

LAW OFFICES OF
LOUIS E. GITOMER, LLC

ENTERED
Office of Chief Counsel
August 26, 2026
Part of
Public Record

LOUIS E. GITOMER
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600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410)296-2250
FAX (410) 332-0885

August 26, 2026

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Chief Counsel
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

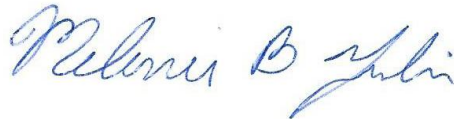
Re: **Docket No. AB-55 (Sub-No. 827X), CSX Transportation, Inc.—Abandonment
Exemption—in Anne Arundel County, MD**

Dear Ms. Brown:

Enclosed for electronic filing is a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 0.72-mile rail line between milepost BBR 6.89 to milepost BBR 7.61, on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD. The filing fee of \$5,300 has been paid via pay.gov.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure

FILED
July 26, 2026
SURFACE TRANSPORTATION BOARD

FEE RECEIVED
July 26, 2026
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 827X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN ANNE ARUNDEL COUNTY, MD

VERIFIED NOTICE OF EXEMPTION

Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: August 26, 2026

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 827X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN ANNE ARUNDEL COUNTY, MD

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon an approximately 0.72-mile rail line between milepost BBR 6.89 to milepost BBR 7.61, on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the “Line”). No local rail traffic has moved over the Line during the past two years. Any overhead traffic on the Line can be and has been rerouted.

Based on information in the possession of CSXT, 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.

1. Proposed consummation date. The proposed consummation date is October 15, 2026.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

- (1) Exact name of applicant. CSX Transportation, Inc.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, Chapter 105. CSXT is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon an approximately 0.72-mile rail line between milepost BBR 6.89 to milepost BBR 7.61, on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the “Line”). There are no stations on the Line.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgraillaw.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses U.S. Postal ZIP Code 21226.

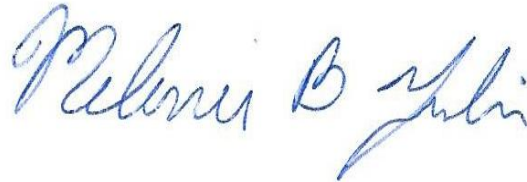
(e) Rural and community impact.

(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

CSXT believes that the property proposed for abandonment may be suitable for other purposes but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).
5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.
6. Environmental Report. See Exhibit D.
7. Historic Report. See Exhibit D.

Respectfully submitted,



Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: August 26, 2026

EXHIBIT A-VERIFICATION AND CERTIFICATION

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF FLORIDA)
)
COUNTY OF DUVAL) ss.

I, Trevor Knaus, state that I am Mgr Cost & Contribution for CSX Transportation, Inc. ("CSXT"); that I am authorized to make this verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information, and belief.

I hereby certify that no local freight traffic has moved over CSXT's approximately 0.72-mile rail line between milepost BBR 6.89 to milepost BBR 7.61, on its Northeast Region, Baltimore Terminal Subdivision Division in Anne Arundel County, MD for two years prior to the date hereof and that any overhead traffic can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CSXT by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

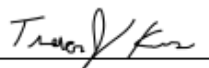
 08/06/2026

EXHIBIT B-MAP

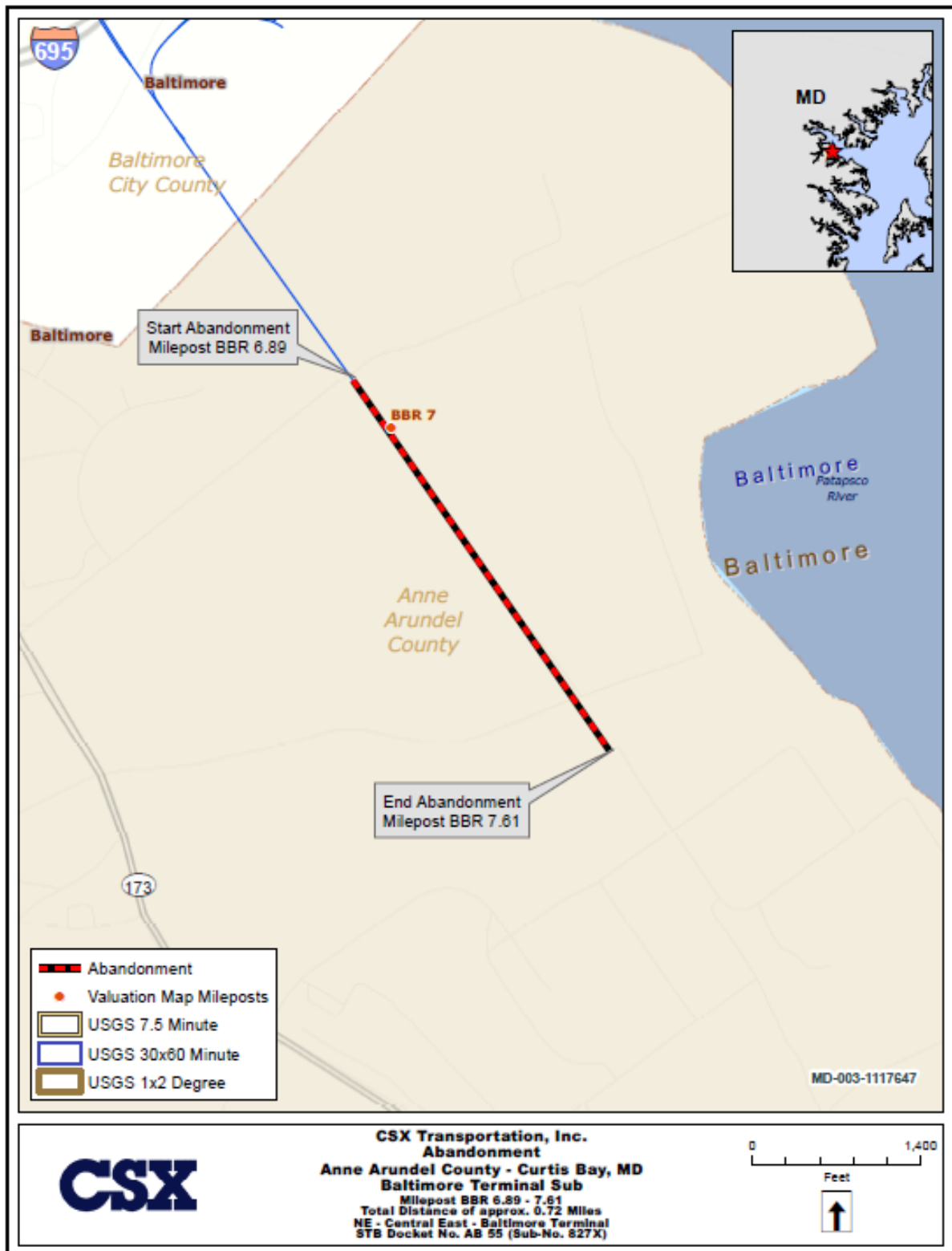


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 827X) was mailed via first class mail on August 14, 2026, to the following parties:

State Public Service Commission

Maryland Public Service Commission
William Donald Schaefer Tower
6 St. Paul St., 16th Floor
Baltimore, MD 21202
exec.secretary@maryland.gov

Military Traffic Management Command

Headquarters
Military Surface Deployment and Distribution Command
ATTN: Transportation Engineering Agency (SDTE-SA)
1 Soldier Way Scott AFB, IL 62225-5006

usarmy.scott.sddc.mbx.tea-rnd@mail.mil

National Park Service

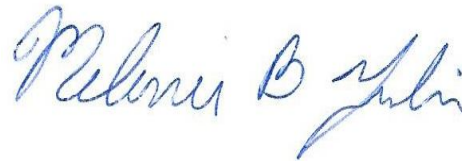
Mr. Bob Ratcliffe
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1849 C Street, N.W.
Washington, DC 20240

U.S. Department of Agriculture

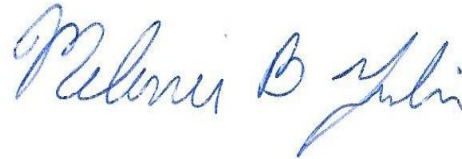
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Melanie B. Yasbin
August 26, 2026

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 827X) in the following form was advertised on August 21, 2026, in The Daily Record a newspaper of general circulation in Anne Arundel County, MD, as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin
August 26, 2026

Notice of Intent to Abandon

CSX Transportation, Inc. (“CSXT”) gives notice that on or about August 26, 2026, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment approximately 0.72-mile rail line between milepost BBR 6.89 to milepost BBR 7.61, on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD and runs through Postal Zip Code 21226. The proceeding will be docketed as No. AB-55 (Sub-No. 827X).

