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MAR 26 2010  
Part of Public Record

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**STB DOCKET NO. AB-290 (Sub- No. 311X)**

ENTERED  
Office of Proceedings

MAR 26 2010

Part of  
Public Record

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**NORFOLK SOUTHERN RAILWAY COMPANY  
PETITION FOR EXEMPTION  
ABANDONMENT OF RAIL FREIGHT SERVICE OPERATION –  
IN THE CITY OF BALTIMORE, MD AND BALTIMORE COUNTY, MARYLAND**

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**SECOND NOTICE OF INTENT TO FILE AN  
OFFER OF FINANCIAL ASSISTANCE**

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1. I, Carl Delmont, whose address is Ste 200, 50 Scott Adam Road, Cockeysville, MD 21030, in my individual capacity, jointly with James Riffin, Zandra Rudo, Lois Lowe and Eric Strohmeyer, collectively the "Offerors", pursuant to the applicable regulations of the Surface Transportation Board ("STB" or "Board") herewith file this formal Second Notice of Intent to File an Offer of Financial Assistance, to purchase all of the Freight Operating Rights, Freight Operating Easement(s), any related Operating Agreements or Leases, and all rights the Norfolk Southern Railway Company ("NSR"), or any of its subsidiaries or affiliates, desires to abandon, which pertain to that portion of the line, presently known as the Cockeysville Industrial Track ("CIT"), formerly the main line of the Northern Central Railway Company, together with all the rights associated with all branch lines and spur tracks associated with the main line, as more fully described in the Petition for Exemption filed by NSR in the above entitled proceeding, which Line NSR describes as beginning in Baltimore City at or near Milepost UU-1.00, (located just north of Wyman Park Drive, formerly Cedar Avenue), and which terminates on the

south side of the bridge at milepost UU 15.44 (Western Run), just north of Cockeyville, Baltimore County, Maryland, in the vicinity of the former Ashland station, together with the branch line known as the Hunt Valley Industrial Track, which connects to the Line at or near milepost 13.0, just north of where the line crosses Warren Road, and which extends to Hunt Valley Mall; the Cockeyville Industrial Park branch, which connects to the Hunt Valley Industrial Track a few hundred meters west of where the Hunt Valley Industrial Track connects to the main line at MP 13.0, and which extends into and serves the Cockeyville Industrial Park and shippers located adjacent to Stenersen Lane and Beaver Court; and the Public Deliver Track which branch line connects to the main line at the former Wye in Cockeyville, near MP 13.8, which branch line formerly provided service to the Beaver Dam Quarry, Stenersen Mahogany, Veneer Manufacturing Company, and Pure Oil Company, and which presently can be used to provide service to shippers located in the industrial park accessed via Williamson Lane, Veneer Lane, and Beaver Dam Road, together with the Cockeyville Wye and all other spurs, tracks, and other rights or privileges associated with the Line, hereinafter the "Line." The original Line went from Baltimore, Maryland to York, Pennsylvania. 35.6 miles of the Line were in Maryland.

2. I am a financially responsible person, that is I, in concert with the other Offerors have, or within a reasonable time will have, the financial resources to fulfill all of the proposed contractual obligations associated with an Offer of Financial Assistance to purchase the Line.

3. Attached to this Notice of Intent is a Motion for a Protective Order me to make available to the Board under seal certain confidential documents and information in connection with the Offerors's proposed Offer of Financial Assistance, which documents include my personal financial statement.

4. Pursuant to 49 U.S.C. § 10904, I ask that Norfolk Southern provide me and the Board with the following information:

**A. An estimate of the minimum purchase price required to keep the Line or a portion of the Line in operation;**

**B. Norfolk Southern's most recent reports on the physical condition of that part of the Line involved in the proposed abandonment or discontinuance;**

**C. Traffic, revenue, and other data necessary to determine the amount of annual financial assistance which would be required to continue rail transportation over the Line, including, but not limited to:**

**a. A copy of any agreements Norfolk Southern, or any of its affiliates or subsidiaries, is a party to, which pertain in any way to the Line, including but not limited to, any Freight Operating Rights, Freight Operating Easement(s) and any related Operating Agreements or Leases, and any agreements Norfolk Southern has, or contemplates having, involving the State of Maryland, the Maryland Department of Transportation, the Maryland Transit Administration, or any other Maryland State or Local agency or entity, hereinafter "State of Maryland;"**

**b. A copy of all papers, documents or agreements Norfolk Southern has received, has in its possession, or has knowledge of, which pertain in any way to any agreements Fleischmann's Vinegar, Baltimore Gas and Electric Company, Imerys, or any other present, former or potential shipper, have made which pertain in any way to the use of, or non-use of, the Line, including but not limited to any agreement(s) any shipper on the Line has made with the State of Maryland.;**

**D. Any other information which relates to Norfolk Southern's present or prior use of the Freight Operating Rights, Freight Operating Easement(s) and Operating Agreements or Leases, which pertain to the Line, including but not limited to:**

**a. Any payments made to the State of Maryland for the use of the Line, and the basis for the payments;**

b. The number of times the Line was used in 2003, 2004 and 2005, and the number of rail cars delivered to and / or the number of rail cars received from, each shipper on the line, for each time the Line was used;

c. The number of times the Line was unavailable for Norfolk Southern's use in 2003, 2004 and 2005, and the reason(s) why the Line was unavailable;

d. The speed limits on the Line, and any other restrictions which pertain to the use of the Line, by Milepost;

e. Which switches on the Line Norfolk Southern train crews may operate, and which switches on the Line are exclusively controlled by a centralized traffic control system. Which switches the train crew must wait at while a remote switch operator throws the switch, and the average amount of time the train crew had to wait for the switch to be thrown.

f. A summary of all disagreements, misunderstandings, or points of contention between Norfolk Southern and the State of Maryland concerning Norfolk Southern's use of the Line during 2003, 2004 and 2005;

g. An indication of where the Offerors would interchange rail traffic with Norfolk Southern;

h. A copy of a proposed interchange agreement.

5. I, the undersigned, declare under the penalty of perjury that the information contained in the foregoing Second Notice of Intent to File an Offer of Financial Assistance, is true and correct to the best of my knowledge, information and belief. Further, I certify that I am qualified and authorized to file this Notice.

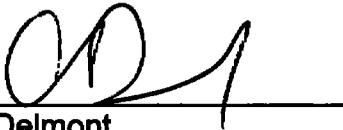
Respectfully submitted,



Carl Delmont

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25<sup>th</sup> day of March, 2010, a copy of the foregoing Second Notice of Intent to File an Offer of Financial Assistance, was served by first class mail, postage prepaid, upon James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Law Department, Three Commercial Place, Norfolk, VA 23510-9241, and upon Charles A. Spitulnik, STE 800, 1001 Connecticut Avenue, NW, Washington, DC 20036, counsel for the MTA.



Carl Delmont