

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037
TELEPHONE: (202) 663-7820



January 29, 2019

247026

BY HAND DELIVERY

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

ENTERED
Office of Proceedings
January 29, 2019
Part of
Public Record

Re: Canton Railroad Company – Abandonment in Baltimore City, MD, Docket No. AB-193
(Sub-No. 3X); State Application Identifier: MD20180327-0200

Dear Ms. Brown:

Enclosed for filing in the above-referenced proceeding are an original and 10 copies of the petition for exemption of Canton Railroad Company, pursuant to 49 C.F.R. 10502, from the the prior approval requirements of 49 U.S.C. 10903. Also enclosed are a check in the amount of \$7,400 to cover the cost of the filing, an electronic copy of the entire filing, and a separate electronic copy of a draft Federal Register notice.

Please acknowledge receipt and filing of this petition for exemption by date stamping the enclosed acknowledgment copy and returning it to the courier. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7820 or by e-mail: rnardi@bakerandmiller.com.

Respectfully submitted,


Rose-Michele Nardi

Enclosures

FILED
January 29, 2019
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
January 29, 2019
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB- 193 (Sub-No. 3X)

[State Application Identifier: MD 20180327-0200]

CANOTN RAILROAD COMPANY – ABANDONMENT – BALTIMORE CITY, MD

PETITION FOR EXEMPTION



Rose-Michele Nardi
Baker & Miller PLLC
Suite 300
2401 Pennsylvania Ave., N.W.
Washington, D.C. 20037
202.663.7820
rnardi@bakerandmiller.com

Attorneys for:

CANTON RAILROAD COMPANY

Dated: January 29, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB- 193 (Sub-No. 3X)

[State Application Identifier: MD 20180327-0200]

CANOTN RAILROAD COMPANY – ABANDONMENT – BALTIMORE CITY, MD

PETITION FOR EXEMPTION



Canton Railroad Company (“Canton”) petitions the Surface Transportation Board (the “Board”) to exempt, under 49 U.S.C. Section 10502, Canton’s abandonment of approximately 1,200 linear feet of a rail line located in Baltimore City, Maryland, from the prior approval requirements of 49 U.S.C. Section 10903.

I. BACKGROUND

Canton proposed to abandon approximately 1,200 linear feet (0.23 miles) of rail line located in Baltimore City, Maryland, as described on the map attached hereto as **Exhibit A** (the “Subject Line”). The Subject Line has no milepost or station designations, and is sometimes referred to as the OverFlo Track. Neither Canton, nor any affiliate, owns the land (or has other property interests) beyond the termini points of the Subject Line.¹

The last time Company provided freight service over the Subject Line was more than one year ago, on December 12, 2017. The only rail customer located on the Subject Line sold its property on December 19, 2017. The new owner, 601 Haven Street LLC, is repurposing the property and does not desire rail service. Following abandonment of the Subject Line, Company plans to sell the right of way to

¹ The Subject Line may well be exempt track under 49 U.S.C. 10906, in which case no abandonment authority would be necessary. However, Canton will be selling the right of way to a non-railroad entity, and in order to provide the purchaser with certainty regarding the status of the line (and avoid a potentially time-intensive review of historical operations), Canton has opted to file this Petition for Exemption.

the new owner. No other facilities are currently located on the Subject Line, and no overhead traffic moves over the Subject Line.

The new owner, 601 Haven Street LLC, does not oppose the abandonment. In fact, the owner fully supports the abandonment, which will facilitate the owner's purchase of the right of way. Attached as **Exhibit B** is a letter from the owner supporting the abandonment

II. BASIS FOR EXEMPTION

Canton seeks an exemption under 49 U.S.C. Section 10502(a) from the applicable requirements of 49 U.S.C. Section 10903, in order to abandon the Subject Line. Under Section 10502(a), the Board "shall exempt" a transaction from regulation when it finds that regulation is unnecessary for carrying out the rail transportation policy (49 U.S.C. Section 10101), and either (a) the proposed transaction "is of limited scope", or (b) regulation is unnecessary "to protect shippers from the abuse of market power".

Section 10502(a) directs the Board to exercise its exemption authority "to the maximum extent consistent with" Part A, Subtitle IV of the ICC Termination Act of 1995. *See also Mid-Michigan Railroad, Inc. – Abandonment Exemption – In Kent, Ionia, and Montcalm Counties, MI*, STB Docket No. AB-364 (Sub-No. 14X), served Sept. 26, 2008, at *6-7 (noting "[t]he Interstate Commerce Act, as amended, at 49 U.S.C. 10502(a), favors exemptions from regulation whenever appropriate, and directs us to grant exemptions to the maximum extent consistent with that Act"); *California High-Speed Rail Authority – Construction Exemption – In Fresno, Kings, Tulare, and Kern Counties, CAL*, Docket No. FD 35724 (Sub-No.1), served August 12, 2014, at n. 34 (noting "[e]xemptions are to be used 'to the maximum extent' consistent with our governing statute" and citing H.R. Conf. Rep. No. 96-1430, 96th Cong., 2d Sess. 105 (1980), reprinted in 1980 U.S.C.C.A.N 4110, 4137, for the principle that the Board is "to use its exemption authority aggressively").

As demonstrated below, regulation of the proposed abandonment pursuant to section 10903 is unnecessary to carry out the policy set forth at section 10101, the abandonment is of limited scope, and it will not subject any shippers to an abuse of market power. Accordingly, Canton's proposed abandonment satisfies the requirements of section 10502(a) and should be exempted from the Board's prior approval requirements.

A. Regulation Is Unnecessary to Carry Out the RTP

Detailed scrutiny of Canton's proposed abandonment of the Subject Line is unnecessary to carry out the rail transportation policy identified at 49 U.S.C. Section 10101 ("RTP"). Canton has not provided freight rail service over the Subject Line for more than one year, there are no rail customers located on the Subject Line, and the only facility on the Subject Line supports the abandonment. Under these circumstances, granting the exemption would further several of the objectives of the RTP (and should not adversely affect any of them). Granting the exemption would serve to minimize government regulation in the railroad industry and regulatory barriers (including administrative expenses) associated with exiting the industry, and would result in the efficient handling of this proceeding. *See* 49 U.S.C. 10101(2), (7) and (15). In addition, granting this exemption would expedite Canton's ability to abandon track that has no active rail customers, thereby promoting "sound economic conditions in transportation" and "efficient management of railroads". *See* 49 U.S.C. 10101(5) and (9). *See also* *Illinois Central Railroad Company – Discontinuance of Service Exemption – In Sangamon and Montgomery Counties, IL*, Docket No. AB 43 (Sub-No. 190X), served June 23, 2015, at *4.

B. The Proposed Abandonment Is of Limited Scope

The proposed abandonment is of limited scope. Canton is seeking the abandonment of only approximately 1,200 linear feet (0.23 miles), all of which is located in Baltimore City, MD. In addition,

there are no active rail customers on the Subject Line. The small geographic area involved, as well as the lack of rail freight users, demonstrate the limited scope of the proposed abandonment.

C. The Proposed Abandonment Will Not Result in an Abuse of Market Power.

If the Board finds the proposed abandonment is of limited scope, the Board need not determine whether the proposed abandonment will result in an abuse of market power. *See* 49 U.S.C. 10502(a)(2). Nevertheless, regulation of the proposed abandonment is not needed to protect shippers from an abuse of market power. There are currently no active rail freight customers using the Subject Line, and the only facility currently located on the Subject Line supports the proposed abandonment.

III. FEDERALLY-GRANTED RIGHT-OF-WAY

Based on information in Canton's possession, the Subject Line does not contain federally granted right-of-way. Any documentation in Canton's possession will be made available promptly to those requesting it.

IV. MAP

A map of the Subject Line is attached hereto as **Exhibit A**.