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 the OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

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. An original and 10 copies of 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, SW, Washington, DC 20423–0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant’s representative [See 49 CFR 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 applicant’s representative: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410)296-2250, Lou@lgrailaw.com.

Maryland The Daily Record
200 St. Paul Place
Baltimore, MD, 21202
Phone: 4435248100

MARYLAND
THE DAILY RECORD

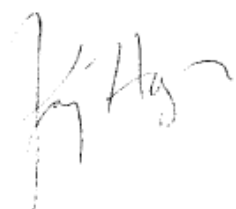
Affidavit of Publication

To: The Law Offices of Louis E. Gitomer, LLC - Louis Gitomer
600 Baltimore Ave, Suite 301
Towson, MD, 21204

Re: Legal Notice 4188829,
Notice of Intent to Abandon

We hereby certify that the annexed advertisement was published in Maryland The Daily Record, a Daily newspaper published in the State of Maryland 1 time(s) on the following date(s): 08/21/2026

By



Joy Hough
Authorized Designee of the Publisher

Miscellaneous

Notice of Intent to Abandon

CSX Transportation, Inc. ("CSXT") gives notice that on or about August 26, 2026, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments permitting the abandonment approximately 0.72-mile rail line between milepost BBR 6.89 to milepost BBR 7.61, on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD and runs through Postal Zip Code 21226. The proceeding will be docketed as No. AB-55 (Sub-No. 82TX).

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 the OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

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. An original and 10 copies of 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, 393 E Street, SW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 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 applicant's representative: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 236-2250, Louis@louislaw.com, au21-4188829

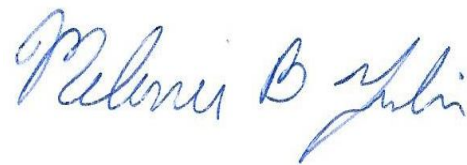
EXHIBIT D– COMBINED ENVIRONMENTAL AND HISTORIC REPORT

ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 827X) was mailed via first class mail and electronic mail where available on August 6, 2026, to the following parties:

Suzy Daubert State Conservationist United States Department of Agriculture Natural Resources Conservation Service 2629 Riva Road, Suite 102 Annapolis, MD 21401 suzy.daubert@usda.gov	National Park Service Northeast Region Acting Director Jennifer Flynn 1234 Market Street 20 th Floor Philadelphia, PA 19107 Jennifer_flynn@nps.gov
Environmental Protection Agency Region 3 Chesapeake Bay Program Office 1750 Forest Drive Suite 130 Annapolis, MD 21401 smith.auston@epa.gov	U.S. Fish & Wildlife Services Chesapeake Bay Ecological Services Field Office 177 Admiral Cochrane Drive Annapolis, MD 21401-7307 info@fws.gov
U.S. Army Corps of Engineers Baltimore District 2 Hopkins Plaza Baltimore, MD 21201 NAB-POA@usace.army.mil	National Geodetic Survey RRAE@noaa.gov
Joel Knauff Geologist Lead Land and Materials Administration Maryland Department of the Environment 1800 Washington Boulevard, Suite 625 Baltimore, Maryland 21230 joel.knauff@maryland.gov	County Executive Steuart Pittman Arundel Center 44 Calvert St. Annapolis, MD 21401 spittman@aacounty.org

Ms. Laura Canton Maryland Department of the Environment Coastal Policy Coordinator, Maryland Department of Natural Resources LauraL.Canton@maryland.gov	Maryland Department of Planning State Clearinghouse mdp.clearinghouse@maryland.gov
Maryland Historical Trust 100 Community Place 3 rd Floor Crownsville, MD 21023	

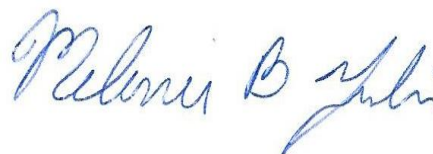


Melanie B. Yasbin
August 26, 2026

HISTORIC REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 827X) was submitted via the state portal on August 6, 2026, to the following parties:

Maryland Historical Trust
100 Community Place
3rd Floor
Crownsville, MD 21023

A handwritten signature in blue ink, reading "Melanie B. Yasbin".

Melanie B. Yasbin
August 26, 2026

COMBINED ENVIRONMENTAL AND HISTORIC REPORT (“CEHR”)
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-55 (Sub-No. 827X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN ANNE ARUNDEL COUNTY, MD

Dated: August 26, 2026

ENVIRONMENTAL REPORT

(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.

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 0.72-mile rail line between milepost BBR 6.89 to milepost BBR 7.61, on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the “Line”). The Line runs through the U.S. Postal Zip Codes 21226.

CSXT does not intend to disturb any sub grade or sub grade structures. CSXT intends to sell the Line as is along with the surrounding property. The prospective purchaser intends to utilize the Land Restoration Program (LRP) to remediate and restore the property.

The only alternative to a full abandonment would be for CSXT not to abandon the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(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.

There is no passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. There is no freight traffic on the Line to be diverted to motor carrier.

The proposed abandonment should have no adverse effects on regional or local highway systems and traffic patterns.

(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. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) CSXT considers the proposed abandonment of the Line to be consistent with existing land use plans. A copy of the Preliminary CEHR was mailed to the appropriate local and state agencies for their information and further comment. No comments have been received to date

(ii) CSXT does not believe that there is any prime agricultural land that will be affected. CSXT notified the United States Department of Agriculture (“USDA”) Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated August 6, 2026 (See Exhibit 2) requesting comments and included a copy of the Preliminary CEHR. Anne Arundel County responded by letter dated August 25, 2026, stating that the abandonment is consistent with Anne Arundel County’s General Development Plan, its Region 1 Plan, and the mixed-use development zoning and planned land use for the area. *See* Exhibit 2.

(iii) CSXT notified the Maryland Department of Natural Resources by letter dated August 6, 2026 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. No comments have been received to date.

(iv) CSXT does not believe the Line would be suitable for interim trail use/rail banking.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency

and explain why. (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.

(i) The proposed abandonment will have no effect on the ability to transport energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will not change the use of railroad transportation over the line as CSX doesn't currently ship over the line.

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the line segments of rail traffic to motor carriage.

(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 § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (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. § 10505), 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. (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.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) 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.

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

(i) The proposed abandonment will have no detrimental effects on public health and safety. There are no public or private crossings on the Line.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) The Line is adjacent to the former B&O Railroad landfill located just east of the intersection of Fort Smallwood Road and Kembo Road. The site was used as a landfill by the B&O Railroad from the early 1950s until its closure in 1973. Documented open burning occurred at the site in the 1960s and early 1970s. In October 1972, a

sanitary landfill was permitted by the state to operate at the site. The landfill was permitted to receive waste from rail car and right-of-way cleaning operations. It was closed in 1973.

In 1974, regional inspectors of the Water Resources Administration discovered a pool of an oil-like liquid at the southwest corner of the site. This pool was overflowing into a natural channel and draining into the forest surrounding the site. The pool was filled with soil by the B&O Railroad.

In the late 1980s, an emergency removal occurred at the site. Forty to fifty drums of paint waste were reportedly removed from an area west of the railroad tracks near Brandon Shores Road. The exact date of the removal action is unknown. *See* Exhibit 4, Maryland Department of Environment Fact Sheet and “wetlands” GIS map.

