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SERVICE DATE – DECEMBER 30, 2014

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 590 (Sub-No. 1X)

MARYLAND TRANSIT ADMINISTRATION—ABANDONMENT EXEMPTION—
IN SOMERSET COUNTY, MD.

Decided: December 29, 2014

This decision imposes a housekeeping stay, postponing the effective date of the exemption sought in this proceeding.

On November 26, 2014, Maryland Transit Administration (MTA), a noncarrier, filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 14.57 miles of rail line in Somerset County, Md., between valuation station 90+50, as shown on valuation map V19-38, near Final System Plan MP 1.2 near Kings Creek, Md., and valuation station 850+35 +/-, as shown on valuation map V19-53, near Final System Plan MP 16.3 near Crisfield, Md. (the Line). MTA concurrently filed a petition seeking an exemption from the offer of financial assistance and the public use provisions at 49 U.S.C. § 10904 and 49 U.S.C. § 10905, respectively.

In its notice, MTA states that it acquired the Line in 1982 after it had been approved for abandonment and, thus, was exempt from the requirement to seek Interstate Commerce Commission approval to acquire the Line.¹ For the same reasons, MTA also states that it is exempt from the Board's requirements for seeking abandonment authority but nonetheless submitted the notice in this proceeding to make clear its intent to abandon and provide an opportunity to preserve the right-of-way for the potential reactivation of freight service by railbanking the Line.²

A housekeeping stay will be imposed to provide sufficient time for the Board to fully consider the arguments presented. The effective date of the exemption will accordingly be postponed until further order of the Board. The environmental review process will also be held in abeyance.

¹ MTA Verified Notice of Exemption 2 n.1. MTA indicates that the line was obtained pursuant to Common Carrier Status of States, State Agencies & Instrumentalities, & Political Subdivisions, 363 I.C.C. 132 (1980), aff'd sub nom. Simmons v. ICC, 697 F.2d 326 (D.C. Cir. 1982).

² Id.

It is ordered:

1. The effective date of the exemption is postponed until further order of the Board.
2. The environmental review process is held in abeyance.
3. This decision is effective on its service date.

By the Board, Daniel R. Elliott III, Chairman.