V. LETTER OF SUPPORT

A letter of support by the owner of the only facility located on the Subject Line, 601 Haven Street LLC, is attached hereto as **Exhibit B**.

VI. ENVIRONMENTAL AND HISTORIC REPORTS

Pursuant to 49 C.F.R. Sections 1105.7 and 1105.8, attached as **Exhibit C** is an Environmental and Historic Report. Also attached as **Attachment C-1** is a sample transmittal letter that was sent with the Environmental and Historic Report. In response to the Historic Report, attached as **Attachment C-2** is the correspondence Canton received from the Maryland Historical Trust.

VII. DRAFT FEDERAL REGISTER NOTICE

A draft Federal Register notice is attached hereto as **Exhibit D**.

VIII. CERTIFICATE OF PUBLICATION

A Certificate of Publication is attached hereto as **Exhibit E**.

IX. CERTIFICATE OF SERVICE

A Certificate of Service is attached hereto as **Exhibit F**.

X. LABOR PROTECTION

The interests of railroad employees of Canton 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).

XI. CONCLUSION

Application of the prior approval requirements of 49 U.S.C. 10903 to the proposed abandonment is not required to carry out the rail transportation policy set forth in 49 U.S.C. 10101. In addition, the proposed abandonment is of limited scope, and regulation is not needed to protect shippers from an abuse of market power. Accordingly, Canton requests an exemption for the proposed abandonment of the Subject Line.

Respectfully submitted,



Rose-Michele Nardi
Baker & Miller PLLC
2401 Pennsylvania Ave., N.W.
Suite 300
Washington, D.C. 20037
(202) 663-7820

Attorneys for:

CANTON RAILROAD COMPANY

Dated: January 29, 2019

**BEFORE THE
SURFACT TRANSPORATION BOARD**

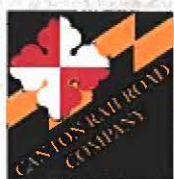
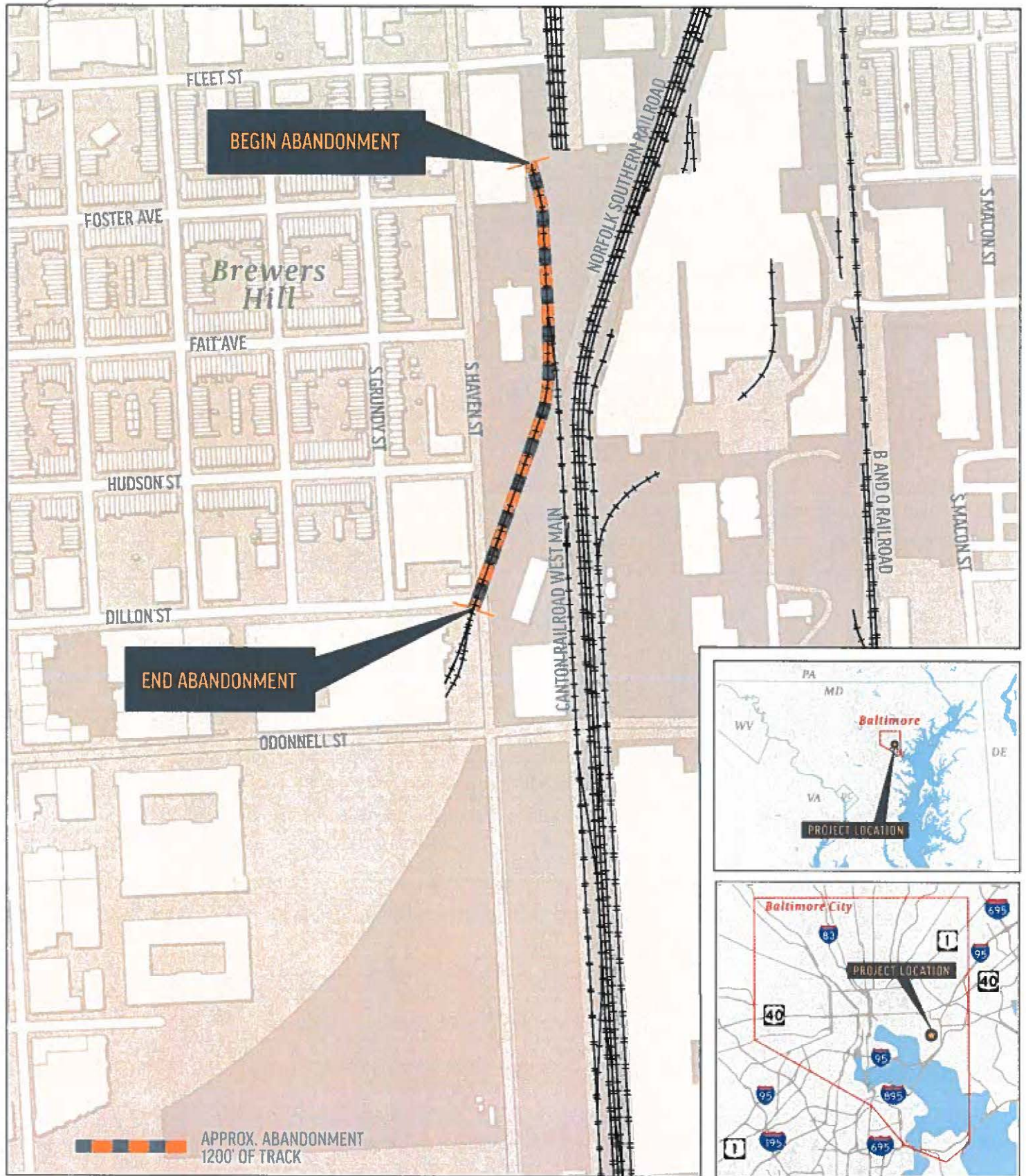
**CANTON RAILROAD COMPANY
– ABANDONMENT – BALTIMORE CITY, MD**

DOCKET NO. AB-193 (SUB-NO.3X)

**PETITION FOR EXEMPTION
PURSUANT TO 49 U.S.C. 10502**

EXHIBIT A

MAP



CANTON RAILROAD COMPANY
PROPOSED ABANDONMENT TRACK 702
CITY OF BALTIMORE, MARYLAND



**BEFORE THE
SURFACT TRANSPORATION BOARD**

**CANTON RAILROAD COMPANY
- ABANDONMENT - BALTIMORE CITY, MD**

DOCKET NO. AB-193 (SUB-NO.3X)

**PETITION FOR EXEMPTION
PURSUANT TO 49 U.S.C. 10502**

EXHIBIT B

LETTER OF SUPPORT

601 Haven Street LLC
1212 York Road, C300
Lutherville, Maryland 21093

January 15, 2019

John Magness
President
Canton Railroad Company
1841 S. Newkirk Street
Baltimore, MD 21224

Dear Mr. Magness:

601 Haven Street LLC understands Canton Railroad Company intends to seek authority from the Surface Transportation Board to abandon approximately 1,200 linear feet of rail line in Baltimore City, sometimes referred to as the OverFlo Track.

We fully support Canton's proposed abandonment. This abandonment will facilitate our desire to purchase the right-of-way property for non-rail use.

We authorize Canton to submit this letter to the Surface Transportation Board as part of its filing, so that the Surface Transportation Board is advised of our position with respect to this abandonment.