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

(i) CSXT does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. CSXT has notified the U.S. Fish and Wildlife Service (“USF&W”) of the proposed abandonment by letter dated August 6, 2026 (See Exhibit 2) requesting assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat and included a copy of the Preliminary CEHR.

Through use of the USF&W website <https://ecos.fws.gov/ipac/> a letter listing threatened, and endangered species was generated on August 4, 2026, finding the Tricolored Bat, Eastern Black rail, and Monarch Butterfly may be in the area but that there are no critical habitats within

the project area under USF&W's jurisdiction. A letter dated August 4, 2026, states that the "Service concurs to the above-mentioned determinations(s) of may affect, not likely to adversely affect" the Eastern Black rail. A Technical Assistance letter dated August 4, 2026, states that the project will have no effect on the Tricolored Bat. (*See* Exhibit 2).

(ii) CSXT does not believe any wildlife sanctuaries or refuges, National or State parks or forests would be adversely affected by the proposed abandonment.

CSXT has notified the National Parks Service of the proposed abandonment by letter dated August 6, 2026 (*See* Exhibit 2) requesting assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and included a copy of the Preliminary CEHR. No comments have been received to date.

(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. (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. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) CSXT is confident that the proposed abandonment will be consistent with applicable water quality standards. CSXT notified the State Environmental Protection Agency ("SEPA"), and the United States Environmental Protection Agency ("USEPA") by letters dated August 6, 2026 (*See* Exhibit 2) requesting assistance in identifying any potential effects on water quality standards and included a copy of the Preliminary CEHR. No comments have been received to date.

(ii) CSXT believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. CSXT does not intend to remove any rail, trail, or

material from the Line. Upon grant of abandonment authority, CSXT plans to sell the Line in its current condition to Elm Street Properties. Based upon this course of action, CSXT does not believe a permit under Section 404 of the Clean Water Act will be required.

CSXT notified the U.S. Army Corps of Engineers by letter dated August 6, 2026 (See Exhibit 2) requesting assistance in identifying whether permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment and included a copy of the Preliminary CEHR. No comments have been received to date.

(iii) CSXT believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. CSXT notified the SEPA and the USEPA by letter dated August 6, 2026 (*See* Exhibit 2) requesting assistance in identifying whether permit under section 402 of the Clean Water Act would be required for the abandonment and included a copy of the Preliminary CEHR. No comments have been received to date.

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

CSXT does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. CSXT will, of course, adhere to any remedial actions required by the Board.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or 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;

U.S. Geological Survey Maps have been supplied to the State Department of Archeology and Historic Preservation (*See Exhibit 3*) along with the Preliminary CEHR.

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 Line starts south of the intersection with Kembo Road and runs southeast between the Swan Creek ponds. The Line continues southeast past Brandon Shores Powerplant.

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;

There are no bridges that are 50 years old or older, located on the Line.

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;

Not applicable.

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;

The Line was originally part of the historic Baltimore and Ohio Railroad (B&O) network which extends from Curtis Bay Yard, crossing Curtis Creek and serving the industrial facilities located on the Marley Neck Peninsula. That line played a significant role in supporting the growth of heavy industry in the Baltimore region during the early twentieth century. In 1929, the B&O constructed the Marley Neck Swing Bridge, a major infrastructure improvement designed to eliminate the reliance on car float operations that previously transported railcars across Curtis

Creek to reach the Davison Chemical Plant. The bridge provided a more efficient and reliable rail connection, allowing freight traffic to move directly between Curtis Bay Yard and the industries located on Marley Neck. The improved rail access strengthened the transportation network serving petroleum terminals, coal operations, chemical manufacturing facilities, and other industrial customers throughout the peninsula. By establishing a direct connection to the B&O mainline system, the railroad helped facilitate the movement of raw materials and finished products, supporting both local industry and broader regional commerce. Today, CSXT continues to operate portions of the former B&O route and still provides rail service to several customers in the area, including W.R. Grace, the successor to the original Davison Chemical Plant, which is north of the Line. While rail operations remain active on the northern section of the old B&O line, freight service south of Kembo, the location of the Line, was discontinued more than a decade ago.

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 C.F.R. 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);

It is CSXT's opinion that there are no archeological resources or other railroad related historic properties in the project area.

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 waste), and the surrounding terrain.

The Line is adjacent to a B&O landfill that is currently designated as an active

remediation site under the Maryland Department of Environment. *See* Exhibit 4, for additional information on environmental concerns. The Line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad 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).

CSXT does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, CSXT will promptly supply the necessary information.

CSXT notified the Maryland Historic Trust (“MHT”) on August 6, 2026, via the state’s online project submittal system (*See* Exhibit 2) requesting assistance to determine whether there are any archeological resources or any other previously unknown historic properties and included a copy of the Preliminary CEHR. By email sent Aug. 25, 2026, the MHT stated that “No historic properties will be affected by the propose undertaking. Additional consultation with our office may be required if there are any significant changes in project scope or location.” (*See* Exhibit 2).

EXHIBIT 1 – MAP

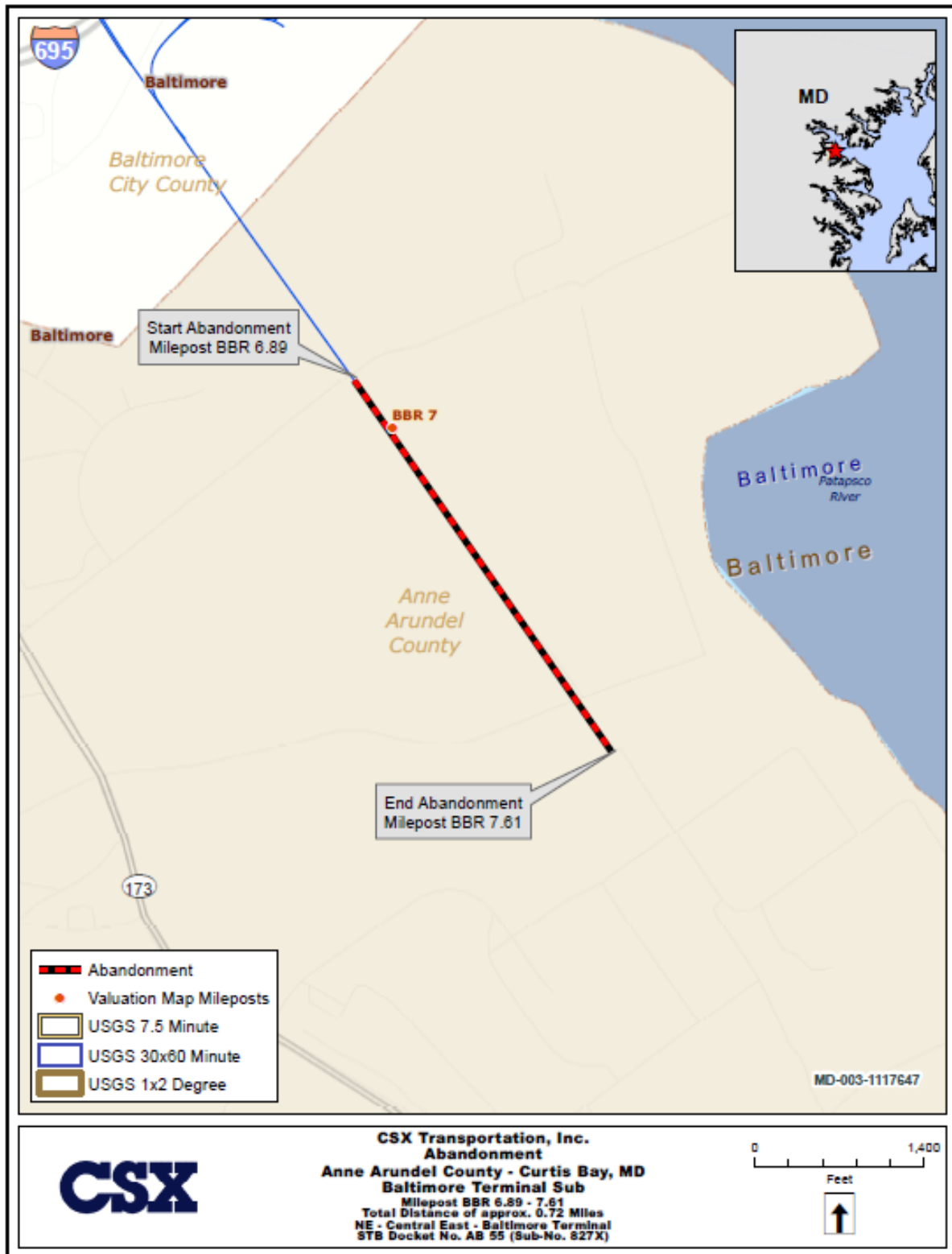


EXHIBIT 2 – LETTERS (WITHOUT MAPS)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

