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April 15, 2011

E-Filing

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: *Competition in the Rail Industry*, Docket No. EP 705

Dear Ms. Brown:

I am enclosing one copy each of the Motion of the Maryland Department of Transportation for Leave to Late File Comments and the Comments of the Maryland Department of Transportation in the above reference docket.

Please contact me if you have any questions.

Sincerely,

Charles A. Spitulnik

Enclosure

cc: All Parties of Record

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. EP 705

COMPETITION IN THE RAIL INDUSTRY

**MOTION OF THE MARYLAND DEPARTMENT OF TRANSPORTATION FOR
LEAVE TO LATE FILE COMMENTS**

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Counsel for the Maryland Department of
Transportation

Dated: April 15, 2011

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. EP 705

COMPETITION IN THE RAIL INDUSTRY

**MOTION OF THE MARYLAND DEPARTMENT OF TRANSPORTATION FOR
LEAVE TO LATE FILE COMMENTS**

The Maryland Department of Transportation, an executive administration of the State of Maryland, acting on behalf of the State of Maryland (“MDOT”) by this motion is requesting authority from the Surface Transportation Board (“STB” or the “Board”) to late file Comments in the above-captioned proceeding.¹

MDOT directs and oversees the planning, construction and operation of Maryland's highway, transit, maritime and aviation facilities, as well as the Maryland Motor Vehicle Administration. MDOT is the public entity responsible for oversight of Maryland Port Administration, which includes the public facilities at the Port of Baltimore and for encouraging the presence in the State of a fully developed and competitive rail network (along with the web of highways that serve the Maryland shipping public).

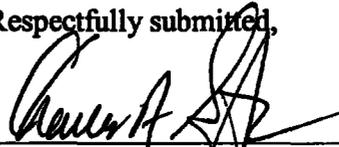
Accordingly, MDOT represents the public interest with respect to issues relating to access to freight rail service and concomitant competitive issues in Maryland. MDOT respectfully requests that it be permitted to enter its Comments in this proceeding in order to ensure that its interests are represented before the Board. MDOT does not propose to extend the scope of issues beyond those stated by the Board in its February 4, 2011, Notice initiating this proceeding. No person will be prejudiced by the Board's acceptance of MDOT's late-filed

¹ MDOT is simultaneously submitting its Comments with this petition.

Comments, since ample time remains prior to the due date for Replies in this matter on June 3, 2011.

WHEREFORE, the Maryland Department of Transportation respectfully requests that the Board permit MDOT to submit its late-filed Comments to be entered into the record of the above-captioned proceeding.

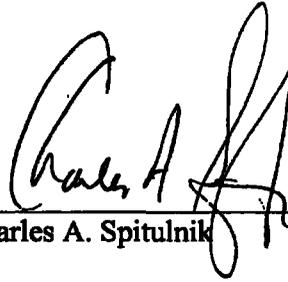
Respectfully submitted,



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Certificate of Service

I hereby certify that on this 15th day of April, 2011, I caused to be served a copy of the foregoing MOTION FOR LEAVE TO LATE-FILE COMMENTS of the Maryland Department of Transportation to be served by first class mail, postage prepaid, upon all parties who have submitted comments in this proceeding.

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

Charles A. Spitulnik