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VIA E-FILING

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

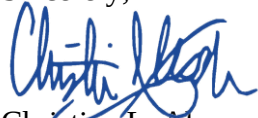
Re: *Walkersville Southern Railroad Company — Notice of Exempt Abandonment,*
STB Docket No. AB 1339X

Dear Ms. Brown:

Please find enclosed Walkersville Southern Railroad Company's Request to Hold Proceedings in Abeyance for e-filing in the above referenced proceeding.

Please do not hesitate to contact me with any questions.

Sincerely,



Christian L. Alexander
Counsel for Maryland Transit Administration

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

Docket No. AB 1339X

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

REQUEST TO HOLD PROCEEDINGS IN ABEYANCE

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 25, 2024

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

Docket No. AB 1339X

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

REQUEST TO HOLD PROCEEDINGS IN ABEYANCE

The Walkersville Southern Railroad, Inc. (“WSRR”), a Class III rail carrier, hereby requests that the Board hold the above-captioned proceeding in abeyance for a period sufficient to allow WSRR to re-serve the Environmental and Historic Report (“E&H Report”) related to its Notice of Exemption filed on March 18, 2024 on appropriate agencies pursuant to 49 C.F.R. §§ 1105.7(b) and 1105.8(c), and for those agencies to be provided 20 days to review the E&H Report and submit comments.

On March 18, 2024, WSRR filed a Notice of Exemption in the above-captioned proceeding to discontinue an approximately 2.21-mile segment of line owned by the Maryland Transit Administration (“MTA”) located in Frederick County, Maryland. After filing its Notice on March 18, 2024, WSRR discovered that the pre-filing requirements for serving the E&H Report as required under 49 C.F.R. §§ 1105.7(b) and 1105.8(c) were not properly executed. Specifically, several agencies—the U.S. Fish and Wildlife Service (“FWS”), the Maryland Department of Natural Resources (“DNR”), and the Maryland Historical Trust (“MHT”)—were sent information from an earlier version of the E&H Report that identified the line subject to the proceedings as being longer than the line for which discontinuance authority is being sought in

the Notice, and these agencies were not served with the updated E&H Report that was attached to the Notice as was indicated in the applicable certificate of compliance.¹ Moreover, responses from these agencies received after prior circulation of an older version of the E&H Report were included in the E&H Report that was attached to the Notice without an explanation regarding the discrepancy in description of the line or why the dates of the responses predated the attached E&H Report.

In order to address these issues and to properly comply with the Board's environmental review requirements, WSRR requests that the Board hold these proceedings in abeyance to allow for re-service of the most recent E&H Report attached to the Notice on all appropriate agencies, and to allow these agencies the full 20-day period provided under the regulations to review and submit comments. WSRR proposes to demonstrate its compliance with corrective re-service by filing a new certificate of compliance with the Board in the above-captioned proceedings along with the E&H Report that is re-served on all appropriate agencies attached. To avoid confusion, WSRR will not include agency responses to previous inaccurate versions of the E&H Report and will only submit agency responses, if any, it receives to the E&H Report attached to the proposed newly filed certificate of compliance. The newly filed certificate of service and attached E&H Report will serve to replace their counterparts attached to the original Notice.

WSRR's proposed approach is consistent with the Board's precedent for addressing improperly executed service of an E&H Report. See *Colorado Landowners—Adverse Abandonment—Great Western Ry. of Colorado, LLC, In Weld County, Colo.*, AB 857 (Sub-No. 2) (STB served Sept. 7, 2022). In accordance with *Colorado Landowners*, WSRR requests that the Board consider the Notice that was filed on March 18, 2024, to have been filed 20 days after

¹ DNR and MHT were served separately via service on Maryland's State Clearinghouse, and therefore technically received the updated report with the line segment correctly identified. However, these agencies were not directly served and may have not received the E&H Report the full 20 days prior to filing of the Notice.

the new certificate of service with attached E&H Report is filed with the Board, and for the proceedings to proceed thereafter.

For the foregoing reasons, WSRR requests that the Board hold these proceedings in abeyance pending corrective service of the E&H Report as indicated above.

[SIGNATURE TO FOLLOW ON NEXT PAGE]

Respectfully submitted,



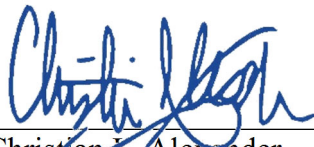
Wayne Kirchhof
President
Walkersville Southern Railroad, Inc.
34 West Pennsylvania Avenue
Walkersville, MD 21793

CERTIFICATE OF SERVICE

I certify that I have this 25th day of March 2024, caused copies of this Request to Hold Proceedings in Abeyance of the Walkersville Southern Railroad, Inc. to be served by first class mail, postage prepaid on the parties listed below:

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