August 6, 2026

County Executive Steuart Pittman
Arundel Center
44 Calvert St.
Annapolis, MD 21401
spittman@aaacounty.org

Re: STB Docket No. AB-55 (Sub-No. 827X), CSX Transportation, Inc.—Abandonment
Exemption—in Anne Arundel County, MD

Dear Mr. Pittman:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.72-mile rail line that runs between milepost BBR 6.89 to milepost BBR 7.61, and surrounding property on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the “Line”). The Line runs through the U.S. Postal Zip Codes 21226.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

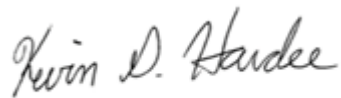
This action requires Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). A portion of CSXT’s Combined Environmental and Historic Report (CEHR) must be:

“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.”

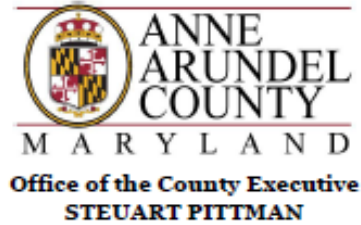
CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT's Preliminary CEHR with CSXT's analysis of current and future land use. Please respond by email to Kevin_Hardee@csx.com or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)



August 25, 2026

Kevin Hardee, CSX Transportation, Inc.
500 Water Street, J801
Jacksonville, Florida 32202

Re: STB Docket No. AB-55 (Sub-No. 827X), CSX Transportation, Inc.—Abandonment
Exemption—in Anne Arundel County, MD

Dear Mr. Hardee,

Thank you for alerting our office of CSXT's proposal to abandon the approximately 0.72-mile rail line between milepost BBR 6.89 to milepost BBR 7.61, on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County. The County has reviewed the information you provided, and our comments are below.

Abandoning this portion of the rail line is consistent with Anne Arundel County's General Development Plan (Plan2040), our Region 1 Plan, and the mixed-use development zoning and planned land use for the area.

Future rail access could be obtained through a property north of the line that is owned by the Maryland Port Authority.

Additionally, this portion of the CSX branch is within the county's Green Infrastructure Network, and removing the railroad and its embankments would allow for the potential to reconnect the wetland system.

If your team needs any additional information, please let us know.

Sincerely,

Jenny Proebstle
Chief of Staff

The Best Place - For All

www.aacounty.org | 44 Calvert Street, Annapolis, MD 21401 | (410)-222-1821
countyexecutive@aacounty.org



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

August 6, 2026

Laura Canton
Maryland Department of the Environment
Coastal Policy Coordinator,
Maryland Department of Natural Resources
LauraL.Canton@maryland.gov

Re: STB Docket No. AB-55 (Sub-No. 827X), CSX Transportation, Inc.—Abandonment
Exemption—in Anne Arundel County, MD

Dear Ms. Canton:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.72-mile rail line that runs between milepost BBR 6.89 to milepost BBR 7.61, and surrounding property on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the “Line”). The Line runs through the U.S. Postal Zip Codes 21226.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(9) (i) and (iii) require that CSXT develop a response to the following statements:

(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.”*

(iii) *“State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action.”*

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Kevin_Hardee@csx.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in dark ink that reads "Kevin D. Hardee". The signature is written in a cursive, slightly slanted style.

Kevin Hardee
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

August 6, 2026

Maryland Department of Planning
State Clearinghouse
mdp.clearinghouse@maryland.gov

Re: STB Docket No. AB-55 (Sub-No. 827X), CSX Transportation, Inc.—Abandonment
Exemption—in Anne Arundel County, MD

To Whom It May Concern:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.72-mile rail line that runs between milepost BBR 6.89 to milepost BBR 7.61, and surrounding property on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the “Line”). The Line runs through the U.S. Postal Zip Codes 21226.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). A portion of CSXT’s Combined Environmental and Historic Report (CEHR) must be:

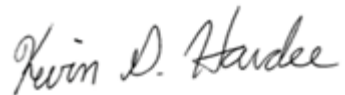
“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.”

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT’s Preliminary CEHR with CSXT’s analysis of current and future land use. Please respond by email to Kevin_Hardee@csx.com or by mail to the above

address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)

Wes Moore
Governor
Aruna Miller
Lt. Governor



Rebecca L. Flora
ACP, LEED NO / BD+C
Secretary
Kristin R. Fleckenstein
Deputy Secretary

August 7, 2026

Ms. Melanie Yasbin
The Law Offices of Louis E. Gitomer, LLC
600 Baltimore Ave
Suite 301
Towson, MD 21204

STATE CLEARINGHOUSE REVIEW PROCESS

State Application Identifier: MD20260806-0508
Reply Due Date: 09/10/2026
Project Description: CSX Transportation, Inc., ("CSXT") Proposes to Abandon Approximately 0.72-mile Rail Line between Milepost BBR 6.89 to Milepost BBR 7.61, on its Northeast Region, Baltimore Terminal Subdivision Division
Project Location: Anne Arundel County
Clearinghouse Contact: Rita Pritchett

Dear Ms. Yasbin:

Thank you for submitting your project for intergovernmental review. Your participation in the Maryland Intergovernmental Review and Coordination (MIRC) process helps to ensure that your project will be consistent with the plans, programs, and objectives of State agencies and local governments.

We have forwarded your project to the following agencies and/or jurisdictions for their review and comments: the Maryland Departments of Agriculture, the Environment, Natural Resources, and Transportation; Anne Arundel County; and the Maryland Department of Planning including the Maryland Historical Trust. A composite review and recommendation letter will be sent to you by the reply due date. Your project has been assigned a unique State Application Identifier that you should use on all documents and correspondence.

Please be assured that we will expeditiously process your project. The issues resolved through the MIRC process enhance the opportunities for project funding and minimize delays during project implementation.

If you need assistance or have questions, contact the State Clearinghouse staff noted above at 410-767-4490 or through e-mail at rita.pritchett@maryland.gov. Thank you for your cooperation with the MIRC process.

Sincerely,


for Jason Dubow, Director
Research, Review and Policy Division

JD:RP

cc: Kevin Hardee – CSX
26-0508_NRR-NEW.docx

Army Corps of Engineers

Maryland Department of Planning • 120 E. Baltimore St., 20th Floor • Baltimore • Maryland • 21202

Tel: 410.767.4500 • Toll Free: 1.877.767.6272 • TTY users: Maryland Relay • Planning.Maryland.gov

MD20260806-0508 **FINANCIAL ASSISTANCE**

The Law Offices of Louis E. Gitomer, LLC and CSX

CSX Transportation, Inc., ("CSXT") Proposes to Abandon Approximately 0.72-mile Rail Line between Milepost BBR 6.89 to Milepost BBR 7.61, on its Northeast Region, Baltimore Terminal Subdivision Division

Ms. Melanie Yashin
The Law Offices of Louis E. Gitomer, LLC
600 Baltimore Ave
Suite 301
Towson, MD 21204

Army Corps of Engineers

Mr. Kevin Hardee
Joint Facilities
CSX
500 Water Street, #801
Jacksonville, FL 32202



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

August 6, 2026

Joel Knauff
Geologist Lead
Land and Materials Administration
Maryland Department of the Environment
1800 Washington Boulevard, Suite 625
Baltimore, Maryland 21230
joel.knauff@maryland.gov

