



KAPLAN KIRSCH ROCKWELL

216864

June 28, 2006



Honorable Vernon A. Williams
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: *Chesapeake Railroad Company – Modified Rail Certificate*
Finance Docket No. 32609

Dear Sir:

I am enclosing an original and ten copies of the Supplemental Motion of the Maryland Transit Administration for Extension of Period for Negotiation of Trail Use Agreement in the above referenced proceeding. An extra copy is enclosed for date stamp and return to our messenger. Please note that a 3.5 inch diskette is also enclosed.

Sincerely,

Charles A. Spivulnik

Enclosures

cc: All Parties of Record

ENTERED
Office of Proceedings

JUN 28 2006

Part of
Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 32609

CHESAPEAKE RAILROAD COMPANY – MODIFIED RAIL CERTIFICATE

**SUPPLEMENTAL MOTION OF THE
MARYLAND TRANSIT ADMINISTRATION
FOR EXTENSION OF PERIOD FOR NEGOTIATION OF
TRAIL USE AGREEMENT**

CHARLES A. SPITULNIK
Kaplan Kirsch & Rockwell LLP
1050 Connecticut Avenue, N.W., 10th Floor
Washington, DC 20036
(202) 955-5600

Counsel for the Maryland Transit Administration

Dated: June 28, 2006

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 32609

CHESAPEAKE RAILROAD COMPANY – MODIFIED RAIL CERTIFICATE

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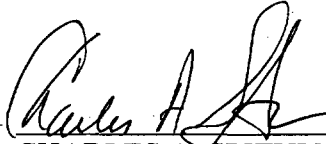
The Maryland Transit Administration (“MTA”), pursuant to 49 U.S.C. §1104.7(b) hereby submits this Supplemental Motion for an extension of the 180-day time period for completion of a Trail Use Agreement in this proceeding.¹ According to the order issued in this proceeding on January 9, 2006, the period for negotiating an agreement expires on July 10, 2006. The MTA is requesting an additional one hundred eighty (180) days through and including January 9, 2007 to complete the required agreement in this proceeding.

MTA is negotiating an agreement with the Maryland Department of Transportation (“MDOT”) to assume the responsibility of trail user with respect to this property. MDOT has executed the Statement of Willingness to Assume Financial Responsibility that is required by 49 C.F.R. § 1152.29. That statement is attached hereto as Exhibit 1. MDOT has asked for additional time to complete its inspection of the line prior to taking on those responsibilities, and has authorized MTA to state that it concurs with this request for an extension.

¹ On June 7, 2006, MTA filed a request for an extension of time to permit it to conclude negotiation of a Trail Use Agreement with the Maryland Department of Natural Resources (“DNR”). This Supplemental Motion is required because MTA is now negotiating a trail use agreement with the Maryland Department of Transportation.

WHEREFORE, and in view of the foregoing, MTA respectfully requests the Board to extend the time for completion of Trail Use Agreement in this proceeding through and including January 9, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles A. Spitulnik", is written over a horizontal line.

CHARLES A. SPITULNIK
Kaplan Kirsch & Rockwell LLP
1050 Connecticut Avenue, N.W., 10th Floor
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(202) 955-5600

Counsel for the Maryland Transit Administration

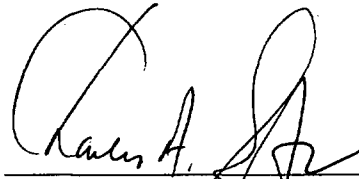
Dated: June 28, 2006

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served a copy of the foregoing
SUPPLEMENTAL MOTION OF THE MARYLAND TRANSIT ADMINISTRATION FOR
EXTENSION OF PERIOD FOR NEGOTIATION OF TRAIL USE AGREEMENT, upon the
following parties of record in this proceeding by first class mail with postage prepaid and
properly addressed:

General Counsel
American Short Line and Regional Railroad Association
50 F Street, N.W., Suite 7020
Washington, DC 20001

Edward G. Banks, Jr.
Maryland Delaware Railroad
106 Railroad Avenue
Federalsburg, MD 21632-1499



Charles A. Spitulnik

Dated this 28th day of June, 2006

Exhibit 1

Maryland Department of Transportation Statement of Willingness to Assume Financial Responsibility

Statement of Willingness To Assume Financial Responsibility

In order to establish interim trail use and rail banking under 16 U.S.C. §1247(d) and 49 CFR 1152.29, the Maryland Department of Transportation ("MDOT") (Interim Trail User) is willing to assume full responsibility for management of, and to indemnify the Maryland Transit Administration ("MTA") for any potential legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by the MTA and formerly operated by the Maryland and Delaware Railroad. The property, known as Clayton-Easton line, extends from railroad milepost 00.0 at Clayton, DE, and milepost 45.3 at Easton, MD, and a connecting branch line between milepost 00.0 at Queen Anne, MD, and milepost 8.8 at Denton, MD a distance of 54.1 miles. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. 32609 and STB Docket No. 29830.

