



KAPLAN KIRSCH ROCKWELL

227847



September 22, 2010

Via hand delivery

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

ENTERED
Office of Proceedings

SEP 22 2010

Part of
Public Record

**Re: The Maryland and Delaware Railroad Company – Modified Certificate of Public Convenience and Necessity
STB Docket No. 29830**

Dear Ms. Brown:

I am enclosing an original and ten copies of the Notice of the Maryland and Delaware Railroad Company of Partial Termination of Modified Certificate of Public Convenience and Necessity for filing in the above referenced proceeding.

I am also submitting the Town of Chestertown's Request for Interim Trail Use under separate cover.

Please date stamp the additional enclosed copy of the Notice and return it to our courier. Please contact me with any questions about the enclosed.

Sincerely,

Allison I. Fultz

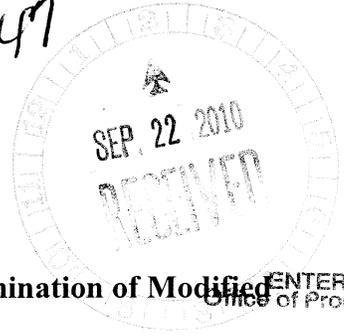
Enclosure

227847

Before the
Surface Transportation Board

STB Docket No. 29830

The Maryland and Delaware Railroad Company – Partial Termination of Modified Certificate
Of Public Convenience and Necessity



SEP 22 2010

Part of
Public Record

STB Docket No. 29830

The Maryland and Delaware Railroad Company - Modified Rail Certificate – Trail Use
Request

**Notice of The Maryland and Delaware Railroad Company
Of Partial Termination of Modified Certificate of Public Convenience and Necessity**

Pursuant to 49 C.F.R. § 1152.24, The Maryland and Delaware Railroad Company (“MDDE”) hereby submits this Notice of its intent to terminate service over a portion of the line known as the Chestertown Secondary Track between Townsend, DE, and Chestertown, MD. This line, among others, is addressed in MDDE’s modified certificate of public convenience and necessity issued by the Interstate Commerce Commission in *Maryland and Delaware R. Co. – Modified Rail Certificate*, Finance Docket No. 29830 (Service Date Feb. 9, 1982) (the “Modified Certificate”). A copy of the Modified Certificate is attached as **Exhibit A**. MDDE will terminate service over the approximately 2-mile segment of line from Val. Sta. 993+45 south of Worton, MD, to the end of the line at Val. Sta. 1071+41 in Chestertown, MD, and also including the right-of-way known as the Strawboard Branch from High Street at Val. Sta. 0+00 to its terminus at Val. Sta. 50+40, all within the municipal limits of Chestertown, Kent County, MD (the “Segment”). MDDE requests that the Board partially terminate the Modified Certificate as it applies to the Segment. MDDE will terminate service effective November 21, 2010, sixty (60) days following the date of this Notice.

MDDE conducts freight operations on the lines authorized in the Modified Certificate pursuant to an agreement dated June 25, 2008, with the Maryland Transit Administration, the fee owner of the Line ("MTA"). The operations permitted pursuant to the agreement do not extend as far as the Segment. Accordingly, MDDE has not operated freight service over the Segment, and no freight service has moved over the Segment for over twenty years. As a result, MDDE is not providing notice to any shippers at this time.

Additionally, we are advised that the Town of Chestertown, Maryland (the "Town"), is simultaneously filing a request for Notice of Interim Trail Use for the Segment in order to construct a recreational trail. The Town has indicated that it is willing to serve as the trail sponsor pursuant to the requirements set forth at 49 C.F.R. § 1152.29. MDDE does not object to the Town's request for interim trail use authority, under which the Town proposes to enter into a trail use agreement with MTA.

A map of the property depicting the Segment is attached as **Exhibit B**.

Submitted this 22nd day of Sept., 2010

Witness:

Edw Bandy

**The Maryland and Delaware Railroad
Company:**

By: _____

Eric H. Callaway
President

Eric H. Callaway

Exhibit A

Modified Certificate

[attached hereto]

CC

SERVICE DATE
FEB 9 1982

INTERSTATE COMMERCE COMMISSION

Finance Docket No. 29830

MARYLAND AND DELAWARE RAILROAD COMPANY

Modified Rail Certificate

January 29, 1982

NOTICE:

On January 6, 1982, a notice was filed by the Maryland and Delaware Railroad Company (M&D) for a modified certificate of public convenience and necessity under 49 C.F.R. 1120A, published at 45 Fed. Reg. 53827. As of that date, this carrier is authorized to provide service over (1) the Maryland Department of Transportation lines between Townsend, DE to Chestertown and Centreville, MD approximately 55 miles; Clayton, DE to Easton and West Denton, MD, approximately 53 miles; and Seaford, DE to Cambridge and Preston, MD approximately 37 miles and (2) Worcester County and the Snow Hill Shippers Association lines between Frankford, DE and Snow Hill, MD approximately 27 miles.

The line described under #1 above is owned by the Maryland Department of Transportation and the line described under #2 will be owned by Worcester County. The lines were previously operated by M&D as a designated operator (D-OP-24).