Re: STB Docket No. AB-55 (Sub-No. 827X), CSX Transportation, Inc.—Abandonment
Exemption—in Anne Arundel County, MD

Dear Mr. Knauff:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.72-mile rail line that runs between milepost BBR 6.89 to milepost BBR 7.61, and surrounding property on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the “Line”). The Line runs through the U.S. Postal Zip Codes 21226.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(9) (i) and (iii) require that CSXT develop a response to the following statements:

(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.”*

(iii) *“State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action.”*

There are no refueling or maintenance areas within the project area. The removal of CSXT’s rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time. As further information, CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

August 6, 2026

Environmental Protection Agency
Region 3
Chesapeake Bay Program Office
1750 Forest Drive
Suite 130
Annapolis, MD 21401
smith.auston@epa.gov

Re: STB Docket No. AB-55 (Sub-No. 827X), CSX Transportation, Inc.—Abandonment
Exemption—in Anne Arundel County, MD

Dear Mr. Smith:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.72-mile rail line that runs between milepost BBR 6.89 to milepost BBR 7.61, and surrounding property on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the “Line”). The Line runs through the U.S. Postal Zip Codes 21226.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(9) (i) and (iii) require that CSXT develop a response to the following statements:

(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.”*

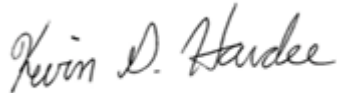
(iii) *“State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action.”*

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time. As further information, CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in dark ink that reads "Kevin D. Hardee". The signature is written in a cursive, slightly slanted style.

Kevin Hardee
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

August 6, 2026

U.S. Fish & Wildlife Services
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
info@fws.gov

Re: STB Docket No. AB-55 (Sub-No. 827X), CSX Transportation, Inc.—Abandonment
Exemption—in Anne Arundel County, MD

To Whom It May Concern:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.72-mile rail line that runs between milepost BBR 6.89 to milepost BBR 7.61, and surrounding property on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the “Line”). The Line runs through the U.S. Postal Zip Codes 21226.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) requires that CSXT develop responses to the following statements:

(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.*

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

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in dark ink that reads "Kevin D. Hardee". The signature is written in a cursive style with a large, stylized 'K' and 'H'.

Kevin Hardee
Enclosures (3)

Re: [EXTERNAL] FW: CSX Transportation, Inc.--Abandonment Exemption--in Anne Arundel County, MD STB Docket No. AB-55 (Sub-No. 827X)



CBFO Project Review, FW5 <cbfoprojectreview@fws.gov>
To: Melanie Yasbin

Summarize Reply Reply All Forward

Tue 8/25/2026 3:33 PM

Hi Melanie-

Thank you for sending this project for review. The Not Likely To Adversely Affect and No Effect concurrence letters you received on 8/4/2026 serves as our official correspondence on the project's potential effects to black rail and tricolored bat. No further consultation is necessary for these species unless the scope of the project changes.

The monarch butterfly is proposed for federal listing as threatened. Our assessment is that the proposed action is not likely to jeopardize the continued existence of the species. No further consultation is required at this time. However, if the monarch is listed under the ESA before this project is completed, you should contact our office to reinstate consultation for this project.

Thank you,
Kathleen

From: Melanie Yasbin <melanie@lgrailaw.com>

Sent: Thursday, August 6, 2026 11:01 AM

To: CBFO Project Review, FW5 <cbfoprojectreview@fws.gov>

Subject: [EXTERNAL] FW: CSX Transportation, Inc.--Abandonment Exemption--in Anne Arundel County, MD STB Docket No. AB-55 (Sub-No. 827X)

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.



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:

08/04/2026 13:51:50 UTC

Project Code: 2026-0126745

Project Name: CSXT Abandonment Exemption in Anne Arundel County, MD

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
(410) 573-4599

PROJECT SUMMARY

Project Code: 2026-0126745

Project Name: CSXT Abandonment Exemption in Anne Arundel County, MD

Project Type: Abandonment of Rail Line

Project Description: CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 0.72-mile rail line between milepost BBR 6.89 to milepost BBR 7.61, and surrounding property on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the "Line"). The Line runs through the U.S. Postal Zip Codes 21226. CSXT does not intend to disturb any sub grade or sub grade structures. CSXT intends to sell the Line along with the surrounding property to Elm Street Development.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.19277245,-76.54125452348188,14z>



Counties: Anne Arundel County, Maryland

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Tricolored bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

BIRDS

NAME	STATUS
Eastern Black rail <i>Laterallus jamaicensis jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Threatened

INSECTS

NAME	STATUS
Monarch butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER EMERGENT WETLAND

- PEM1F

RIVERINE

- R5UBH

IPAC USER CONTACT INFORMATION

Agency: The Law Offices of Louis E. Gitomer, LLC

Name: Melanie Yasbin

Address: 600 Baltimore Ave, Suite 301

City: Towson

State: MD

Zip: 21204

Email: melanie@lgrailaw.com

Phone: 4102962205

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board



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: 08/04/2026 14:31:03 UTC
Project code: 2026-0126745
Project Name: CSXT Abandonment Exemption in Anne Arundel County, MD

Federal Nexus: yes
Federal Action Agency (if applicable): Surface Transportation Board

Subject: Record of project representative's no effect determination for 'CSXT Abandonment Exemption in Anne Arundel County, MD'

Dear Melanie Yasbin:

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 August 04, 2026, for 'CSXT Abandonment Exemption in Anne Arundel County, MD' (here forward, Project). This project has been assigned Project Code 2026-0126745 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 and Tricolored Bat Range-wide 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 and/or Tricolored Bat

Based upon your IPaC submission and a standing analysis, your project has reached the following effect determinations:

Species	Listing Status	Determination
---------	----------------	---------------

Tricolored bat (*Perimyotis subflavus*)Proposed
Endangered

No effect

Federal agencies must consult with U.S. Fish and Wildlife Service under section 7(a)(2) of the Endangered Species Act (ESA) when an action *may affect* a listed species. Tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key to confirm that the determination is still accurate.

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

- Eastern Black rail *Laterallus jamaicensis jamaicensis* Threatened
- Monarch butterfly *Danaus plexippus* Proposed Threatened

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

If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the species covered by this key. 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 2026-0126745 associated with this Project.

Action Description

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

1. Name

CSXT Abandonment Exemption in Anne Arundel County, MD

2. Description

The following description was provided for the project 'CSXT Abandonment Exemption in Anne Arundel County, MD':

CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 0.72-mile rail line between milepost BBR 6.89 to milepost BBR 7.61, and surrounding property on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the "Line"). The Line runs through the U.S. Postal Zip Codes 21226. CSXT does not intend to disturb any sub grade or sub grade structures. CSXT intends to sell the Line along with the surrounding property to Elm Street Development.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.19277245,-76.54125452348188,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the species covered by this determination key. 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 listed bats or any other listed species that is not covered by an existing section 10 (a)(1)(A) Recovery Permit, exempted under section 4(d) or authorized by a section 6 cooperative agreement? **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. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

4. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

No

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Note for projects in Pennsylvania: Projects requiring authorization under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act would be considered as having a federal nexus. Since the U.S. Army Corps of Engineers (Corps) has issued the Pennsylvania State Programmatic General Permit (PASPGP), which may be verified by the PA Department of Environmental Protection or certain Conservation Districts, the need to receive a Corps authorization to perform the work under the PASPGP serves as a federal nexus. As such, if proposing to use the PASPGP, you would answer 'yes' to this question.

Yes

6. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

7. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

8. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

9. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

10. [Semantic] Is the action area located within 0.5 miles of a known bat hibernaculum or winter roost? **Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your state wildlife agency.

Automatically answered

No

11. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

No

12. Is the action located in New England (CT, MA, ME, NH, RI, or VT)?

No

13. Will the action cause effects to a bridge?

Note: Covered bridges should be considered as bridges in this question.

No

14. Will the action result in effects to a culvert or tunnel at any time of year?

No

15. Are trees present within 1000 feet of the action area? **Note:** If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in the USFWS' [Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines](#).

