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DATE: February 5, 2007

RE: FD No. 34982.

TO: Vernon A. Williams, Secretary
Surface Transportation Board

ENTERED
Office of Proceedings

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Public Record

Dear Mr. Williams:

On February 2, 2007, three comments were filed in FD 34982 *Notice of Exemption - Acquisition and Operation - In Baltimore City, Maryland* ("NOE"). As of today, February 5, 2007, I have not received a copy of the comments submitted by the Maryland Transit Administration or by the Baltimore Streetcar Museum. I did download a copy of the comments that were posted on the Board's Web Site.

In footnote One of the Board's January 26, 2007 decision in this case, the Board indicated that if authority was granted to abandon the line which is the subject of this NOE, then my NOE should be filed under 49 USC §10901 and 49 CFR 1150.31 *et. seq.*, rather than under 49 USC §10902 and 49 CFR 1150.41 *et. seq.* One commenter, Louis Gitomer, counsel for CSXT, indicated the Interstate Commerce Commission ("Commission") granted the Maryland and Pennsylvania Railroad ("MPR") authority to abandon that portion of MPR's line that is the subject of my NOE. Mr. Gitomer cited *Maryland & P.R. Co. Abandonment*, 295 I.C.C. 719 (1958). In its opinion, the Commission stated the abandonment was "specifically made subject to the condition that any part of the line, tracks, and appurtenant facilities essential to continued operation in the performance of railroad service shall be sold to any responsible firm, person, or corporation offering, at any time prior to the effective date of the certificate herein (35 days from its service), to purchase the line of railroad involved or any portion or portions thereof at a price not less than the net salvage value of the property sought to be acquired." *Id.* at 727.

On page one of an article posted on the Baltimore County, Maryland Web Site, entitled *Unsung Monuments in "The Monumental City,"* appears a photograph depicting the portion of the MPR that went under the North Avenue bridge. The byline for the photograph states:

"Longest surviving piece of MA & PA trackage in Baltimore is this track at the North Avenue Bridge which was used as an interchange to the Pennsylvania Railroad tracks just west of Pennsylvania [sic] Station. In reality, the rails were laid down by the PRR around 1960, as they still used the rails after MPA abandonment to reach Morgan Millwork."

On Sunday, February 4, 2007, I inspected the rail which is depicted in this photograph, and those additional portions of rail still visible on that portion of the line which is the subject of my NOE. The rail is 130-pound rail. The Morgan Millwork turnout, which is located approximately 200-

feet north of the top of the photograph, is a PRR 152-pound No. 8 turnout

On page 721 of the Commission's Opinion, the Commission stated: "The rail of the line's trackage consists of 12.35 miles of 70-pound weight laid in 1900; 18.9 miles of 80- and 90-pound weight laid as part of a gradual renewal program between 1917 and 1927; and 11.15 miles of similar weight laid since 1927." On page 726 of the Opinion, the Commission stated: "The millwork warehouse at Baltimore [Morgan Millwork] receives between 120 and 150 carloads of various items which move in small packages and require unloading by hand. The traffic moves over the line about 0.5 mile from the point of connection with the Pennsylvania or the Baltimore & Ohio ..."

Based on the facts recited above, it would appear the PRR did acquire that portion of the MPR line that is the subject of my NOE, replaced the MPR's 90-pound rail with 130-pound rail, and replaced the MPR's 90-pound turnout with a PRR 152 # turnout. The Commission's Opinion also stated Morgan Millwork received traffic from both the Baltimore and Ohio and Pennsylvania railroads, and that this traffic moved over the portion of the MPR line that is the subject of my NOE. It should also be noted, the only Maryland portion of the MPR line that still has rails on it, is that portion which is the subject of my NOE.

From the facts recited above, I would deduce the PRR acquired that portion of the MPR line that is the subject of my NOE, then continued to use it as a line of railroad. Since Morgan Millwork had shipped / received traffic from the B&O via the MPR / B&O interchange, it would be reasonable to conclude that Morgan Millwork continued to ship / receive traffic on the B&O. Based on the above, it would appear that portion of the MPR line that is the subject of my NOE, continued to be used as a line of railroad after the MPR was granted authority to abandon its line of railroad.

The Baltimore Trolley Museum and the Maryland Transit Administration both have requested the effective date of my NOE be stayed. If the Board thinks a stay for 30-days would be appropriate, I would not oppose a 30-day stay. If the Board does grant a stay, I would suggest the period for filing comments be extended by two-weeks, to February 16, 2007. This would provide interested parties who have not made comments, time to file comments. It also would give me sufficient time to research the Board's records to ascertain whether the PRR / B&O ever filed a Petition to abandon that portion of the MPR line that they operated on.

Following the comment period, I would propose to file my reply to whatever comments were filed.

Respectfully,



James Riffin dba The Northern Central Railroad
Applicant

Visiting Monuments in "The Monumental City"

museums

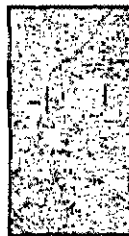
"The Ma & Pa"

all photos by Adam Paul



Longest surviving piece of MA & PA trackage in Baltimore is this track at the North Avenue Bridge which was used as an interchange to the Pennsylvania Railroad tracks just west of Pennsylvania Station. In reality, the rails were laid down by the PRR around 1930, as they still used the rails after MPA abandonment to reach Morgan Millwork.

It was often called "WORLD FAMOUS." Others referred to it as the "model railroad built to the scale of 12 inches to the foot." Officially known as THE MARYLAND & PENNSYLVANIA RAILROAD, the "Ma & Pa" was arguably the most loved and cherished railroad in Baltimore. It carried with it a degree of charm not often seen on the larger railroads, largely the result of it's hilly, twisting route and smaller trains. It ran steam trains in regular service until the early 1950's, which were only sidelined as the road's traffic declined.



[Click Here to see a map of the Baltimore area trackage covered by the MA & PA.](#)

In 1958, the "Ma" of the Ma & Pa all but died, as the Maryland district trackage was abandoned, aside from a small part in Northernmost Harford County to Whiteford. Eventually, by the 1970's, the line would assume control of a ex-Pennsy line into