



KAPLAN KIRSCH ROCKWELL



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**FILED**

SEP 22 2010

**SURFACE  
TRANSPORTATION BOARD**

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 Proceeding-

SEP 23 2010

Public Record

**FEE RECEIVED**  
SEP 22 2010  
**SURFACE  
TRANSPORTATION BOARD**

**Re: The Maryland and Delaware Railroad Company – Modified Certificate of Public Convenience and Necessity – Request of the Town of Chestertown for Interim Trail Use  
STB Docket No. 29830**

Dear Ms. Brown:

I am enclosing an original and ten copies of the Request of Town of Chestertown, Maryland, for Interim Trail Use Pursuant to 49 C.F.R. 1152.29 for filing in the above referenced proceeding.

Under separate cover, the Maryland and Delaware Railroad Company has submitted its Notice of Partial Termination of its Modified Certificate of Public Convenience and Necessity for this segment.

The Town of Chestertown submitted the filing fee of \$250 on March 31, 2010, along with a request for a waiver and refund of the fee based on the Town's status as a public entity.

I have also enclosed an additional copy of the above-listed pleading for date stamp and return to our courier. Please contact me with any questions about the enclosed.

Sincerely,

Allison I. Fultz

Enclosure



Maryland Transit Administration  
Real Estate Division

# Town of Chestertown

SEP 09 2010 18 N. Cross Street, Chestertown, MD 21620  
tel: 410-778-0500 fax: 410-778-4378  
email: office@chestertown.com  
url: www.chestertown.com

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**FILED** August 31, 2010

SEP 22 2010

Mayor  
Margo G. Bailey  
Council  
James R. Gatto  
Gibson B. Anthony  
Mabel Mumford-Pautz  
Mauritz Stetson  
Town Manager  
William S. Ingersoll

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

**SURFACE  
TRANSPORTATION BOARD**  
ENTERED  
Office of Proceedings

227846

SEP 22 2010

Part of  
Public Record



**Re: STB Docket No. 29830 – Maryland and Delaware R. Co. - Modified Rail Certificate:  
Request of Town of Chestertown, Maryland for Interim Trail Use Pursuant to 49  
CFR 1152.29**

Dear Ms. Brown,

This letter supplements the letter to the Surface Transportation Board (“STB”) from the Town of Chestertown, Maryland (the “Town”) dated March 31, 2010.<sup>1</sup> Pursuant to 49 C.F.R. § 1152.29, the Town, a municipality within the State of Maryland, hereby requests issuance of a Notice of Interim Trail Use with respect to the line segment that is the subject of this proceeding. Because of requirements relating to the use of federal funds allocated to this project, as discussed below, the Town respectfully requests that the Board consider this trail use request on an expedited basis.

The Board’s predecessor agency, the Interstate Commerce Commission, issued a modified certificate of public convenience and necessity to the Maryland and Delaware Railroad Company (“MDDE”) to operate freight rail service on, among other segments of rail line on Maryland’s Eastern Shore, a line known as the Chestertown Secondary Track owned by the Maryland Transit Administration (“MTA”) between Townsend, DE, and Chestertown, MD. *Maryland and Delaware R. Co. – Modified Rail Certificate*, Finance Docket No. 29830 (Service Date Feb. 9, 1982). This line was originally purchased by the State Rail Administration and is now owned by MTA, a modal administration of the Department of Transportation of the State of Maryland, as successor in interest to the State Rail Administration.

We are advised that MDDE is filing today a notice of its intent to terminate its modified certificate with respect to the approximately 2-mile portion of the Chestertown Secondary Track 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”). The Town proposes to construct a recreational trail on the Segment and is willing to serve as the trail sponsor pursuant to the requirements set

<sup>1</sup> On March 31, 2010, the Town also submitted the filing fee of \$250 for a trail use request and a letter requesting a waiver and refund of the filing fee based on the Town’s status as a public entity.

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SEP 22 2010

forth at 49 C.F.R. § 1152.29. The Town has received earmarked SAFTEA-LU funds to create this interim trail and has budgeted funds for this purpose.

A map of the property depicting the right-of-way comprising the Segment is attached as **Exhibit A**.

In accordance with the applicable regulations, the Town submits the following Statement of Willingness to Assume Financial Responsibility and other information:

**Statement of Willingness to Assume Financial Responsibility:**

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, the Town of Chestertown, Maryland, is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against a portion of the right-of-way owned by the Maryland Transit Administration and operated by the Maryland and Delaware Railroad Company. The property, a portion of the Line known as the Chestertown Secondary Track, USRA Line No. 149, extends from valuation Station 993+45 south of Worton, MD, and extends in a southwesterly direction to its end at Cross Street or valuation station 1071+41, as shown on valuation maps V2/49 and V2/51, including the former Strawboard Branch Line, extending from High Street at valuation station 0+00 and paralleling High Street and proceeding in a northwesterly direction and ending at valuation station 50+40, as shown on valuation map V2/50, a distance of 2.0 miles in the Town of Chestertown, Kent County, Maryland. The right-of-way is part of a line of railroad that has previously been approved for abandonment and that is subject to termination of a Modified Certificate of Public Convenience and Necessity issued to the Maryland and Delaware Railroad Company in STB Finance Docket No. 29830 (Service Date Feb. 9, 1982). The Maryland and Delaware Railroad Company is simultaneously filing a notice of its intent to terminate its modified certificate of public convenience and necessity over the portion of the line that is the subject of this request for interim trail use.