Yes

16. Does the action include the intentional exclusion of bats from a building or building-like structure? **Note:** Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

No

17. Does the action involve removal, modification, or maintenance of a human-made building-like structure (barn, house, or other building) **known or suspected to contain roosting bats?**

No

18. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

19. Will the action include or cause any construction or other activity that is reasonably certain to increase average night-time traffic permanently or temporarily on one or more existing roads? **Note:** For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

20. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

21. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

Note: For information regarding NSF/ANSI 60 please visit <https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects>

No

22. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

23. Will the action include drilling or blasting?

No

24. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use at night)?

No

25. Will the proposed action involve the use of herbicides or pesticides (e.g., fungicides, insecticides, or rodenticides)?

No

26. Will the action include or cause activities that are reasonably certain to cause chronic or intense nighttime noise (above current levels of ambient noise in the area) in suitable summer habitat for the northern long-eared bat or tricolored bat during the active season? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time. Sources of chronic or intense noise that could cause adverse effects to bats may include, but are not limited to: road traffic; trains; aircraft; industrial activities; gas compressor stations; loud music; crowds; oil and gas extraction; construction; and mining. **Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in the USFWS' [Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines](#).

No

27. Does the action include, or is it reasonably certain to cause, the use of permanent or temporary artificial lighting within 1000 feet of suitable forested northern long-eared bat or tricolored bat roosting habitat? **Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in the USFWS' [Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines](#).

No

28. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

No

29. Will the proposed action result in the use of prescribed fire?

Note: If the prescribed fire action includes other activities than application of fire (e.g., tree cutting, fire line preparation) please consider impacts from those activities within the previous representative questions in the key. This set of questions only considers impacts from flame and smoke.

No

30. Does the action area intersect the tricolored bat species list area?

Automatically answered

Yes

31. Is the action area located within 0.5-mile of radius of an entrance/opening to any known tricolored bat hibernacula or winter roost?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your state wildlife agency.

Automatically answered

No

32. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats? **Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

33. Has a presence/probable absence bat survey targeting the [tricolored bat and following the Service's Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area?

No

34. Is suitable summer habitat for the tricolored bat present within 1000 feet of project activities? (If unsure, answer ""Yes."" **Note:** If there are trees within the action area that may provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pines) answer ""Yes."" For a complete definition of suitable summer habitat for the tricolored bat, please see the [Service's Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines](#).

Yes

35. Do you have any documents that you want to include with this submission?

No

PROJECT QUESTIONNAIRE

IPAC USER CONTACT INFORMATION

Agency: The Law Offices of Louis E. Gitomer, LLC

Name: Melanie Yasbin

Address: 600 Baltimore Ave, Suite 301

City: Towson

State: MD

Zip: 21204

Email: melanie@lgraillaw.com

Phone: 4102962205

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board



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) 573-4589 Fax: (410) 266-9127



In Reply Refer To:

08/04/2026 14:11:48 UTC

Project code: 2026-0126745

Project Name: CSXT Abandonment Exemption in Anne Arundel County, MD

Federal Nexus: yes

Federal Action Agency (if applicable): Surface Transportation Board

Subject: Federal agency coordination under the Endangered Species Act, Section 7 for 'CSXT Abandonment Exemption in Anne Arundel County, MD'

Dear Melanie Yasbin:

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 August 04, 2026, for "CSXT Abandonment Exemption in Anne Arundel County, MD" (here forward, Project). This project has been assigned Project Code 2026-0126745 and all future correspondence should clearly reference this number.

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 the 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 Northeast 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.

The IPaC results indicated the following species is (are) potentially present in your project area and, based on your responses to the Service's Northeast DKey, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Eastern Black rail (<i>Laterallus jamaicensis jamaicensis</i>)	Threatened	NLAA

Conclusion

The Service concurs to the above-mentioned determination(s) of may affect, not likely to adversely affect. This concurrence confirms receipt of your agencies coordination required under Section 7(a)(2) of the ESA.

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

In addition to the species listed above, the following species and/or critical habitats may also occur in your project area and are not covered by this conclusion:

- Monarch butterfly *Danaus plexippus* Proposed Threatened
- Tricolored bat *Perimyotis subflavus* Proposed Endangered

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the species identified above. 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 consultation with the Service should take place before project implements any changes which are final or commits additional resources.

Please Note: If the Action may impact bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) by the prospective permittee may be required. Please contact the Migratory Birds Permit Office, (413) 253-8643, or PermitsR5MB@fws.gov, with any questions regarding potential impacts to Eagles.

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

Action Description

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

1. Name

CSXT Abandonment Exemption in Anne Arundel County, MD

2. Description

The following description was provided for the project 'CSXT Abandonment Exemption in Anne Arundel County, MD':

CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 0.72-mile rail line between milepost BBR 6.89 to milepost BBR 7.61, and surrounding property on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the "Line"). The Line runs through the U.S. Postal Zip Codes 21226. CSXT does not intend to disturb any sub grade or sub grade structures. CSXT intends to sell the Line along with the surrounding property to Elm Street Development.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.19277245,-76.54125452348188,14z>



QUALIFICATION INTERVIEW

1. As a representative of this project, do you agree that all items submitted represent the complete scope of the project details and you will answer questions truthfully?

Yes

2. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed species that is not covered by an existing section 10 (a)(1)(A) Recovery Permit, exempted under section 4(d) or authorized by a section 6 cooperative agreement? **Note:** This question 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

3. Is the action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Note: for projects in Pennsylvania: Projects requiring authorization under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act would be considered as having a federal nexus. Since the U.S. Army Corps of Engineers (Corps) has issued the Pennsylvania State Programmatic General Permit (PASPGP), which may be verified by the PA Department of Environmental Protection or certain Conservation Districts, the need to receive a Corps authorization to perform the work under the PASPGP serves as a federal nexus. As such, if proposing to use the PASPGP, you would answer 'yes' to this question.

Yes

4. Are you including in this analysis all impacts to federally listed species that may result from the entirety of the project (not just the activities under federal jurisdiction)?

Note: If there are project activities that will impact listed species that are considered to be outside of the jurisdiction of the federal action agency submitting this key, contact your local Ecological Services Field Office to determine whether it is appropriate to use this key. If your Ecological Services Field Office agrees that impacts to listed species that are outside the federal action agency's jurisdiction will be addressed through a separate process, you can answer yes to this question and continue through the key.

Yes

5. Are you the lead federal action agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?

Yes

6. Is the lead federal action agency the Natural Resources Conservation Service?

No

7. Will the proposed project involve the use or storage of herbicide?

No

8. Will the proposed project involve herbaceous native vegetation removal (including prescribed fire that would result in burning of plants) or mowing?

No

9. Will the proposed project result in **permanent** changes to surface water or groundwater quantity, retention, quality or timing? For example, will the proposed project include any activities that would alter stream flow, surface water or groundwater such as water withdrawal, water recharge, wells, infiltration effects, stormwater outlets, hydropower energy production, impoundments, intake structures, water or stream diversion structures, mining, impoundments, dams, surface water drainage, and/or turbines? Projects that include temporary and limited water reductions that will not displace listed species or appreciably change water availability for listed species (e.g. listed species will experience no changes to feeding, breeding or sheltering) can answer "No". Note: This question refers only to the amount of water present in a stream, other water quality factors, including sedimentation and turbidity, will be addressed in following questions.

No

10. Does the project include activity in or within 300 feet of a freshwater wetland? This includes, for example, project activities within wetlands, project activities within 300 feet of wetlands that may have impacts on wetlands, water withdrawals and/or discharge of contaminants (even with a NPDES). Activities include, but are not limited to wetland draining, ditching, tilling, filling, excavation, stream diversion, impoundments, mowing, grazing of vegetation, access roads, detention basins, water or sewer lines, irrigation, increase in impervious surfaces, and application of pesticides, deicing agents, or fertilizers.

No

11. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **birds** (e.g., plane-based surveys, land-based or offshore wind turbines, new or enlarged communication towers or broadcast towers, high voltage transmission lines, any type of towers with or without guy wires)?