A map of the property depicting the right-of-way is attached.

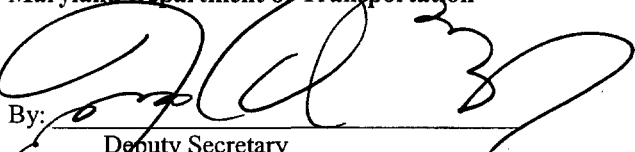
MDOT acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad(s) on the same date it is being served on the Board.

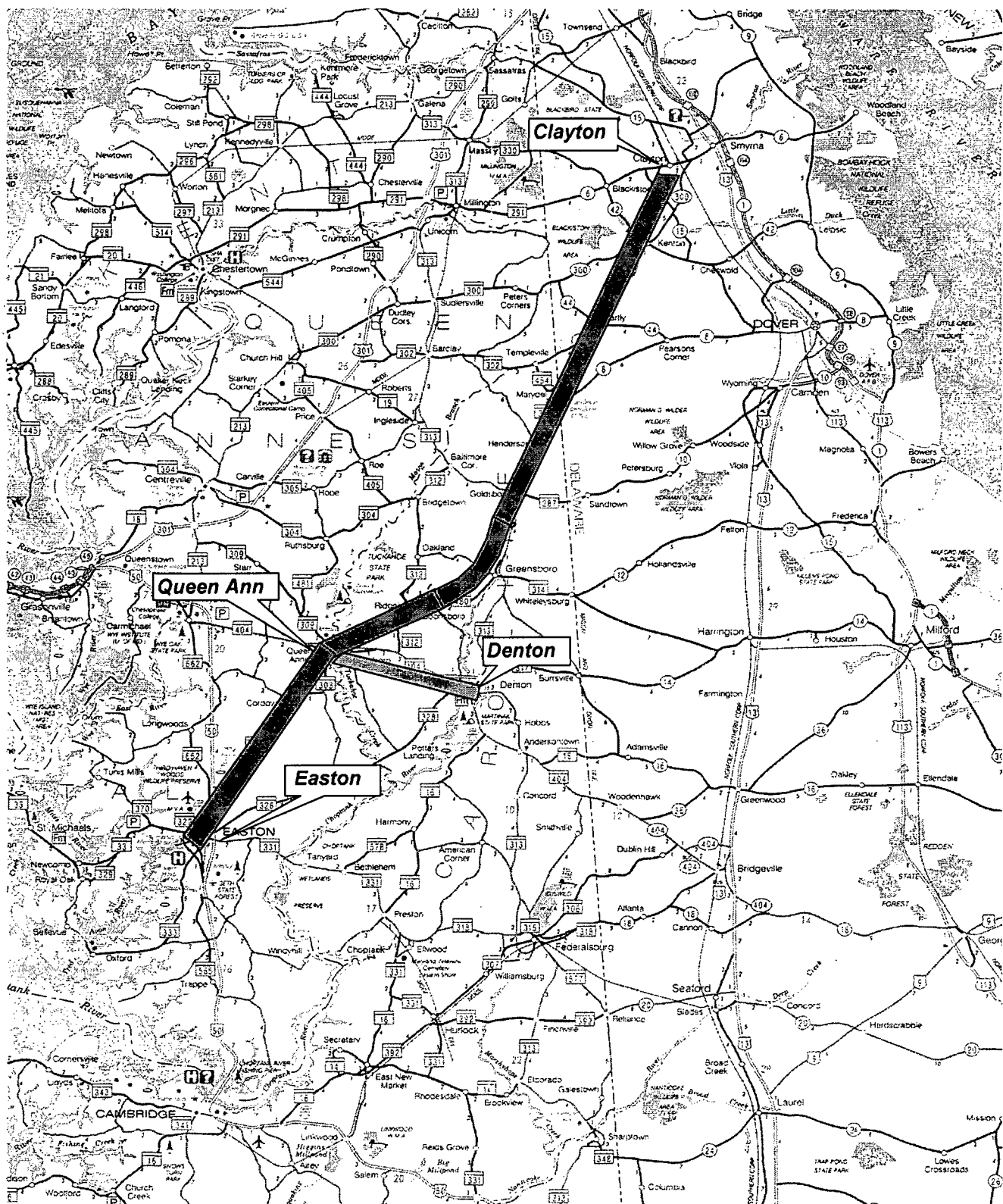
Submitted this 26th day of June 2006

Witness:



Maryland Department of Transportation


By: _____
Deputy Secretary



Key:



Clayton - Easton Line



Queen Ann - Denton Line