Sincerely,

601 Haven Street LLC



David Berg, Manager

**BEFORE THE
SURFACT TRANSPORTATION BOARD**

**CANTON RAILROAD COMPANY
– ABANDONMENT – BALTIMORE CITY, MD**

DOCKET NO. AB-193 (SUB-NO.3X)

**PETITION FOR EXEMPTION
PURSUANT TO 49 U.S.C. 10502**

EXHIBIT C

ENVIRONMENTAL AND HISTORIC REPORTS

CANTON RAILROAD COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8
ABANDONMENT IN BALTIMORE CITY, MD
DOCKET NO. AB-193 (SUB-NO. 3X)
STATE APPLICATION IDENTIFIER: MD20180327-0200
DECEMBER 21, 2018

Canton Railroad Company (the "Company" or "Canton") will submit a filing with the Surface Transportation Board ("Board"), seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon rail service over approximately 1200 linear feet of a rail line located in Baltimore City, Maryland, as described on the map attached hereto as **Attachment 1** (the "Subject Line"). The Subject Line has no milepost or station designations.

The only rail customer located on the Subject Line sold its property on December 19, 2017. The last time Company provided freight service to that facility was more than one year ago, on December 12, 2017. The new purchaser is repurposing the property and does not desire rail service. Following abandonment of the Subject Line, Company plans to sell the right of way to the purchaser of the facility.

No other facilities are currently located on the Subject Line. This Environmental and Historic Report (the "Report") has been prepared pursuant to 49 CFR §§ 1105.7 and 1105.8.

In a letter dated March 22, 2018, the Company notified certain federal and state agencies and county/municipal leaders about the proposed abandonment of the Subject Line. However, the Company subsequently realized that the map and the description of the rail line in the March 22, 2018, letter contained some errors. Accordingly, on November 20, 2018, the Company sent

a corrected letter to the agencies and leaders identified on the service list at the end of this Report (the "Agencies")¹.

All representations made herein are to the best of the Company's knowledge and are based upon the written responses and/or oral conversations with the Agencies (the "Responses"), and information otherwise readily available in the Company's possession on the date of this Report. The Company reserves its right to challenge the applicability of any law, rule or regulation on any basis. Any Responses received after the date of this Report, but prior to the date on which the Company submits its abandonment filing with the Board, will be appended to the Board filing. The contact information to which correspondence in this matter should be sent is: Baker & Miller, PLLC, Attn: Rose-Michele Nardi, 2401 Pennsylvania Ave. N.W., Suite 300, Washington, D.C. 20037 (202-663-7820; rnardi@bakerandmiller.com).

ENVIRONMENTAL REPORT

1. Proposed Action and Alternatives. (§ 1105.7(e)(1))

The Company seeks authority to abandon rail service over the Subject Line. A map of the Subject Line is attached to this Report as Attachment 1. The only facility currently located on the Subject Line changed ownership in December 2017. The new owner is repurposing the property and does not desire rail service. The last time Company provided freight service to the

¹ Since sending the November 20, 2018, letter, the Company has modified the addresses for three Agencies - the Baltimore office of the US Army Corps of Engineers, the regional office for the National Park Service, and the Maryland state office for the Natural Resources Conservation Service; however, the November 20, 2018, letter also was sent to a national office of each of these agencies. In addition, on November 27, 2018, the US Fish and Wild Life Service, Region 5 ("USFWLS5") contacted Company's representative to discuss the appropriate USFWLS5 department to which the corrected letter should be forwarded. By telephone, the Company's representative directed USFWLS5 to the regulations at 49 CFR 1105.7, and identified some issues addressed by these regulations. Subsequently, Company's representative contacted USFWLS5 to determine the appropriate department/address to send the Report, and the address in the service list for the regional US Fish and Wild Life Service has been modified accordingly. See **Attachment 2** for the USFWLS5 email correspondence.

facility was more than one year ago, on December 12, 2017. The commodities transported at that time were canned goods.

By email dated April 25, 2018, the National Geodetic Survey (“NGS”) responded that “no geodetic survey marks were located in the area described” and “No Stations Found”. On December 12, 2018, NGS confirmed, in response to the Company’s November 20, 2018, letter, “no geodetic survey marks located in the area described”. *See Attachment 3.*

In a letter dated March 27, 2018, the Maryland Department of Planning stated it had forwarded Company’s project to certain “agencies and/or jurisdictions for their review and comments”, and the Company’s representative would receive “[a] composite review and recommendation letter”. In a subsequent letter, dated April 30, 2018 (the “MD DP Letter”), the Maryland Department of Planning provided a recommendation of “Consistent Including General Comments”. In addition, the MD DP Letter stated: “The Maryland Department(s) of General Services, and Natural Resources; and the Maryland Department of Planning, including the Maryland Historical Trust found this project to be consistent with their plans, programs, and objectives.”² The MD DP Letter did not raise any concerns with the proposed abandonment. *See Attachment 4.* As of the date of this Report, Company has not received any additional comments from the Maryland Department of Planning.

Given the change in ownership and the repurposing of the property, there does not appear to be any reasonable alternative to abandonment. Following abandonment of the Subject Line, the Company plans to sell the right of way to the purchaser of the facility.

² The MD DP Letter noted “[a]s of this date, the Maryland Department(s) of Transportation, Environment; and Baltimore City have not submitted comments”.

There are no structures on the Subject Line. The rail for most of the Subject Line already has been removed, but the ties and other track material remain. The Company plans to remove the ties and other track material from most of the Subject Line and recycle them, if appropriate, by using them on other parts of its system. The Company plans to appropriately dispose of the ties and other track material not so recycled. The Company also may back-fill areas where ties and track material are removed with stone or dirt. With respect to approximately 300 feet of the Subject Line, a third-party facility owner paved over that portion of the line more than 20 years ago; the Company does not intend to perform any salvage activities for that segment of the line. On December 3, 2018, the Maryland Department of the Environment inquired whether track materials would be removed, focusing on the rail ties. The Company's representative responded on December 6, 2019. See **Attachment 5** for these email communications.

2. *Transportation System.* (§ 1105.7(e)(2))

As noted above, the only rail customer currently located on the Subject Line has sold its property. The new purchaser is repurposing the property and does not desire rail service. The last time Company provided freight service to the facility was more than one year ago, on December 12, 2017. For these reasons, the proposed abandonment should not (a) affect existing regional or local transportation systems or patterns, or (b) cause diversion of rail freight traffic to different transportation systems or modes.

3. *Land Use.* (§ 1105.7(e)(3))

The MD DP Letter stated the Maryland Department of General Services and the Maryland Department of Planning "found this project to be consistent with their plans, programs, and objectives". As of the date of this Report, the Company has received no Responses raising concerns that the proposed abandonment would be inconsistent with existing land use plans or

would adversely affect prime agricultural land. The Subject Line may be located within a designated coastal zone. However, the MD DP Letter also provided that the Department of Natural Resources “found this project to be consistent with their plans, programs, and objectives”. As of the date of this Report, Company has received no Responses raising concerns that the proposed abandonment would adversely affect a designated coastal zone. The Subject Line is in a largely industrial area. The industrial nature of the area, combined with the short length of the Subject Line, would appear to limit the suitability of the property for other public purposes under 49 U.S.C. 10905, such as a trails or highways.

4. *Energy.* (§ 1105.7(e)(4))

The only rail customer currently located on the Subject Line has sold its property. The purchaser is repurposing the property and does not desire rail service. The last time Company provided freight service to the facility was more than one year ago, on December 12, 2017. For these reasons, the proposed abandonment would not cause diversion of traffic from rail to motor carriers in excess of the applicable thresholds in 49 CFR § 1105.7(e)(4), affect recyclable commodities or the transportation of energy resources, or result in a change in overall energy efficiency.

5. *Air.* (§ 1105.7(e)(5))

There has been no freight traffic since December 12, 2017, more than one year ago, and the only rail customer located on the Subject Line has sold its property. The purchaser is repurposing the property and does not desire rail service. For these reasons, the proposed abandonment would not increase rail or truck traffic, or rail yard activity, in excess of the applicable thresholds in 49 C.F.R. § 1105.7(e)(5).

6. *Noise.* (§ 1105.7(e)(6))

Because the abandonment would not cause effects in excess of any threshold levels in 49 CFR § 1105.7(e)(5)(i), this issue is not applicable.

7. *Safety.* (§ 1105.7(e)(7))

The proposed abandonment should not have any adverse impact on public health and safety. In fact, the proposed abandonment would improve public health and safety by allowing the Company to terminate rail service over a grade crossing, thereby reducing the likelihood of vehicle delay and the risk of crossing accidents. The Company is unaware of any sites on the Subject Line's right-of-way on which hazardous materials spills have occurred, or that are hazardous waste sites.

8. *Biological Resources.* (§ 1105.7(e)(8))

As of the date of this Report, the Company has received no Responses raising concerns regarding the effect the proposed abandonment would have on endangered/threatened species or critical habitat-designated areas. The Subject Line is located in a largely industrial area. Therefore, the Company does not believe that any wildlife sanctuaries or refuges or national or state parks or forests would be adversely affected by the abandonment.

9. *Water.* (§ 1105.7(e)(9))

As of the date of this Report, the Company has received no Responses regarding any (1) applicable federal, state or local water quality standards, (2) permit requirements under sections 402 or 404 of the Clean Water Act, or (3) designated wetlands or 100-year flood plains. The Company does not believe that the Subject Line crosses, or is immediately adjacent to, any waterways.

10. *Proposed Mitigation.* (§ 1105.7(e)(10))

In the event substantive concerns arise regarding adverse environmental impacts, the Company will work with the appropriate agency, as required, to mitigate any adverse impacts of the proposed abandonment on the environment.

HISTORIC REPORT

1. *Map.* (§ 1105.8(d)(1))

A map showing the location of the proposed abandonment is attached to this Report as Attachment 1. There are no railroad structures 50 years old or older located on the Subject Line.

2. *Right-of-Way.* (§ 1105.8(d)(2))

The Subject Line is located in an area that is mostly flat, which is used largely for industrial purposes. The width of the right-of-way is 15 feet from the center line of the track.

3. *Photographs of Structures* (§ 1105.8(d)(3))

Not applicable.

4. *Description of Structures.* (§ 1105.8(d)(4))

Not applicable.

5. *History of Operations.* (§ 1105.8(d)(5))

The Company has been providing rail service in the area of the Subject Line since approximately 1906. The only rail customer located on the Subject Line sold its property on December 19, 2017. The new purchaser is repurposing the property and does not desire rail service. The last time Company provided freight service to the facility was more than one year ago, on December 12, 2017. There are no other facilities currently located on the Subject Line. As a result of the proposed abandonment, Company would cease providing rail service over the

Subject Line. Following abandonment of the Subject Line, Company plans to sell the right of way to the purchaser of the facility.

6. *Documents.* (§ 1105.8(d)(6))

Not applicable.

7. *National Register of Historic Places.* (§ 1105.8(d)(7))

In comments dated April 16, 2018 and December 10, 2018, the Maryland Historical Trust “determined that there are no historic properties affected by this undertaking”. *See Attachment*

6. *See also* Attachment 4.

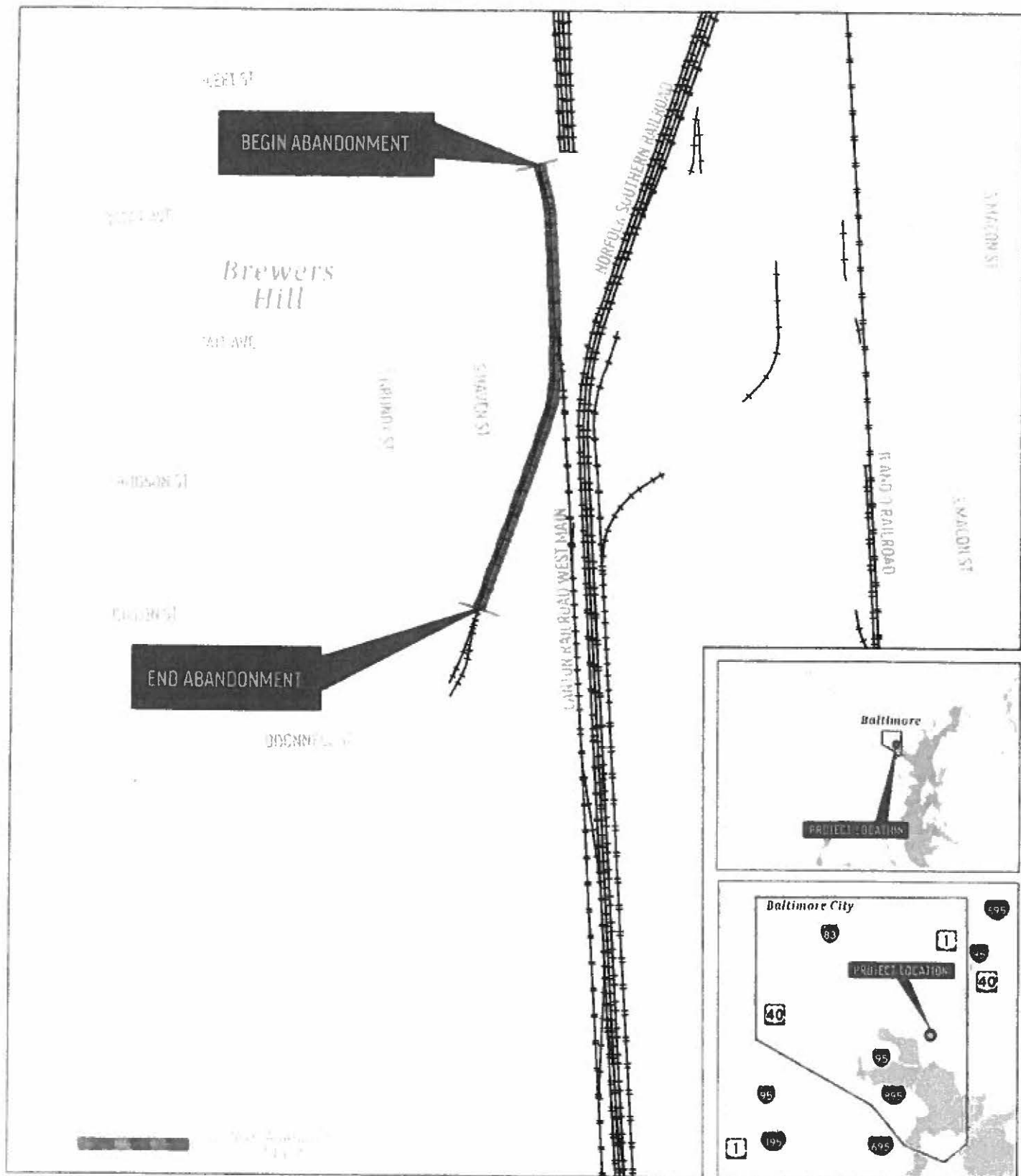
8. *Environmental Conditions.* (§ 1105.8(d)(8))

The Company is not aware of any known prior subsurface ground disturbance or fill, or any other environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes).