No

12. Will the proposed project involve demolition, rehabilitation, property elevation, renovation, and/or rebuilding of one or more existing buildings (e.g., residential, commercial and industrial buildings, or utilities)? Note: if project activities include modification of bridges and/or culverts, answer this question "No".

No

13. Does the project area intersect the boundary of Virginia Ecological Services Field Office?

Automatically answered

No

14. Does the project area intersect the boundary of the Chesapeake Bay Ecological Services Field Office?

Automatically answered

Yes

15. Is the project being funded, lead, or managed in whole or in part by U.S Fish and Wildlife Restoration and Recovery Program (e.g., Partners, Coastal, Fisheries and Aquatic Conservation, Office of Conservation Investment, Refuges)?

No

16. [Hidden Semantic] Does the project intersect WV?
Automatically answered
No
17. Does the project intersect the Eastern black rail species list area?
Automatically answered
Yes
18. Does the action area include persistent emergent wetlands (salt, brackish, or freshwater)?
Yes
19. Have black rails or black rail habitat been identified in sufficient detail in available surveys or records from within the last 2 years to assume presence at the site? (If unsure, select "No".)
No
20. Will the proposed project involve activities conducted in persistent emergent wetlands (salt, brackish or freshwater) that may result in permanent or long-term (greater than 1 month) modifications to hydrology (flood frequency or depth)?
No
21. Will the proposed project involve activities conducted in persistent emergent wetlands (salt, brackish or freshwater) that may result in permanent or long-term (longer than 1 growing season) modifications to vegetation type?
No
22. Will the proposed project involve activities conducted in persistent emergent wetlands (salt, brackish or freshwater) that may result in permanent or long-term (longer than 1 growing season) reduction of dense overhead cover of persistent emergent wetland vegetation to less than 50% of habitat, in any given calendar year?
No
23. Does the proposed project include prescribed burns in marshy or flooded open field habitat?
No
24. Does the project include mowing, haying, and/or other mechanical treatment activities in marshy or flooded open field habitat?
No
25. Does the project include grazing activities on public lands containing marshy or flooded open field habitat?
No
26. Will the project cause long-term or permanent damage, fragmentation, or conversion of eastern black rail habitat?
No

27. Will the project cause long-term or permanent damage, fragmentation, or conversion of the contiguous wetland-upland transition zone to other habitat types or land uses (e.g., between upland habitat and wetland habitat) for eastern black rail?

No

28. Will any part of the project take place between March 15 and May 15 OR between July 15 and October 1?

No

29. Do you have any other documents that you want to include with this submission?

No

PROJECT QUESTIONNAIRE

1. Approximately how many acres of trees would the proposed project remove?
0
2. Approximately how many total acres of disturbance are within the disturbance/
construction limits of the proposed project?
0
3. Briefly describe the habitat within the construction/disturbance limits of the project site.
It is a rail line in an industrial area of Curtis Bay.

IPAC USER CONTACT INFORMATION

Agency: The Law Offices of Louis E. Gitomer, LLC

Name: Melanie Yasbin

Address: 600 Baltimore Ave, Suite 301

City: Towson

State: MD

Zip: 21204

Email: melanie@lgraillaw.com

Phone: 4102962205

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

August 6, 2026

National Geodetic Survey
RRAE@noaa.gov

Re: STB Docket No. AB-55 (Sub-No. 827X), CSX Transportation, Inc.—Abandonment
Exemption—in Anne Arundel County, MD

To Whom It May Concern:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.72-mile rail line that runs between milepost BBR 6.89 to milepost BBR 7.61, and surrounding property on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the “Line”). The Line runs through the U.S. Postal Zip Codes 21226.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

Please advise if there are any geodetic markers which could be affected by the proposed transaction. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Kevin Hardee

Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

August 6, 2026

U.S. Army Corps of Engineers
Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201
NAB-POA@usace.army.mil

Re: STB Docket No. AB-55 (Sub-No. 827X), CSX Transportation, Inc.—Abandonment
Exemption—in Anne Arundel County, MD

To Whom It May Concern:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.72-mile rail line that runs between milepost BBR 6.89 to milepost BBR 7.61, and surrounding property on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the “Line”). The Line runs through the U.S. Postal Zip Codes 21226.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(e)(9) (ii) require that CSXT develop responses to the following statement:

“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.”

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

August 6, 2026

Elizabeth Hughes
Director/State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
3rd Floor
Crownsville, MD 21023

Re: STB Docket No. AB-55 (Sub-No. 827X), CSX Transportation, Inc.—Abandonment
Exemption—in Anne Arundel County, MD

Dear Director Hughes:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.72-mile rail line that runs between milepost BBR 6.89 to milepost BBR 7.61, and surrounding property on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the “Line”). The Line runs through the U.S. Postal Zip Codes 21226.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

In connection with rail line that is the subject of an application for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a preliminary Combined Environmental and Historic Report (“CEHR”) covering the above-proposed abandonment.

We would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural resources. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

Enclosed is a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the CEHR for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)





500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

August 6, 2026

National Park Service
Northeast Region
Acting Director Jennifer Flynn
1234 Market Street
20th Floor
Philadelphia, PA 19107
Jennifer_flynn@nps.gov

Re: STB Docket No. AB-55 (Sub-No. 827X), CSX Transportation, Inc.—Abandonment
Exemption—in Anne Arundel County, MD

Dear Director Flynn:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.72-mile rail line that runs between milepost BBR 6.89 to milepost BBR 7.61, and surrounding property on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the “Line”). The Line runs through the U.S. Postal Zip Codes 21226.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(c) require that advance notice be given to afford your agency a reasonable opportunity to provide meaningful input.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
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Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

August 6, 2026

Suzy Daubert
State Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
2629 Riva Road, Suite 102
Annapolis, MD 21401
suzy.daubert@usda.gov

Re: STB Docket No. AB-55 (Sub-No. 827X), CSX Transportation, Inc.—Abandonment
Exemption—in Anne Arundel County, MD

Dear Ms. Daubert:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.72-mile rail line that runs between milepost BBR 6.89 to milepost BBR 7.61, and surrounding property on its Northeast Region, Baltimore Terminal Subdivision Division, in Anne Arundel County, MD (the “Line”). The Line runs through the U.S. Postal Zip Codes 21226.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(3) (ii) require that CSXT develop a response to the following statement:

“Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.”

Please advise if any of the land contiguous to CSXT’s line in the project area is classified as prime agriculture land.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)

