

HEI-26418



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

March 7, 2019

Ms. Rose-Michele Nardi, J.D.
Attorneys at Law
Baker & Miller PLLC
2401 Pennsylvania Avenue, NW, Suite 300
Washington, DC 20037

FINAL REVISED: 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 With Qualifying 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.

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.

Our Department (MDP) recommended that the applicant coordinate with the Maryland Historical Trust as there may be historic structures located on/along the rail line subject to be abandoned. In addition, "the Canton Railroad Company track abandonment is a component of the proposed 35 mile Loop Trail as outlined in the Baltimore City Green Network Plan, with which MDP assisted and the City of Baltimore adopted in Sept 2018. The Green Network Plan identified the Loop Trail as an essential component of advancing Baltimore City's vision of community corridors that are integrated into a city-wide network."

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.

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The Maryland Department of Natural Resources (DNR) indicated that they believed that the project was consistent to the maximum extent practicable with their Coastal Zone Management Act (CZMA)-based enforceable policies based on the material presented. However, DNR copied the Maryland Department of the Environment (MDE) to make sure that MDE concurred and to help expedite the approval process.

The basis for this determination includes:

1. MDE via a December 3, 2018 e-mail from Stephanie Cobb Williams (Deputy Counsel, Office of the Attorney General/MDE) to Rose-Michele Nardi (Baker and Miller PLLC, representing Canton Railroad Company), appropriately asked about how the railroad ties would be managed during the abandonment process. Rose-Michele Nardi replied to Stephanie Cobb Williams in a December 6, 2018 e-mail:

"The rail for most of 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 parts of its rail system. Canton plans to appropriately dispose of the rail ties not so recycled. More than 20 years ago, a third-party 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.."

Stephanie Cobb Williams replied in an December 6, 2018 email: "Hi Rose-Michelle, I will forward this information to my client. Thank you for following up with me on this".

2. Further, in the Environmental and Historic Report on page 3 cites a MDP letter that states:

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 plans, programs and objectives.

3. under Proposed Mitigation (p.7):

"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."

Based on this screening of potential coastal effects of this project (i.e. Environmental and Historic Report), agency review responses, and statements and documentation from the Canton Railroad Company, this project has demonstrated consistency to the maximum extent practicable with Maryland's enforceable policies.

The Baltimore City Planning Commission and the Maryland Department(s) of the Environment and Transportation found this project to be generally consistent with their plans, programs, and objectives, and included certain qualifying comments summarized below.

The Baltimore City Planning Commission indicated in their attached March 6, 2019 letter to Diana F. Wood (U.S. Surface Transportation Board), that the corridor in question is part of a Baltimore City adopted Mater Plan, the Green Network Plan, adopted September 27, 2018 <https://planning.baltimorecity.gov/green-network-plan> which includes this area. The Green Network Plan includes a planned 35 mile loop around Baltimore. It is the intention and desire to use this portion of the rail line for the trail. The two adjacent properties have been rezoned to residential and concept plans have been developed for housing.

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The Maryland Department of the Environment (MDE) stated the following:

1. Any above ground or underground petroleum storage tanks, which may be utilized, must be installed and maintained in accordance with applicable State and federal laws and regulations. Underground storage tanks must be registered and the installation must be conducted and performed by a contractor certified to install underground storage tanks by the Land Management Administration in accordance with COMAR 26.10. Contact the Oil Control Program at (410) 537-3442 for additional information.
2. If the proposed project involves demolition – Any above ground or underground petroleum storage tanks that may be on site must have contents and tanks along with any contamination removed. Please contact the Oil Control Program at (410) 537-3442 for additional information.
3. Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3315 for additional information regarding solid waste activities and contact the Resource Management Program at (410) 537-3314 for additional information regarding recycling activities.
4. The Waste Diversion and Utilization Program should be contacted directly at (410) 537-3314 by those facilities which generate or propose to generate or handle hazardous wastes to ensure these activities are being conducted in compliance with applicable State and federal laws and regulations. The Program should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable State and federal laws and regulations.
5. Any contract specifying “lead paint abatement” must comply with Code of Maryland Regulations (COMAR) 26.16.01 - Accreditation and Training for Lead Paint Abatement Services. If a property was built before 1950 and will be used as rental housing, then compliance with COMAR 26.16.02 - Reduction of Lead Risk in Housing; and Environment Article Title 6, Subtitle 8, is required. Additional guidance regarding projects where lead paint may be encountered can be obtained by contacting the Environmental Lead Division at (410) 537-3825.
6. The proposed project may involve rehabilitation, redevelopment, revitalization, or property acquisition of commercial, industrial property. Accordingly, MDE's Brownfields Site Assessment and Voluntary Cleanup Programs (VCP) may provide valuable assistance to you in this project. These programs involve environmental site assessment in accordance with accepted industry and financial institution standards for property transfer. For specific information about these programs and eligibility, please contact the Land Restoration Program at (410) 537-3437.
7. Borrow areas used to provide clean earth back fill material may require a surface mine permit. Disposal of excess cut material at a surface mine may requires site approval. Contact the Mining Program at (410) 537-3557 for further details.

The Maryland Department of Transportation (MDOT) indicated the following:

This is an important part of the Baltimore Loop project that MDOT has been working on with the Office of Freight, several other state agencies, the Rails To Trails Coalition, and the City of Baltimore. This is one of the Rails to Trails Coalition's national priorities. MDOT is diligently working with these stakeholders on a strategy to acquire and preserve this right of way.

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Any statement of consideration given to the comments should be submitted to the approving authority, with a copy to the State clearinghouse. Additionally, 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.**

Thank you for your cooperation with the MIRC process.

Sincerely,



Myra Barnes, Lead Clearinghouse Coordinator

MB:MB

Enclosure(s)

cc: Diana Wood
Greg Golden - DNR
Amanda Redmiles - MDE

Tina Quinichette - MDOT
Wendy Scott-Napier - DGS
Jaime Cramer - BCIT

Bihui Xu - MDPI-T
Victoria Oliver - MDPL
Joseph Griffiths - MDPL

Beth Cole - MIIT

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CATHERINE E. PUGH
Mayor



CHRIS RYER
Director

March 6, 2019

Ms. Diana F. Wood
Office of Environmental Analysis
US Surface Transportation Board
395 E. Street SW, Room 1110
Washington, DC 20423

Re: Docket No. AB- 193 (Sub-No. 3X) [State Application Identifier: MD 20180327-0200]

Dear Ms. Wood:

The City of Baltimore is in receipt of a petition for abandonment of a portion of the Canton Rail line, Track 702 in Baltimore City, referenced as Docket No. AB- 193 (Sub-No. 3X) [State Application Identifier: MD 20180327-0200]

The corridor in question is part of a Baltimore City adopted Master Plan, the Green Network Plan, adopted September 27, 2018 <https://planning.baltimorecity.gov/green-network-plan> which includes this area. The Green Network Plan includes a planned 35 mile trail loop around Baltimore. It is the intention and desire to use this portion of rail line for the trail. The two adjacent properties have been rezoned to residential and concept plans have been developed for housing.

The City of Baltimore intends to pursue negotiations with Canton Rail Road and the prospective buyer as we believe the environmentally appropriate use of this corridor is to serve the public good through the creation of a public-use trail for the transportation, public health, and economic benefits it will bring to Baltimore City.

Should you require any additional information, I can be reached by phone at 410-396-4327. Alternately, I can be reached by e-mail at chris.ryer@baltimorecity.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Ryer", is written over a circular stamp that contains the text "Chris Ryer Director".

Chris Ryer
Director

BALTIMORE CITY PLANNING COMMISSION

Charles L. Benton, Jr. Building 417 East Fayette Street Eighth Floor Baltimore, MD 21202-3416

Plan Design Process



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Robert S. McCord, Secretary
Sandy Schrader, Deputy 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