

SERVICE DATE – MARCH 30, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34975

MARYLAND TRANSIT ADMINISTRATION—PETITION FOR DECLARATORY ORDER

Decided: March 29, 2007

By a petition filed on December 22, 2006, the Maryland Transit Administration (MTA)¹ requests a declaratory order, stating that its 1990 acquisition of a 14.22-mile line of railroad between milepost 0.0 (more or less) in Baltimore, MD, and milepost 15.4 (more or less) in Cockeysville, MD, known as the Cockeysville Industrial Track (CIT), was outside the Board's jurisdiction. On January 11, 2007, Mr. James Riffin filed comments, and CNJ Rail Corporation (CNJ) filed a notice of intent to participate and motion for leave to late file its reply, as well as a reply along with another motion for leave to late file.²

Before the Board can evaluate the merits of MTA's petition, MTA must explain its apparent inconsistent descriptions of the CIT. In its petition, MTA states that the line is 14.22 miles in length, but also describes the CIT as being between milepost 0.0 (more or less) and milepost 15.4 (more or less), which generally indicates, without more information, a distance of approximately 15.4 miles.³ There are also allegations suggesting that portions of the CIT may have been sold, salvaged or blocked, particularly between milepost 13.8 and milepost 15.4.

Accordingly, for purposes of administrative efficiency, MTA is directed to submit, within 15 days of the service date of this decision, an explanation of the discrepancy between the stated length of the line and the corresponding stated mileposts. MTA should also describe and explain the sale or salvage of any portion of the CIT since MTA acquired it, and any and all obstacles that could potentially inhibit freight rail service on any portion of the CIT. Further, MTA should include in its submission a detailed map of the CIT between milepost 0.0 and milepost 15.4, showing any out-of-service sections of the line.

¹ MTA is a modal administration of the Maryland Department of Transportation acting for and on behalf of the State of Maryland.

² The motions for leave to late file a reply are moot because CNJ timely filed its reply.

³ In a recent case concerning the CIT between milepost 0.0 and milepost 13.8, there was a discrepancy in the line length that caused the Board to deny the petition for abandonment exemption filed by the freight operator on the CIT, Norfolk Southern Railway Company. See Norfolk Southern Railway Company—Abandonment Exemption—In Baltimore County, MD, STB Docket No. AB-290 (Sub-No. 237X), slip op. at 3 (STB served Apr. 3, 2006).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. MTA is directed to submit additional information as discussed in this decision by April 16, 2007.
2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary