Administration (MTA) seeking to discontinue an approximately 2.21-mile section of the Walkersville Southern Railroad, Inc. (WSRR) rail line in Frederick County, Maryland.

Pursuant to the National Environmental Policy Act (NEPA) and Council on Environmental Quality Regulations Implementing NEPA, EPA has reviewed MTA's notice to STB, as well as its accompanying Environmental/Historic Report. We provide the following comments for your consideration in developing the environmental analysis for the proposed action:

1. **Transportation System** (Environmental Report section 2) – Recommend assessing future recreational trail use in the right-of-way as a reasonably foreseeable “indirect effect” of the proposed action on regional bicycle and pedestrian transportation systems and patterns (per NEPA 102(C), 40 CFR 1502.16, and 40 CFR 1508.1(g)(2)). This analysis could identify existing regional trail networks and the potential for future recreational trail use within the right-of-way to improve system linkages and connectivity. To the extent it would be useful to inform this analysis, additional information could be provided on the general terms of the trail use agreement currently in development between MTA and Frederick County.
2. **Land use** (Environmental Report section 3) – Recommend identifying local and regional land use and transportation plans known to be applicable to the proposed action, as well as consultation activities with local planning agencies.

3. **Historic structures** (Historic Report section 5) – Recommend providing additional description of how the planned construction of a recreational trail within the right-of-way may change future use or public access to historic structures as an indirect effect of the proposed action.

We appreciate the opportunity to provide this input for your consideration. Please feel free to reach out with any questions or to discuss further.

Sincerely,

Rebecca Souto-Glyn, NEPA Reviewer
Office of Communities, Tribes, and Environmental
Assessment

cc: Christian L. Alexander, Kaplan Kirsch Rockwell (calexander@kaplankirsch.com)
Attorney for Maryland Transit Administration



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Allan Fisher, Acting Deputy Secretary

September 14, 2022

Dan Reagle
Maryland Transit Administration
Environmental Planning
6 St. Paul Street
Baltimore, MD 21202

Subject: Railbank Frederick Secondary Branch Rail Line
Maryland Transit Administration
Frederick County, MD

Dear Mr. Reagle,

The Maryland Department of Transportation (MDOT) Maryland Transit Administration (MTA) is proposing to railbank a portion of the MDOT MTA-Owned Frederick Secondary Branch to allow Frederick County to construct a hiker-biker trail that will operated in the same right-of-way with the existing Walkersville Southern Railroad (WSRR) excursion train service. The railbanked corridor is generally 66-feet wide. This project is only for railbanking of the property under the Surface Transportation Board authority and does not include construction, ground disturbance or change in the volume or types of trains that use the railroad corridor. Frederick County will be responsible for complying with all environmental laws related to design, construction and maintenance of the hiker-biker trail. The railbanked segment is approximately 7.7-miles of line located in Frederick County, Maryland

Any runoff from the project's mapped limit-of-disturbance (LOD) will impact the following streams:

Glade Creek (Use IV)
Unnamed Tributaries to Glade Creek (Use IV)
William Branch (Use IV)
Monocacy River (Use IV)
Unnamed Tributaries to Monocacy River (Use IV)
Tuscarora Creek (Use III)
Unnamed Tributary to Tuscarora Creek (Use III)

No instream work is proposed by MDOT MTA. However, if during the project design, instream work must be included, the following comments apply: No instream work is permitted in Use III streams during the period of October 1 through April 30, inclusive, during any year. No instream work is permitted in Use IV streams during the period of March 1 through May 31, inclusive, during any year. In perennial stream reaches in this general vicinity, communities of several warmwater and coldwater fish species can typically be found. A nearby Maryland Biological Stream Survey (MBSS) station and NHP Mussel station located on the Monocacy River documents the following summary of findings for fish and mussels: Banded Killifish, Bluntnose Minnow, Central Stoneroller, Common Shiner, Creek Chub, Cutlip Minnow, Fallfish, Fantail Darter, Golden Redhorse,

Green Sunfish, Greenside Darter, Longear Sunfish, Longnose Dace, Margined Madtom, Northern Hogsucker, Rainbow Darter, Redbreast Sunfish, River Chub, Rock Bass, Rosyface Shiner, Silverjaw Minnow, Smallmouth Bass, Spotfin Shiner, Spottail Shiner, Swallowtail Shiner, Tessellated Darter, White Sucker, Yellow Bullhead, Atlantic Spike, and Eastern Elliptio. If there is no instream work and the proper sediment and erosion control BMPs are used there should be no impacts to spawning anadromous or resident fish species from the project.

