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March 18, 2024

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March 18, 2024
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Public Record

VIA E-FILING

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

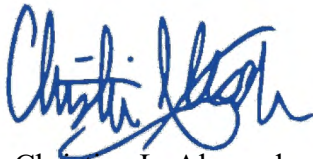
Re: *Walkersville Southern Railroad Company — Notice of Exempt Abandonment —
Request of Frederick County, MD for Interim Trail Use*, STB Docket No. AB 1339X

Dear Ms. Brown:

Enclosed please find the Request of Frederick 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 27CR4TTU. The County respectfully requests a waiver of the filing fee based on the County's status as a public entity pursuant to 49 C.F.R. § 1002.2(e)(1).

Sincerely,



Christian L. Alexander
Counsel for Maryland Transit Administration

FILING FEE WAIVED



FREDERICK COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

Jessica Fitzwater
County Executive

John K. Peterson, Chief Administrative Officer

March 8, 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. AB-1339X – Walkersville Southern Railroad Company – Exempt
Discontinuance: Request of Frederick County, Maryland for Interim Trail Use Pursuant to
49 CFR 1152.29

Dear Ms. Brown:

Pursuant to 49 C.F.R. § 1152.29, Frederick County, Maryland (“County”), a county government within the State of Maryland, hereby requests issuance of a Notice of Interim Trail Use with respect to the line segment for which a Notice of Exempt Discontinuance has been filed by the Walkersville Southern Railroad Company (“WSRR”) in this proceeding. The segment at issue has been described in WSRR’s Notice of Exempt Abandonment (“Notice”) as 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 no. 3442+61.4 near Frederick, Maryland, and milepost 67.38 valuation station no. 3560+00 north of Frederick, Maryland (the “Line”).

Trail use is completely consistent with WSRR’s Notice. As indicated in the Notice filed by WSRR, the Line has not been used for common carrier service in several years. The Line is 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 Line 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 Line 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 Line 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 Walkersville Southern Railroad Company pursuant to an exempt discontinuance, Frederick 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 a segment of the rail line known as the Frederick Secondary Track, extends between milepost 65.17, valuation station no. 3442+61.4 near Frederick, MD, and milepost 67.38 valuation station no. 3560+00 north of Frederick, MD, is part of a line proposed for discontinuance in STB Docket No. AB-1339X.

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 Line, MTA, on the same date it is being served to the Board.

Additional Information:

The County and MTA are nearing completion of negotiation of a trail use agreement to use the Line as an interim trail.

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

Sincerely,



Jessica Fitzwater, County Executive
Frederick County, Maryland

Attachment: Map

cc: John K. Peterson, Chief Administrative Officer, Office of the County Executive
Jeremy Kortright, Division Director, Division of Parks and Recreation
Deborah Carpenter, Division Director, Division of Planning & Permitting
Mark Mishler, Transportation Engineering Supervisor, Division of Planning & Permitting
Jason Stitt, Division Director, Division of Public Works

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



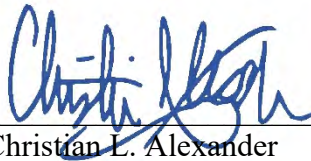
Map showing the section of MDOT-MTA owned freight railroad line to be railbanked from MP 65.17 (Monocacy River Bridge) to MP 67.38 (end of track).

CERTIFICATE OF SERVICE

I certify that I have this 18th day of March 2024, caused copies of this Request for Trail Use of Frederick County, Maryland, to be served by first class mail, postage prepaid on the parties listed below:

Charles A. Spitulnik
Christian L. Alexander
Kaplan Kirsch & Rockwell, LLP
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Suite 300
Washington, DC 20006
Counsel for Maryland Transit Administration

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



Christian L. Alexander
Counsel for Maryland Transit Administration