EXHIBIT 3 – USGS MAPS

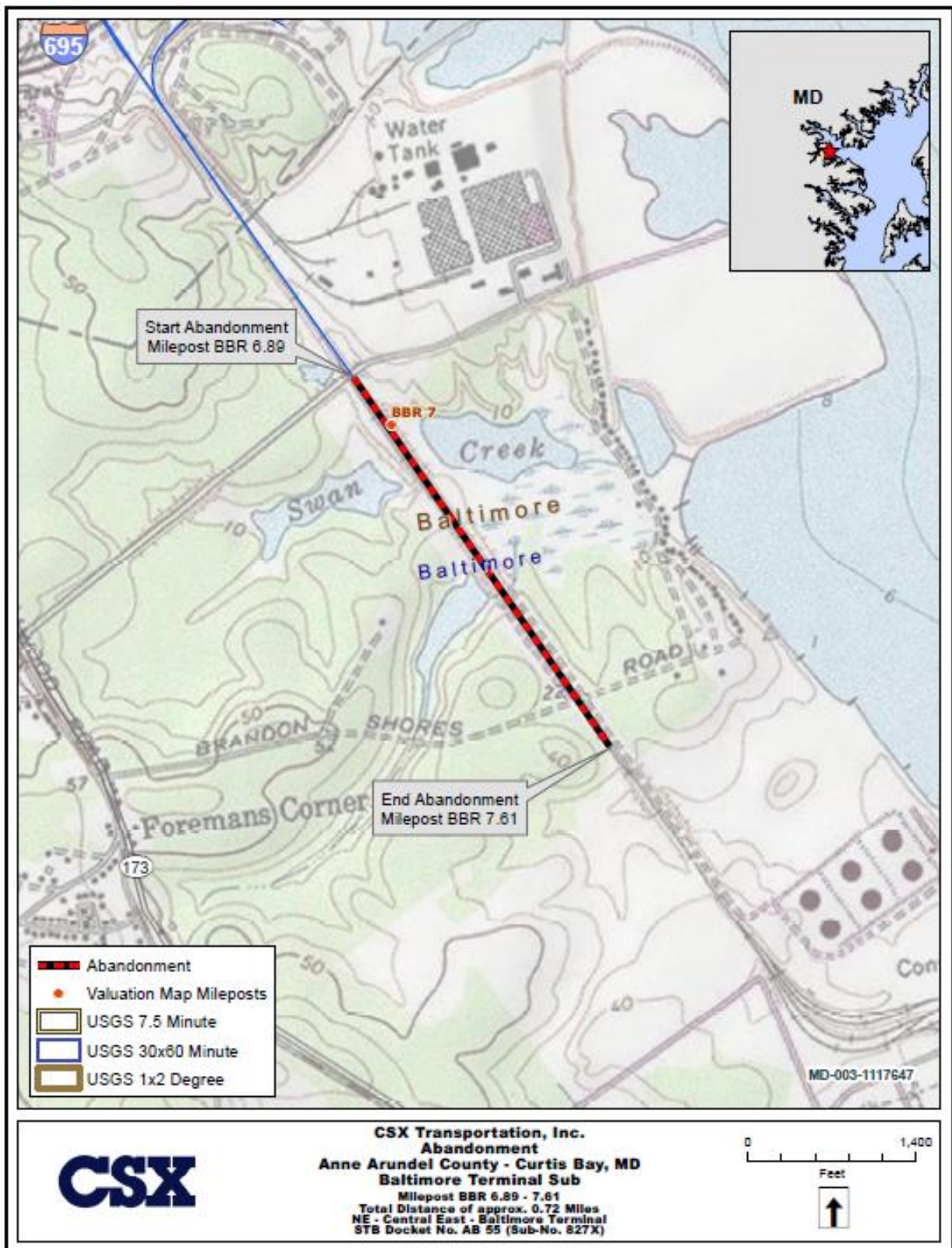


EXHIBIT 4 – Additional Environmental Information

B&O RAILROAD LANDFILL
Foreman's Corner, Maryland
Anne Arundel County
(MD-362)

Site Location

The B&O Railroad Landfill is located east of the intersection of Fort Smallwood Road (Maryland Route 173) and Kembo Road just south of the border between Baltimore County and Anne Arundel County. There are two on-site ponds and one pond adjacent to the site in addition to two creeks that flow into the Patapsco River. The site is accessible from Kembo Road and Brandon Shores Road. Though both entrances are blocked by locked gates, the rest of the site is unfenced and is accessible to nearby residents who fish in the ponds and use the site for other outdoor activities.

The areas surrounding the site include: the former Cox Creek Copper Refinery, a dredge spoil area owned by Maryland Port Authority, Baltimore Gas and Electric Brandon Shores Power Plant, a residential/commercial area and the Patapsco River.

Site History

The site was used as a landfill by the B&O Railroad from the early 1950s until its closure in 1973. According to local citizens, unpermitted dumping occurred at the site in the early 1950s. Documented open burning occurred at the site in the 1960s and early 1970s. In October 1972, a sanitary landfill was permitted by the state to operate at the site. The landfill was permitted to receive wastes from rail car and right-of-way cleaning operations. Less than a year later, the landfill was ordered to stop accepting wastes, due to the failure of the facility's management to implement state-approved plans and specifications for the landfill.

In 1974, regional inspectors of the Water Resources Administration discovered a pool of an oil-like liquid at the southwest corner of the site. This pool was overflowing into a natural channel and draining into the forest surrounding the site. The pool was filled with soil by the B&O Railroad.

In the late 1980s, an emergency removal occurred at the site. Forty to fifty drums of paint wastes were reportedly removed from an area west of the railroad tracks near Brandon Shores Road. The exact date of the removal action is unknown.

Currently, the site is owned and managed by Mount Clare Properties, Inc., a subsidiary of B&O Railroad, which purchased the property in 1984. The property's area is approximately 310 acres of which approximately 200 acres were used for open burning. The actual permitted disposal area is estimated to be 25 acres.

Environmental Investigations

In 1971, Green Associates, Inc. prepared a report entitled *Marley Neck Sanitary Landfill Environmental Considerations and Specifications* for the Chesapeake and Ohio Railway Company, which provided details and specifications related to the site conditions as of January 1971. The details and specifications addressed issues such as: ultimate site development, landscaping configuration, fencing and gates, settlement, signs, dust and odor control, blowing paper, tires and fire protection.

A *Preliminary Assessment of the B&O Landfill* was performed by MDE in 1990. The Preliminary Assessment report recommended a medium priority Screening Site Inspection due to potential impact on the Chesapeake Bay.

MDE conducted a *Focused Site Inspection of B&O Landfill (FSI)* in 1992. Organic and inorganic contaminants in soil, surface water and sediment samples associated with the site were documented. However, the samples collected in 1992 at the B&O Railroad Landfill were not representative of the site since the actual area permitted for landfilling was identified after the completion of the FSI.

Woodward-Clyde Consultants completed a report of environmental investigations entitled *Environmental and Geotechnical Characterization Study CSX Property Foreman's Corner Baltimore, Maryland* in December 1992. The area of concern for this study was east and adjacent to the B&O Railroad Landfill perimeter. The laboratory analyses on samples collected by Woodward-Clyde reveal beryllium in surface water and groundwater at concentrations greater than Maximum Contaminant Level under National Primary Drinking Water Regulations. Beryllium was detected in soil samples at concentrations higher than the proposed Resource Conservation and Recovery Act action level of 0.2 mg/kg.

In March 1997, MDE completed an *Expanded Site Inspection (ESI) of the B&O Railroad Landfill*. The ESI focused on the area permitted for landfilling which was not sampled during the FSI in 1992. Soil samples were collected within the site area at a depth of two to five feet. The maximum concentrations of aluminum, arsenic, beryllium, iron, manganese, vanadium, zinc, aroclors 1248 and 1254, as well as benzo[a]pyrene exceeded the 1997 EPA Region III Risk Based Concentrations (RBCs) for a residential scenario. The cumulative evaluation of the risk to the adult population potentially exposed to the contaminants detected on-site was estimated within the acceptable EPA levels. However, the Hazard Index for the child population exceeded the acceptable risk level. The presence of aroclor 1248 in soil was determined as a risk driver. Surface water and sediment samples were collected from Ponds 1 and 2. Chemicals detected from laboratory analysis were compared with EPA's water quality criteria for the protection of human health. Beryllium was found to exceed this criterion.

In March 2000, MDE completed the second *ESI of the B&O Railroad Landfill*. This ESI was conducted after EPA requested additional information to assess the risk to human health from ingestion of surface soil from the site and the consumption of fish from the on-site ponds. The laboratory analysis on samples collected at the site in 1999 and subsequently analyzed at a CLP laboratory indicate that there is no significant risk posed by carcinogenic compounds associated with the former landfill to human health or the environment. The mercury concentration in composite fish samples analyzed was below the contract required detection limit of 0.10 mg/kg. The consumption of fish from the on-site ponds and the ingestion of surface soil from the site do not pose carcinogenic risk for population. Noncarcinogenic risk attributable to the site exceeded the EPA Hazard Index standard of 1 under a commercial future use scenario for either a child visitor or a construction worker. Based on the available data, MDE has further requirements related to the investigation of hazardous waste at this site, however, recommends the site be "archived" by EPA.

Current Status

Currently, the site is an inactive landfill. Nuisance dumping consisting of small and large appliances, furniture, tires, auto parts and abandoned vehicles were observed on site during the site visit in 1999.

Contract Person

Arthur O'Connell Maryland Department of the Environment 410-537-3493

Last Updated March 2000

Identified Wetlands