There are records of Crayfish located nearby this project site, which are in Greatest Conservation Need. Species of greatest conservation need are those animals, both aquatic and terrestrial, that are at risk or are declining in Maryland. It is crucial that water quality and hydrology be maintained during all work at this site. We would like to emphasize the need to prevent any sediment or debris from reaching the creek at this location.

The Wildlife and Heritage Service has determined that there are no official State or Federal records for listed plant or animal species within the delineated area shown on the map provided. As a result, we have no specific concerns regarding potential impacts or recommendations for protection measures at this time. Please let us know however if the limits of proposed disturbance or overall site boundaries change and we will provide you with an updated evaluation.

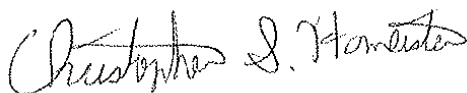
Disturbance of the riparian corridor should be minimized to the greatest extent possible. Disturbed areas in the riparian corridor should be revegetated with native forest species to provide habitat and moderate potential temperature impacts. Areas designated for the access of heavy equipment and for the disposal of excavated material should avoid impacts to wetlands and/or mature forest vegetation.

The project area may be within or adjacent to mapped wetland areas, impacts from the use of heavy equipment, disposal of excavated material, or other construction activities should be avoided to the extent possible. When there is no reasonable alternative to the adverse effects on wetlands or other aquatic or terrestrial habitat, the applicant shall be required to provide measures to mitigate, replace, or minimize the loss of habitat.

The fisheries resources in the above area should be adequately protected by the instream work restrictions referenced above. Careful management to stormwater treatment design should be followed, as well as, stringent sediment and erosion control methods, and other Best Management Practices typically used for protection of stream resources. Please note that these comments do not constitute a full review by the Department of Natural Resources Environmental Review Program and are for planning purposes only. Once a final permit application has been submitted with a full set of detailed plans, a full review by MDDNR may take place.

If you have any further questions, please feel free to contact me at 301-395-2306.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher S. Homeister". The signature is fluid and cursive, with the first name "Christopher" written in a larger, more prominent script than the last name "S. Homeister".

Chris Homeister
MD DNR, Environmental Review Program

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
**MARYLAND TRANSIT
ADMINISTRATION**

Wes Moore
Governor
Aruna Miller
Lieutenant Governor
Paul J. Wiedefeld
Secretary
Holly Arnold
Administrator

9
MTA
TST/EJC

June 1, 2023

Ms. Elizabeth Cole, Administrator
Project Review and Compliance
Maryland Historical Trust
100 Community Place
Crownsville MD 21032

The Maryland Historical Trust has determined
that there are no historic properties affected by
this undertaking.

Jim T. Quinn Date 6/7/23

202302263

Re: Proposed Pennsylvania Railroad Frederick Secondary Freight Rail Line Abandonment
Frederick County, Maryland
MTA # 2023-xxxx-CRM-129

Dear Ms. Cole:

The Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) is preparing to file a Notice of Exemption with the Surface Transportation Board (STB) seeking authority for an exempt abandonment of approximately 7.26-miles of railroad (the "Line"). The Line is from approximately valuation station 3560+00 at Milepost 67.36 at N. Market Street (MD 355) near Frederick, Maryland, to valuation station 3169+66 at Milepost 60.10 at Glade Road near Woodsboro, Maryland. The Line constitutes two portions of the right-of-way known as the Pennsylvania Railroad Frederick Secondary Line. The MDOT MTA believes this will have no effect to historic resources and seeks your concurrence.