CANTON RAILROAD COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8
ABANDONMENT IN BALTIMORE CITY, MD
DOCKET NO. AB-193 (Sub-No. 3X)
STATE APPLICATION IDENTIFIER: MD20180327-0200

ATTACHMENT 1

MAP



CANTON RAILROAD COMPANY
PROPOSED ABANDONMENT TRACK 702
 CITY OF BALTIMORE, MARYLAND



CANTON RAILROAD COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8

ABANDONMENT IN BALTIMORE CITY, MD
DOCKET NO. AB-193 (Sub-No. 3X)
STATE APPLICATION IDENTIFIER: MD20180327-0200

ATTACHMENT 2

US FISH AND WILDLIFE (REGION 5)
CORRESPONDENCE



Re: [EXTERNAL] Re: Canton Railroad Company Abandonment in Baltimore City, MD
Bixby, Meredith

to:

RNardi

12/11/2018 11:51 AM

Hide Details

From: "Bixby, Meredith" <meredith_bixby@fws.gov>

To: <RNardi@bakerandmiller.com>

Hello Rose-Michele -

I would send it to:

USFWS

c/o Ecological Services

300 Westgate Center Drive

Hadley, MA 01035

Thanks,

Merry

Meredith Bixby

Realty Specialist

National Wildlife Refuge System, Region 5

U.S. Fish and Wildlife Service

meredith_bixby@fws.gov

work phone 413.253.8556

work fax 413.253.8468

On Tue, Dec 11, 2018 at 10:23 AM <RNardi@bakerandmiller.com> wrote:

Hi Meredith. I will be sending out an Environmental/Historic Report with respect to the Canton Railroad Company Abandonment in Baltimore City, MD. If you want me to send the Report to someone other than you, please let me know the correct address/department. Thanks.

Regards,

Rose-Michele

Rose-Michele Nardi

Partner

Baker and Miller PLLC

Suite 300

2401 Pennsylvania Ave, N.W.

Washington, D.C. 20037

(202) 663-7820

(202) 663-7849 (Fax)

The above message may be privileged, confidential and protected from disclosure by attorney/client, work product or other privileges. If you believe that it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error. Then delete it. Thank you

TAX ADVICE DISCLAIMER: Any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any

penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

From: "Bixby, Meredith" <meredith_bixby@fws.gov>
To: <mardi@bakerandmiller.com>
Date: 11/27/2018 09:49 AM
Subject: Canton Railroad Company Abandonment in Baltimore City, MD

Hello Rose-Michele,

I received a letter today from you regarding the Canton Railroad Company Abandonment in Baltimore City (Docket N. AB-193, Sub. No. 3x; State Application Identifier:MD20180327-0200). The letter was just generally addressed to the U.S. Fish and Wildlife Service at 300 Westgate Center Drive in Hadley, Massachusetts. Unfortunately, there are over 200 people and 10 different departments here, so I am not sure who to deliver it too.

I know it was not meant for me, so I'm trying to track down who/what department you meant to send it to. I want to make sure the appropriate people receive the letter and can provide comments, if necessary.

Thank you,
Merry

Meredith Bixby
Realty Specialist
National Wildlife Refuge System, Region 5
U.S. Fish and Wildlife Service
meredith_bixby@fws.gov
work phone 413.253.8556
work fax 413.253.8468

CANTON RAILROAD COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8
ABANDONMENT IN BALTIMORE CITY, MD
DOCKET NO. AB-193 (Sub-No. 3X)
STATE APPLICATION IDENTIFIER: MD20180327-0200

ATTACHMENT 3

NATIONAL GEODETIC SURVEY RESPONSES



NGS RESPONSE, STB Docket No.AB-193 (Sub-No. 3X
Deborah Brooks - NOAA Federal

to:

RNardi

04/25/2018 06:34 PM

Cc:

Surface Transportation Board, Christine Gallagher - NOAA Federal, Deborah Brooks -
NOAA Federal

Hide Details

From: Deborah Brooks - NOAA Federal <deborah.brooks@noaa.gov>

To: RNardi@bakerandmiller.com

Cc: Surface Transportation Board <sca@stb.dot.gov>, Christine Gallagher - NOAA Federal
<christine.gallagher@noaa.gov>, Deborah Brooks - NOAA Federal
<Deborah.Brooks@noaa.gov>

Thank you for sharing your railroad abandonment environmental report for

Baltimore City Maryland, 21224.

No geodetic survey marks were located in the area described.

No Stations Found.



Update: NGS RESPONSE, STB Docket No.AB-193 (Sub-No. 3X)

Deborah Brooks - NOAA Federal

to:

RNardi, Surface Transportation Board, Christine Gallagher - NOAA Federal, Deborah Brooks - NOAA Federal

12/12/2018 05:25 PM

Hide Details

From: Deborah Brooks - NOAA Federal <Deborah.Brooks@noaa.gov>

To: RNardi@bakerandmiller.com, Surface Transportation Board <sea@stb.dot.gov>, Christine Gallagher - NOAA Federal <christine.gallagher@noaa.gov>, Deborah Brooks - NOAA Federal <Deborah.Brooks@noaa.gov>

Dear Ms. Nardi:

Thank you for alerting us to the Subject Line change of Canton Railroad Company –Abandonment in Baltimore City, MD -- Docket No. AB-193 (Sub-No. 3x) to Canton Railroad Company –Abandonment in Baltimore City, MD --Docket No.AB-193 (Sub-No. 3X); State Application Identifier: MD20180327-0200, and the new map showing the full length (approximately 1,200 feet) of rail line being proposed for abandonment).

A review of the information provided shows no geodetic survey marks located in the area described.

Dist	PID...	Set.	Set_By	H	V	Vert_Source	Latitude.....	Longitude.....	Stab	C	Designation
----	-----	----	-----	-	-	-----	-----	-----	----	-	-----

SORRY - No Stations Found.

CANTON RAILROAD COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8

ABANDONMENT IN BALTIMORE CITY, MD
DOCKET NO. AB-193 (Sub-No. 3X)
STATE APPLICATION IDENTIFIER: MD20180327-0200

ATTACHMENT 4

MARYLAND STATE CLEARINGHOUSE RESPONSES



Larry Hogan, Governor

Robert S. McCord, Acting Secretary

Boyd Rutherford, Lt. Governor

March 27, 2018

Ms. Rose-Michele Nardi, J.D.
Attorneys at Law
Transport Counsel PC
1900 M Street, NW, Suite 400
Washington, DC 20036

STATE CLEARINGHOUSE REVIEW PROCESS

State Application Identifier: MD20180327-0200

Reply Due Date: 05/01/2018

Project Description: Canton Railroad Company - Abandonment in Baltimore City, MD (Docket No. AB-193(Sub-No.3X))

Project Location: Baltimore City

Clearinghouse Contact: Myra Barnes

Dear Ms. Nardi:

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 Department(s) of Natural Resources, the Environment, Transportation, General Services; the County(ies) of Baltimore City; and the Maryland Department of Planning; including 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 myra.barnes@maryland.gov. Thank you for your cooperation with the MIRC process.

Sincerely,

Myra Barnes, Lead Clearinghouse Coordinator

MB:MB
18-0200_NRR.NEW.docx



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Robert S. McCord, Acting Secretary

April 30, 2018

Ms. Rose-Michele Nardi, J.D.
Attorneys at Law
Transport Counsel PC
1900 M Street, NW, Suite 400
Washington, DC 20036

STATE CLEARINGHOUSE RECOMMENDATION

State Application Identifier: MD20180327-0200

Applicant: Transport Counsel PC

Project Description: Canton Railroad Company - Abandonment in Baltimore City, MD (Docket No. AB-193(Sub-No.3X))

Project Location: Baltimore City

Approving Authority: Surface Transportation Board

Recommendation: Consistent Including General Comments

Dear Ms. Nardi:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 34.02.01.04-.06, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter constitutes the State process review and recommendation. This recommendation is valid for a period of three years from the date of this letter.

Review comments were requested from the Maryland Department(s) of General Services, Natural Resources, Transportation, the Environment; Baltimore City; and the Maryland Department of Planning, including the Maryland Historical Trust. As of this date, the Maryland Department(s) of Transportation, Environment; and Baltimore City have not submitted comments.

The Maryland Department(s) of General Services, and Natural Resources; and the Maryland Department of Planning, including the Maryland Historical Trust found this project to be consistent with their plans, programs, and objectives.

The Maryland Historical Trust has determined that the project will have "no effect" on historic properties and that the federal and/or State historic preservation requirements have been met.