This notice shall be served upon the Association of American Railroads (Car Service Division) as agent of all railroads subscribing to the car-service and car-hire agreement, and upon the American Short Line Railroad Association.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

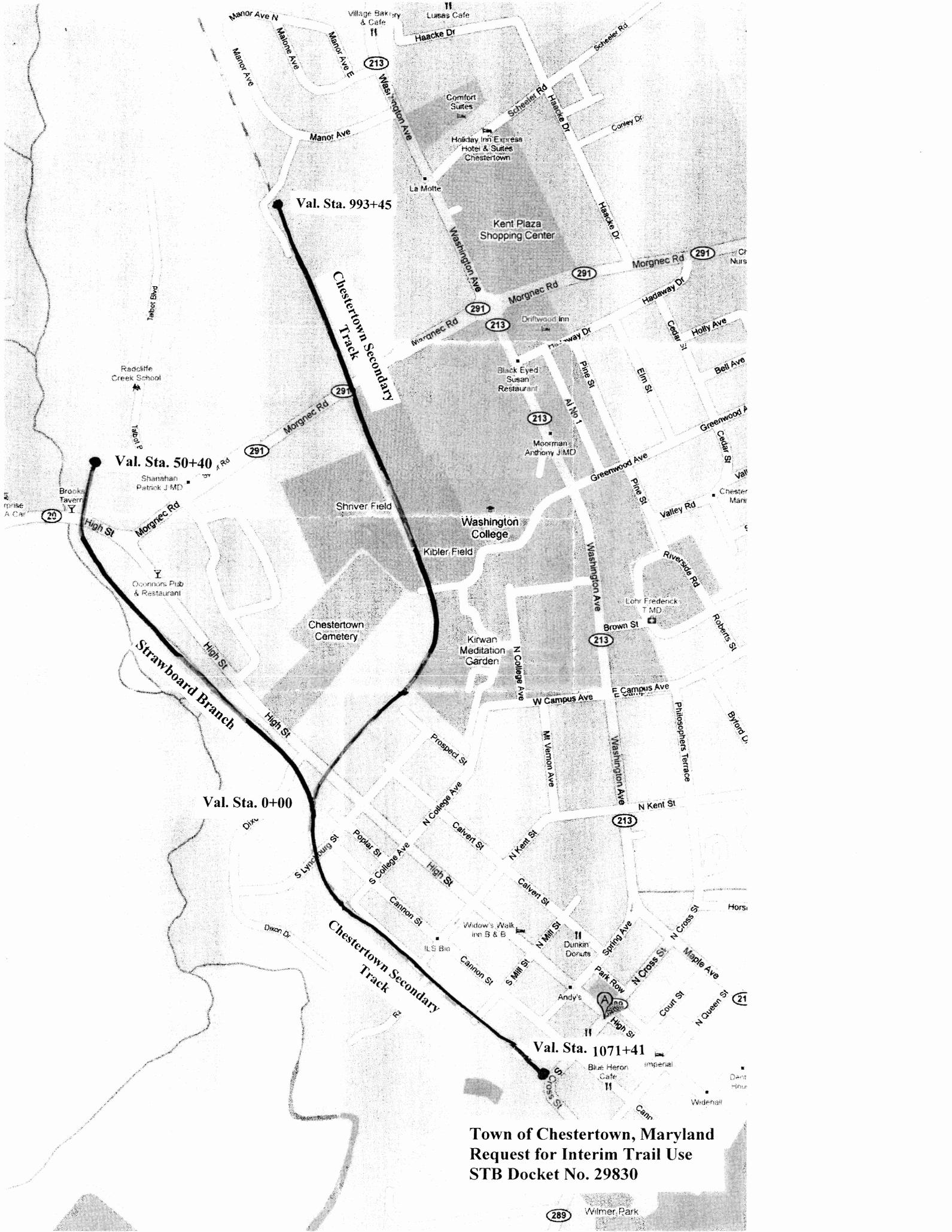
(SEAL)

JAMES H. BAYNE
ACTING SECRETARY

Exhibit B

Map of the Line

[attached hereto]



Val. Sta. 993+45

Val. Sta. 50+40

Val. Sta. 0+00

Val. Sta. 1071+41

Chestertown Secondary Track

Strawboard Branch

Chestertown Secondary Track

Town of Chestertown, Maryland
Request for Interim Trail Use
STB Docket No. 29830

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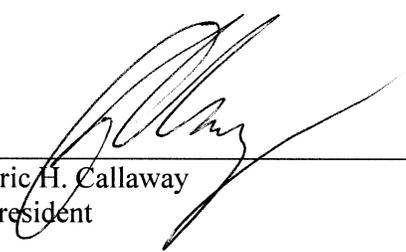
Wilmer Park

CERTIFICATE OF SERVICE

I certify that I have this 22nd day of Sept. 2010, caused copies of the Notice of Partial Termination of Modified Certificate of Public Convenience and Necessity of The Maryland and Delaware Railroad Company to be served by first class mail, postage prepaid on the parties listed below:

Charles A. Spitulnik
Allison. I. Fultz
Kaplan Kirsch & Rockwell, LLP
1001 Connecticut Ave., NW
Suite 800
Washington, DC 20036
Counsel for Maryland Transit Administration

Town of Chestertown, Maryland
118 N. Cross Street
Chestertown, MD 21620
Attn: W.S. Ingersoll, Town Manager



Eric H. Callaway
President

ERH