The Line is part of several rail lines purchased by the State from the Penn Central Corporation, successor to the Penn Central Transportation Company, and the Baltimore and Eastern Railroad Company (collectively, the "Railroads") in 1982 following the Railroads' bankruptcy and passage of the Final System Plan, which provided for the transfer of designated Railroads' lines to Conrail. While MDOT MTA originally acquired the Line in 1982 to preserve the possibility of rail service or other public use, the intervening years have demonstrated that there is no longer any demand or need for such service since being acquired by the State.

In 1993, Walkersville Southern Railroad was selected to operate excursion/leisure train service within the right-of-way between Glade Road to the north and the intersection of MD26 and US 15 in the south.

As the Line was acquired by MDOT MTA in January 1982 from the Penn Central Corporation with State funding, MDOT MTA is pleased to provide you with the following information pertaining to consideration of effects to historic properties and cultural resources consultation with the Maryland Historical Trust (MHT) pursuant to the Maryland Historical Trust Act of 1985, as amended Sections 5A-325 and 5A-326 of the Annotated Code of Maryland.

1A TST/EJC 6/7/2023

EXHIBIT D

**PROOF OF PUBLICATION OF NEWSPAPER NOTICE
REQUIRED PURSUANT TO 49 C.F.R. § 1105.12**

[attached hereto]

AFFIDAVIT OF PUBLICATION

State of New Jersey, County of Hudson, ss:

Nichole Seitz, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Frederick News-Post, a newspaper printed and published in the City of Frederick, County of Frederick, State of Maryland, and that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:

Mar. 12, 2024

NOTICE ID: k8bk4IPdb0YDPVxkuOpA

NOTICE NAME: WSRR Discontinuance Exemption Frederick, MD

Publication Fee: 354.20



(Signed) _____

VERIFICATION

State of New Jersey
County of Hudson

SHANNEA H HOLMES
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires August 1, 2026

Subscribed in my presence and sworn to before me on this: 03/12/2024



Notary Public

Notarized remotely online using communication technology via Proof.

Notice of Intent to Discontinue Rail Service

The Walkersville Southern Railroad Company ("WSRR"), a Class III carrier, gives notice that on or about March 18, 2024, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 C.F.R. 1152 Subpart F—Exempt Abandonments permitting the discontinuance of a 2.21-mile line of railroad in Frederick County, Maryland, constituting a portion of rail line known as the Frederick Secondary Track extending between milepost 65.17, valuation station 3442+61.4 and milepost 67.38, valuation station 3560+00 north of the City of Frederick, MD, U.S. Postal Service ZIP Code 21701 (the "Line"). The Line is owned by the Maryland Transit Administration ("MTA") on behalf of the State of Maryland ("State"). Based on information in MTA's and WSRR's possession, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. The proceeding has been docketed as No. AB-1339X.

The Board's Office of Environmental Analysis ("OEA") will generally prepare an Environmental Assessment ("EA"), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423 or by calling OEA at (202) 245-0295.

WSRR and MTA are seeking discontinuance of the Line in order to make it

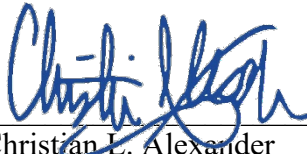
available for railbanking and trail development, as well as continuation of excursion passenger rail service. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board physically or through the Board's website at www.stb.gov. Any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423-0001 or electronically at www.stb.gov (See 49 C.F.R. 1104.1(a) and 1104.3(a)), and one copy must be served on applicants' representative (See 49 C.F.R. 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the MTA's representative: Charles A. Spitulnik and Christian L. Alexander, Kaplan Kirsch & Rockwell, 1634 I (Eye) Street N.W., Suite 800, Washington, DC 20036, (202) 955-5600, cspitulnik@kaplankirsch.com, calexander@kaplankirsch.com.
March 12, 2024

CERTIFICATE OF SERVICE

I certify that I have this 18th day of March 2024, caused copies of this Verified Notice of Exemption of the Walkersville Southern Railroad, Inc. to be served by first class mail, postage prepaid on the parties listed below:

Charles A. Spitulnik
Christian L. Alexander
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Counsel for Maryland Transit Administration

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