The State Application Identifier Number must be placed on any correspondence pertaining to this project. The State Clearinghouse must be kept informed if the approving authority cannot accommodate the recommendation.

Please remember, you must comply with all applicable state and local laws and regulations. If you need assistance or have questions, contact the State Clearinghouse staff person noted above at 410-767-4490 or through e-mail at myra.barnes@maryland.gov. Also, please complete the attached form and return it to the State Clearinghouse as soon as the status of the project is known. *Any substitutions of this form must include the State Application Identifier Number. This will ensure that our files are complete.*

Ms. Rose-Michele Nardi, J.D.

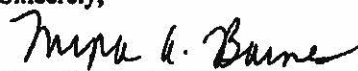
April 30, 2018

Page 2

State Application Identifier: MD20180327-0200

Thank you for your cooperation with the MIRC process.

Sincerely,

A handwritten signature in black ink that reads "Myra Barnes". The signature is written in a cursive, flowing style.

Myra Barnes, Lead Clearinghouse Coordinator

MB:MB

Enclosure(s)

cc: Greg Golden - DNR
Amanda Degen - MDE

Tina Quinichette - MDOT
Wendy Scott-Napier - DGS

Jaime Cramer - BCIT
Bihui Xu - MDPI-T

Joseph Griffiths - MDPL
Beth Cole - MHT

18-0200_CRRCLS.docx



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Robert S. McCord, Acting Secretary

PROJECT STATUS FORM

Please complete this form and return it to the State Clearinghouse upon receipt of notification that the project has been approved or not approved by the approving authority.

TO: Maryland State Clearinghouse
Maryland Department of Planning
301 West Preston Street
Room 1104
Baltimore, MD 21201-2305

DATE: _____
(Please fill in the date form completed)

FROM: _____
(Name of person completing this form.)

PHONE: _____
(Area Code & Phone number)

RE: State Application Identifier: MD20180327-0200
Project Description: Canton Railroad Company - Abandonment in Baltimore City, MD (Docket No. AB-193(Sub-No.3X))

PROJECT APPROVAL

This project/plan was: ☐ Approved ☐ Approved with Modification ☐ Disapproved

Name of Approving Authority: _____

Date Approved: _____

FUNDING APPROVAL

The funding (if applicable) has been approved for the period of:

_____, 201__ to _____, 201__ as follows:

Federal \$: _____

Local \$: _____

State \$: _____

Other \$: _____

OTHER

☐ Further comment or explanation is attached

Maryland Department of Planning • 301 West Preston Street, Suite 1101 • Baltimore • Maryland • 21201

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

MDPCH-1F

CANTON RAILROAD COMPANY
ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8

ABANDONMENT IN BALTIMORE CITY, MD
DOCKET NO. AB-193 (Sub-No. 3X)
STATE APPLICATION IDENTIFIER: MD20180327-0200

ATTACHMENT 5

MARYLAND DEPARTMENT OF
THE ENVIRONMENT CORRESPONDENCE



Canton Railroad Company- Baltimore City Abandonment

Stephanie Cobb Williams -MDE-

to:

RNardi

12/03/2018 09:14 AM

Hide Details

From: Stephanie Cobb Williams -MDE- <stephaniecobb.williams@maryland.gov>

To: RNardi@bakerandmiller.com

History: This message has been replied to.

Good morning Rose-Michelle,

My client requested that I ask you whether Canton Railroad Company intends to abandon the railroad ties and other works in place, or whether the railroad ties and other works will be removed. There may be concern with regard to the chemicals that are used to treat the railroad ties. Please advise, thank you.

Stephanie Cobb Williams
Deputy Counsel
Office of the Attorney General
Maryland Department of the Environment
1800 Washington Boulevard
Suite 6048
Baltimore, Maryland 21230
(410) 537-3040 (office)
(410) 537-3943 (facsimile)
(443) 813-1666 (cell)

[Click here](#) to complete a three question customer experience survey.



Re: Canton Railroad Company- Baltimore City Abandonment

Rose-Michele Nardi to Stephanie Cobb Williams -MDE-

12/06/2018 10:41 AM

Stephanie,

The rail for most of the Subject Line already has been removed, but the ties remain. Canton intends to remove the ties from most of the Subject Line and recycle them, if appropriate, by using them on other parts of its rail system. Canton plans to appropriately dispose of rail ties not so recycled. More than 20 years ago, a third-party facility owner paved over approximately 300 feet of the Subject Line; Canton does not intend to perform any salvage activities for that segment of the line.

Please let me know if you need additional information.

Regards,

Rose-Michele

Rose-Michele Nardi
Partner
Baker and Miller PLLC
Suite 300
2401 Pennsylvania Ave, N.W.
Washington, D.C. 20037
(202) 663-7820
(202) 663-7849 (Fax)

The above message may be privileged, confidential and protected from disclosure by attorney/client, work product or other privileges. If you believe that it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error. Then delete it. Thank you

TAX ADVICE DISCLAIMER: Any federal tax advice contained in this communication (including attachments) was not intended or written to be used, and it cannot be used, by you for the purpose of (1) avoiding any penalty that may be imposed by the Internal Revenue Service or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Stephanie Cobb Williams -MDE- Hi Rose-Michelle, Sounds good, t...

12/04/2018 07:16:32 AM

From: Stephanie Cobb Williams -MDE- <stephaniecobb.williams@maryland.gov>
To: RNardi@bakerandmiller.com
Date: 12/04/2018 07:16 AM
Subject: Re: Canton Railroad Company- Baltimore City Abandonment

Hi Rose-Michelle,

Sounds good, thank you and safe travels.

Stephanie Cobb Williams
Deputy Counsel
Office of the Attorney General
Maryland Department of the Environment
1800 Washington Boulevard

CANTON RAILROAD COMPANY

**ENVIRONMENTAL AND HISTORIC REPORT
MADE PURSUANT TO 49 CFR §§ 1105.7 AND 1105.8**

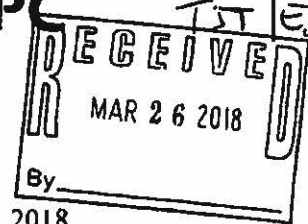
**ABANDONMENT IN BALTIMORE CITY, MD
DOCKET NO. AB-193 (Sub-No. 3X)
STATE APPLICATION IDENTIFIER: MD20180327-0200**

ATTACHMENT 6

MARYLAND HISTORICAL TRUST RESPONSES

20171547

TRANSPORT COUNSEL PC
ATTORNEYS AT LAW



March 22, 2018

BY FIRST-CLASS MAIL

Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032-2023

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

Jim Jarman Date 4/16/18

Re: Canton Railroad Company
--Abandonment in Baltimore City, MD --
Docket No. AB-193 (Sub-No. 3X)

Dear Sir/Madam:

On or after May 11, 2018, Canton Railroad Company ("Canton") expects to file with the Surface Transportation Board (the "Board") a petition for exemption ("Petition") pursuant to 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903, the section of the ICC Termination Act of 1995 that regulates abandonment of rail lines. This notice concerns the abandonment of approximately 1,200 linear feet of track in Maryland from approximately P.S. #6 Turnout STA. 0+00 to STA. 8+73.17, which track is situated in Baltimore City, Maryland (the "Subject Line"). The Subject Line runs through United States Postal Zip Code 21224.

A map identifying the location of the Subject Line is attached hereto as Exhibit A. The proceeding will be docketed as No. AB-193 (Sub-No. 3X).

Pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, along with its Petition, Canton must file with the Board an environmental and historic report (the "Report") assessing the abandonment. The environmental portion of the Report must address, among other things, the issues listed below, which may be of interest to your agency:

- The effect on any endangered or threatened species or critical habitats.
- The effect on any wildlife sanctuaries or national or state parks or forests.
- Whether any designated wetlands, 100-year flood plains or designated coastal zone areas will be affected.

The historic portion of the Report must address, among other things, the following issues:

- Whether any structures located on the Subject Line, or the area on which the line is located, should be listed on the National Register of Historic Places.

1A DT/EJC 4/16/18

1900 M Street, NW, Suite 400, Washington, DC 20036
Phone: (202) 349-3660 | Fax: (202) 478-2568
www.transportcounsel.com

TRANSPORT COUNSEL PC

- Whether any environmental condition exists that could affect archeological recovery activities

The purpose of this letter is to alert you to the proposed abandonment and to request that you furnish us with any information or comments, or direct any questions to us that you may have regarding the abandonment. If it is your opinion that the above-described abandonment does not raise any concerns from the standpoint of your agency, please furnish our firm with a letter to that effect. A copy of your letter will be attached to Canton's Report to ensure that the Board is fully apprised of your position. We would appreciate a response to this letter as soon as possible so that your views can be incorporated into the Report, which will be sent to you on or after April 21, 2018.

Thank you for your attention to this matter.

Sincerely,

Rose-Michele Nardi: /CSY

Rose-Michele Nardi

BAKER & MILLER PLLC

SUITE 300
2401 PENNSYLVANIA AVE., N.W.
WASHINGTON, D.C. 20037
TELEPHONE: (202) 683-7820
FACSIMILE: (202) 683-7849

November 20, 2018

BY FIRST-CLASS MAIL

Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032-2023

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

John D. [Signature] Date 12/19/18

Re: Canton Railroad Company - Abandonment in Baltimore City, MD -
Docket No. AB- 193 (Sub-No. 3X); State Application Identifier:
MD20180327-0200

Dear Sir/Madam:

By letter dated March 22, 2018, Canton Railroad Company ("Canton") notified you that it expected to file with the Surface Transportation Board (the "Board") a petition for exemption ("Petition") pursuant to 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903, the section of the ICC Termination Act of 1995 that regulates abandonment of rail lines. At that time, Canton noted it expected to abandon approximately 1,200 linear feet of track, but the attached map depicted only 0.17 miles of track (approximately 900 feet). The description in the prior notice also referred to station numbers, but there are no formal station number or milepost designations along this rail line. Attached is a new map that shows the full length (approximately 1,200 feet) of rail line being proposed for abandonment (the "Subject Line").

On or after December 30, 2018, Canton expects to file with the Board its Petition. In connection with its Petition, Canton also must file with the Board an environmental and historic report (the "Report") assessing the abandonment. The purpose of this letter is to alert you to the changes in the description of the Subject Line, and provide you with an additional opportunity to furnish us with any information or comments, or direct any questions to us, regarding the abandonment. We would appreciate any response to this letter as soon as possible so that your views can be incorporated into the Report, which will be sent to you on or after December 10, 2018.

LA TTT 12/10/18

November 20, 2018

Please note that any comments, information, or questions should be sent to the following address (which is different than the address provided in the March 22, 2018, letter):

Rose-Michele Nardi
Baker & Miller PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Email: rnardi@bakerandmiller.com

Thank you for your attention to this matter.

Sincerely,


Rose-Michele Nardi

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Environmental and Historic Report was served on
December 21, 2018, by first-class mail, postage pre-paid, on the following parties:

**Maryland Department of Planning
301 W. Preston Street, Suite 1101
Baltimore, MD 21201**

**Maryland Department of the Environment
1800 Washington Blvd
Baltimore, MD 21230**

**Maryland Department of Natural Resources/Coastal Zone Management
580 Taylor Ave.
Annapolis, MD 21401**

**Catherine E. Pugh, Mayor
City Hall, Room 250
100 North Holliday Street
Baltimore, MD 21202**

**Environmental Protection Agency, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029**

**U.S. Fish & Wildlife Services
c/o Ecological Services
300 Westgate Center Dr.
Hadley, MA 01035**

**US Fish and Wildlife Service, Director, Main Interior
1849 C Street NW, Room 3331
Washington, DC 20240-0001**

**U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000**

**US Army Corps of Engineers
Baltimore District Corporate Communication Office
2 Hopkins Plaza
Baltimore, MD 21201**

**National Park Service, Northeast Region
Attn: Regional Director
1234 Market Street
20th Floor
Philadelphia, PA 19107**

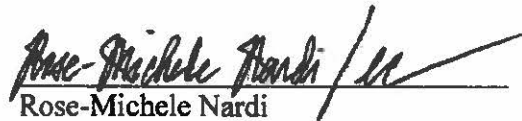
**National Park Service
1849 C Street, NW
Washington, DC 20240**

**USDA - Natural Resources Conservation Service
John Hanson Business Center
339 Busch's Frontage Road
Suite 301
Annapolis, MD 21409-5543**

**USDA, NRCS, Office of the Chief
1400 Independence Ave., SW, Rm 5105-A
Washington, DC 20250**

**Communications and Outreach Branch
NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282**

**Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032-2023**


Rose-Michele Nardi

ATTACHMENT C-1

**SAMPLE TRANSMITTAL LETTER FOR
ENVIRONMENTAL AND HISTORIC REPORTS**

BAKER & MILLER PLLC

SUITE 300
2401 PENNSYLVANIA AVE., N.W.
WASHINGTON, D.C. 20037
TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

Communications and Outreach Branch
NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282

Re: Canton Railroad Company; Abandonment in Baltimore City, MD
Docket No. AB-193 (Sub-No. 3X); State Application Identifier: MD20180327-0200

December 21, 2018

Dear Sir/Madam:

On or after January 10, 2018, Canton Railroad Company expects to be filing with the Surface Transportation Board (Board) a petition for exemption seeking authority to abandon a rail line located in Baltimore City, Maryland. Attached is an Environmental and Historic Report describing the proposed action and any expected environmental and/or historic effects. The report also contains a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 202-245-0245, and refer to Docket No. AB-193 (Sub-No. 3X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to me, the railroad's representative in this matter) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly. I may be contacted at 202-663-7820, by email at rnardi@bakerandmiller.com, or by mail at the address listed above in the letterhead.

Regards,


Rose-Michele Nardi

Representative for Canton Railroad Company

ATTACHMENT C-2

**RESPONSE FROM THE
MARYLAND HISTORICAL TRUST**

201806606

F
STB
TJT

BAKER & MILLER PLLC

SUITE 300
2401 PENNSYLVANIA AVE., N.W.
WASHINGTON, D.C. 20037
TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

DEC 26 2018

Maryland Historical Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032-2023

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

Ann T. Quinn Date 1/2/19

Re: **Canton Railroad Company; Abandonment in Baltimore City, MD**
Docket No. AB-193 (Sub-No. 3X); State Application Identifier: MD20180327-0200

December 21, 2018

Dear Sir/Madam:

On or after January 10, 2018, Canton Railroad Company expects to be filing with the Surface Transportation Board (Board) a petition for exemption seeking authority to abandon a rail line located in Baltimore City, Maryland. Attached is an Environmental and Historic Report describing the proposed action and any expected environmental and/or historic effects. The report also contains a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 202-245-0245, and refer to Docket No. AB-193 (Sub-No. 3X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to me, the railroad's representative in this matter) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly. I may be contacted at 202-663-7820, by email at rnardi@bakerandmiller.com, or by mail at the address listed above in the letterhead.

Regards,

Rose-Michele Nardi
Rose-Michele Nardi

Representative for Canton Railroad Company

1A TST/ENC 1/2/19

**BEFORE THE
SURFACT TRANSPORTATION BOARD**

**CANTON RAILROAD COMPANY
– ABANDONMENT – BALTIMORE CITY, MD**

DOCKET NO. AB-193 (SUB-NO. 3X)

**PETITION FOR EXEMPTION
PURSUANT TO 49 U.S.C. 10502**

EXHIBIT D

DRAFT FEDERAL REGISTER NOTICE

DRAFT FEDERAL REGISTER NOTICE

STB No. AB-193 (Sub-No. 3X)

Notice of Petition for Exemption to Abandon

On January 29, 2019, Canton Railroad Company (Canton) filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a line of railroad sometimes referred to as the OverFlo Track, which extends approximately 1,200 linear feet (approximately 0.23 miles) in Baltimore City, MD, traversing through United States Postal Service ZIP Code 21224 (Subject Line). The Subject Line has no milepost or station designations.

