



FEE RECEIVED

DLA Piper US LLP
The Marbury Building
6225 Smith Avenue
Baltimore, Maryland 21209-3600
www.dlapiper.com

OCT 22 2007

R W Smith Jr
jay.smith@dlapiper.com
T 410 580 4266
F 410 580 3001

220501

**SURFACE
TRANSPORTATION BOARD**

October 22, 2007

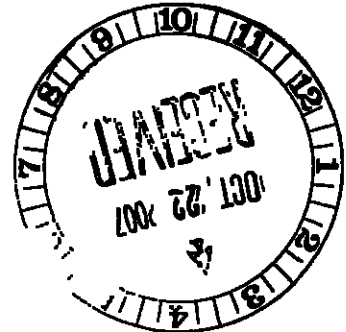
**ENTERED
Office of Proceedings**

Via Hand Delivery

OCT 22 2007

Honorable Vernon A Williams
Secretary
Surface Transportation Board
395 E Street, S W
Washington, D C 20423-0001

**Part of
Public Record**



EXPEDITED CONSIDERATION REQUESTED

FILE

RE Finance Docket No. 35099
Maryland Midland Railway, Inc
-- Acquisition and Operation Exemption --
Certain Assets of the Maryland Transit Administration

OCT 22 2007

**SURFACE
TRANSPORTATION**

Dear Secretary Williams

Pursuant to 49 C.F.R. §1150.42(c), Maryland Midland Railway, Inc. ("MMID") hereby certifies that on October 22, 2007, the attached Notice to MMID Employees ("Labor Notice") was posted at the workplace of the affected MMID employees on lines of railroad that MMID acquired from the Maryland Transit Administration ("MTA") in January 2006 and that are the subject of the above-captioned proceeding. Those employees are not represented by national labor unions and therefore no notice has been provided to such unions.

In conjunction with its provision of this certification as required by §1150.42(e), MMID hereby petitions for a waiver of the usual requirement that the Notice of Exemption filed in the above-captioned proceeding cannot become effective until 60 days after the Labor Notice has been posted and served in accordance with applicable requirements. The purpose of the advance notice requirement at 49 CFR §1150.42(e) is to ensure that rail labor unions and employees who might be adversely affected by the transfer of a line of railroad are given sufficient notice of the transaction before consummation. In this situation, there will be no such adverse impacts.



As further described in the Notice of Exemption that is being filed concurrently with this letter, MMID acquired the following lines of railroad from MTA in January 2006: (i) the approximately 8-mile line of railroad between approximately milepost 32.6, at or near Westminster, MD and approximately milepost 24.3 at or near Cedarhurst, MD, and (ii) the approximately 20-mile line of railroad between approximately milepost 60.1 at or near Walkersville, MD and approximately milepost 39.6 at or near Littlestown, PA. MMID has been operating over these lines of railroad (except for the approximately 6-mile segment between Taneytown, MD and Littlestown, PA, which has been inactive for many years) for more than 15 years. There are no existing customers and there are no current rail operations on the segment between Taneytown and Littlestown.

In this unusual situation, MMID respectfully seeks a waiver of the 60-day advance notice requirement. MMID believes that a 30-day notice period should be sufficient for the following reasons: (i) MMID employees have operated over the active segments of the lines of railroad acquired from MTA for more than 15 years, (ii) there have been no recent operations over the inactive segment acquired from MTA between Taneytown and Littlestown, (iii) MMID will be providing 30 days notice to its own employees that it acquired ownership of the relevant lines of railroad from MTA more than one year ago, and (iv) there will be no operational changes or other adverse impacts on MMID employees as a result of the filing of MMID's Notice of Exemption with the STB. MMID previously was the sole common carrier operator on the active lines of railroad in question and MMID will continue to be the sole common carrier on the lines of railroad that it acquired from MTA, the only difference being that MMID now owns the lines of railroad that it previously operated under various contract arrangements with MTA.

In similar circumstances, the Board has granted full or partial waivers of the 60-day advance notice requirement. See, e.g., Portland & Western Railroad, Inc. – Acquisition and Operation Exemption – Union Pacific Railroad Company, Finance Docket No. 34792 (STB served Nov. 22, 2006). MMID respectfully believes it is entitled to the same waiver relief in this proceeding and seeks expedited consideration of this waiver request so that the notice of exemption becomes effective on November 21, 2007.



Vernon A. Williams
October 22, 2007
Page 3

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

Respectfully submitted,

R. W. Smith, Jr.
R W Smith, Jr
DLA Piper US LLP

Encl

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35099

MARYLAND MIDLAND RAILWAY, INC
-- ACQUISITION AND OPERATION EXEMPTION --
CERTAIN ASSETS OF THE MARYLAND TRANSIT ADMINISTRATION

NOTICE TO MMID EMPLOYEES

Pursuant to the regulations of the Surface Transportation Board (the "Board") at 49 C F R §1150 42(e), Maryland Midland Railway, Inc ("MMID") hereby provides notice to MMID employees that MMID is filing a Notice of Exemption with the Board in connection with its January 23, 2006 purchase of the following lines of railroad from Maryland Transit Administration ("MTA") (i) the approximately 8-mile line of railroad between approximately milepost 32 6, at or near Westminster, MD and approximately milepost 24 3 at or near Cedarhurst, MD, and (ii) the approximately 20-mile line of railroad between approximately milepost 60 1 at or near Walkersville, MD and approximately milepost 39 6 at or near Littlestown, PA MMID has been operating over these lines of railroad (except for the segment between Tancytown, MD and Littlestown, PA, which has been inactive) for more than 15 years

Because the acquisition occurred more than one year ago, MMID does not now anticipate hiring any additional employees or making any operational changes as a result of the acquisition. Questions regarding this Notice of Exemption filing with the Board or the prior sale transaction with MTA should be directed to David W. Bordner, Maryland Midland Railway, Inc., 40 N Main Street, Union Bridge, Maryland 21791, (410) 771-7718

Maryland Midland Railway, Inc

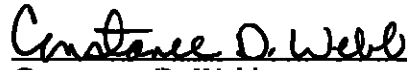
By  _____

Dated October 18, 2007

CERTIFICATE OF SERVICE

I hereby certify that a copy each of the foregoing Notice of Exemption and Certification of Posting of Labor Notice was served on the following party by Federal Express on this 22nd day of October, 2007.

Maryland Transit Administration
c/o Maryland Department of Transportation
Office of Freight Logistics
7201 Corporate Center Drive
P O Box 548
Hanover, MD 21076


Constance D Webb