Based on information in Canton's possession, the Subject Line does not contain any federally granted rights-of-way. Any documentation in Canton's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the labor protective conditions set forth in *Oregon Short Line R. Co.- Abandonment - Goshen*, 360 I.C.C. 91 (1979).

Any offer for financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Office of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

**BEFORE THE
SURFACT TRANSPORATION BOARD**

**CANTON RAILROAD COMPANY
– ABANDONMENT – BALTIMORE CITY, MD**

DOCKET NO. AB-193 (SUB-NO. 3X)

**PETITION FOR EXEMPTION
PURSUANT TO 49 U.S.C. 10502**

EXHIBIT E

CERTIFICATE OF PUBLICATION

CERTIFICATE OF PUBLICATION

I hereby certify, based on the information provided in Attachment E-1 hereof, that a newspaper notice regarding the proposed abandonment of the Subject Line was published in The Baltimore Sun, Daily on January 12, 2019.



Rose-Michele Nardi

Baker & Miller PLLC

Attorneys for:

Canton Railroad Company

Dated: January 29, 2019

ATTACHMENT E-1

**CERTIFICATION OF
BALTIMORE SUN MEDIA GROUP**



300 E. Cromwell Street
Baltimore, Maryland 21230
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 6086083

Sold To:

Baker and Miller PLLC - CU80029417
2401 Pennsylvania Ave NW
Ste 300
Washington, DC 20037

Bill To:

Baker and Miller PLLC - CU80029417
2401 Pennsylvania Ave NW
Ste 300
Washington, DC 20037

Was published in "The Baltimore Sun", "Daily", a newspaper printed and published in Baltimore City on the following dates:

Jan 12, 2019

The Baltimore Sun Media Group

By S. Wilkinson

Subscribed and sworn to before me this 14 day of December, 2018

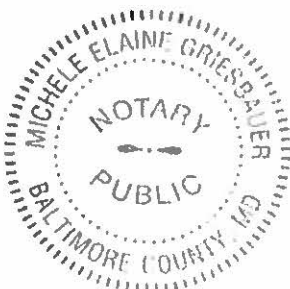
By _____

Michele Elaine

Notary Public

My commission expires

10/5/19



city's population. Last school year, roughly 44 percent of Ingenuity students were African-American and about 5 percent were Hispanic. Across the district, nearly

Students, even those who will graduate from James McHenry before Ingenuity launches, say the program means people will be forced to quit underestimating kids

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It's fast and easy!

LEGAL NOTICES

NOTICE OF RECOMMENDATION TO REMOVE A BUILDING FROM BALTIMORE CITY PUBLIC SCHOOLS' BUILDINGS PORTFOLIO

At a public meeting on January 8, 2019, the Baltimore City Board of School Commissioners ("Board") received a recommendation to return the St. Helens building, located at 4509 Colgate Avenue, Baltimore, Maryland 21222, does not house a school program and is not used for educational purposes, and the Baltimore City Public School System does not require it for future educational use. The Board anticipates voting on this recommendation at its public meeting on February 12, 2019.

The Board will accept written comment or data from the public regarding this recommendation until 5:00 p.m. on February 8, 2019. For postal mail, comments should be addressed to Baltimore City Board of School Commissioners, 200 E. North Avenue, Room 406, Baltimore, MD 21202; for email, send to portfoliorecommendations@bcps.k12.md.us. In order for the Board legally to accept written comments, the sender must fully identify him- or herself in the submission. 6079613 01/10/19

NOTICE OF OPPORTUNITY FOR COMMENT ON CERTAIN HABC PUBLIC HOUSING DOCUMENTS

The Housing Authority of Baltimore City (HABC) is proposing changes to its Centrally Administered Location-Based Waiting List (CALBWL) policy asset forth in the HABC Admissions and Continued Occupancy Policies (ACOP) Guidebook. Draft copies of the proposed CALBWL Policy, and the Summary of Changes to the ACOP are now available for review and comment. The deadline to submit all comments is February 11, 2019.

AVAILABILITY OF DOCUMENTS FOR REVIEW:

The proposed CALBWL Policy, and the Summary of Changes to the ACOP are available for review and inspection on the HABC website at www.baltimorehousing.org and at the following locations:

• HABC Central Office
417 E. Fayette Street - Suite 1317
Baltimore, MD 21202

(Please call Ms. Joyce Stewart at 410-396-1810 to make arrangements to review the documents at the HABC Central Office location).

• HABC Admissions and Leasing Office
1225 West Pratt Street
Baltimore, MD 21223

• The Management Office at all HABC public housing developments.

SUBMISSION OF COMMENTS

Comments on the proposed CALBWL Policy, and the Summary of Changes to the ACOP may be submitted in writing no later than February 11, 2019 to Ms. Stewart at:

Housing Authority of Baltimore City
417 E. Fayette Street - Suite 1317
Baltimore, Maryland 21202
Attention: Joyce Stewart

Ms. Stewart can also be reached via e-mail at joyce.stewart@habc.org. If you are a public housing resident comments may also be submitted in writing to the Asset Manager at your development. 6081287 1/11, 1/12, 1/13/2019

Notice of Intent to Abandon Canton Railroad Company

"Canton" gives notice that on or after January 17, 2019, Canton intends to file with the Surface Transportation Board, Washington, DC, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting Canton to abandon a rail line, which extends approximately 1,200 linear feet (0.23 miles) and traverses through United States Postal Service Zip Code 21224 in Baltimore City, Maryland (the "Subject Line"). The Subject Line has no mispost or station designations, and is sometimes referred to as the Overflo Track. This abandonment proceeding has been docketed as AB-193 (Sub-No. 30).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423 or by calling OEA at 202-245-0295.

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 (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 Canton's representative in this matter: Rose-Michele Nardil, Baker & Miller PLLC, 2401 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20037, 202-663-7820, email at marcelo.bakerandmiller.com. 6086083 01/12/19

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**BEFORE THE
SURFACT TRANSPORTATION BOARD**

**CANTON RAILROAD COMPANY
– ABANDONMENT – BALTIMORE CITY, MD**

DOCKET NO. AB-193 (SUB-NO. 3X)

**PETITION FOR EXEMPTION
PURSUANT TO 49 U.S.C. 10502**

EXHIBIT F

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing petition for exemption was sent on January 29, 2019, by first-class mail, postage prepaid, to the parties listed below:

Maryland Department of Planning
301 W. Preston Street, Suite 1101
Baltimore, MD 21201

National Park Service, Northeast Region
Attn: Regional Director
1234 Market Street
20th Floor
Philadelphia, PA 19107

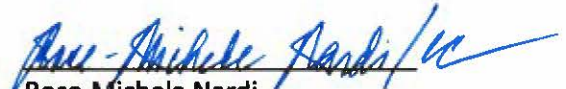
National Park Service
Attn: Conservation and Outdoor Recreation Division,
Rivers, Trail and Conservation Assistance
1849 C Street, NW
Washington, DC 20240

SDDCTEA
1 Soldier Way, Bldg. 1900W
Scott AFB, IL 62225

USDA, Forest Service
Attn: Chief
1400 Independence Ave, SW
Washington, DC 20250-1111

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

Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, MD 21076


Rose-Michele Nardi
Baker & Miller PLLC

Attorneys for:

Canton Railroad Company

Dated: January 29, 2019