A map of the property depicting the right-of-way is attached.

The Town of Chestertown acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement has been served on the Maryland and Delaware Railroad and on the Maryland Transit Administration (the owner of the property subject hereto) on the same date it was served on the Board.

**Other required information:**

The Town acknowledges that use of the right-of-way is subject to the Town's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on MDDE and the owner of the track, MTA, on the same date it is being served on the Board.

**Additional information:**

MTA's predecessor agency, the State Railroad Administration, acquired the right-of-way of which the Segment is a part from the Penn Central Corporation by a Deed dated January 8, 1982, and recorded among the land records of Kent County, Maryland on November 22, 1982 at Record Q, Volume 37, Page 1.

The Town and MTA are nearing completion of negotiation of a trail use agreement in the form of a license agreement governing the Town's use of the Segment as an interim trail.

For the foregoing reasons, the Town requests that the Board issue a Notice of Interim Trail Use for the Segment.

Respectfully submitted,

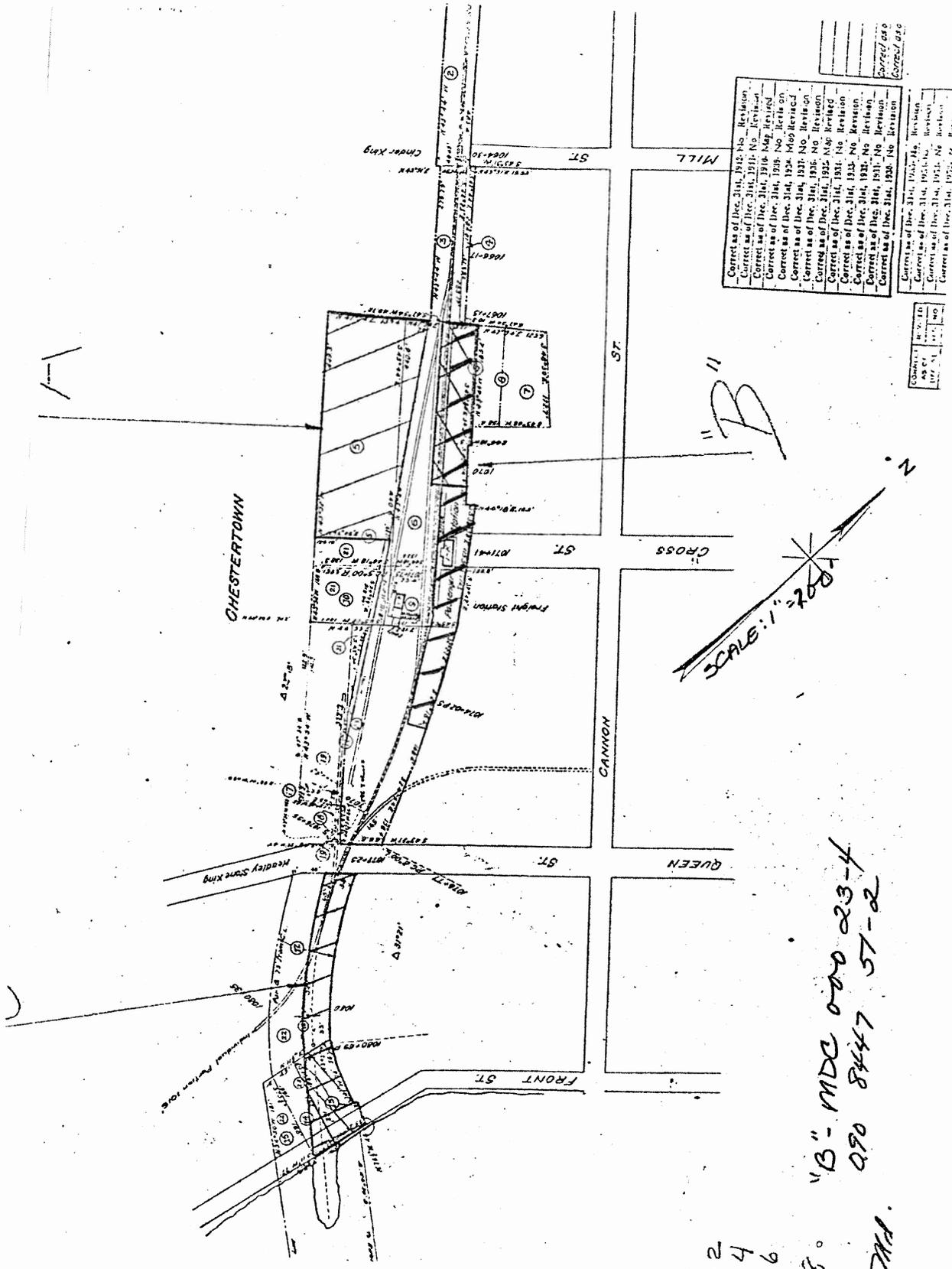


W.S. Ingersoll, Town Manager  
Chestertown, Maryland

**Exhibit A**

**Map of the Line**

**[attached hereto]**



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SCALE: 1" = 200'

"B" - MDC 000 23-4  
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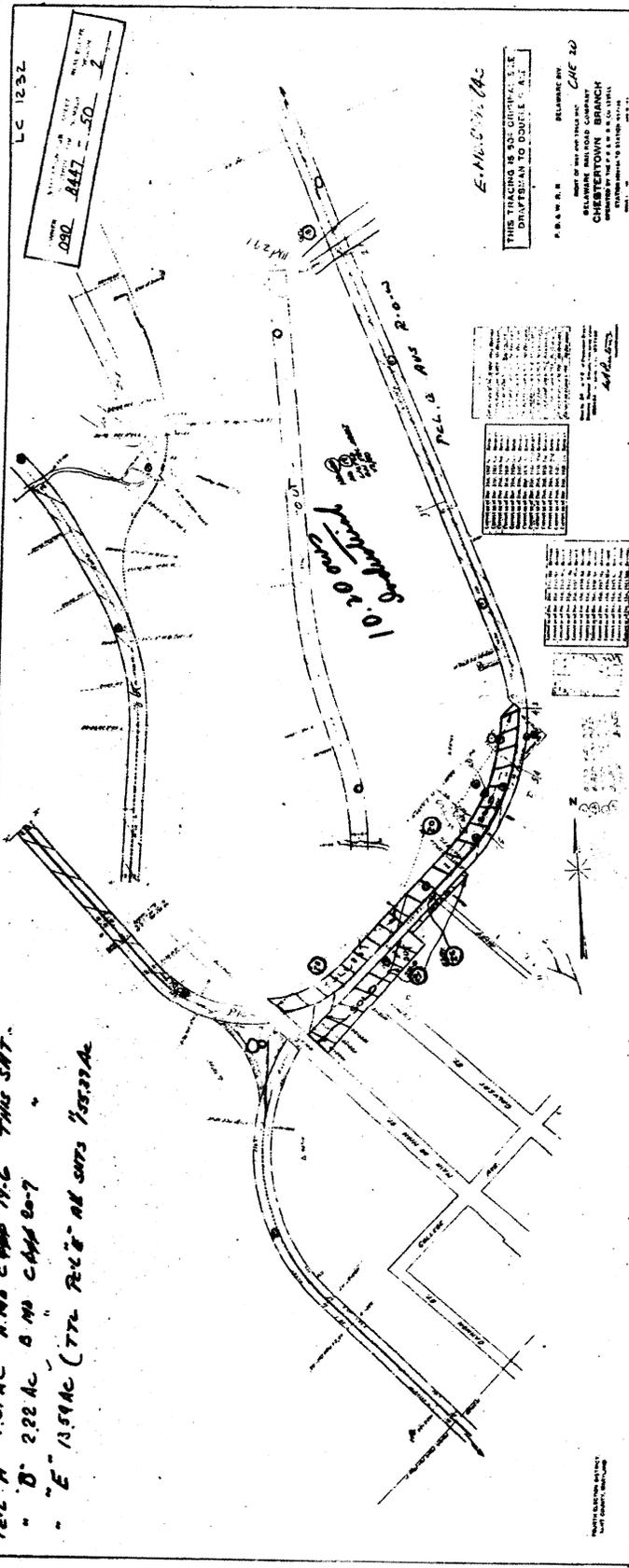
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 -4  
 -6  
 -8  
 TMA



THIS SMT. 16.95 AC

REL. A" 1.21 AC AND CAMP 19-6 THIS SMT.  
" B" 2.22 AC AND CAMP 20-7  
" E" 1.59 AC (77% REL. E" AND SMTS 18331A

LC 1232  
D90 4447 - 50 2



E.M.C. Co., Inc.

THIS TRACING IS NOT ORIGINAL S.E.E. DRAWING TO DOUBLE S.E.E.

DESIGNED BY CHE 20  
DRAWN BY CHE 20  
CHECKED BY CHE 20  
APPROVED BY CHE 20

38

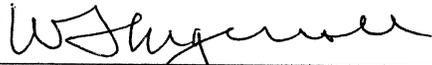
Sheet 7 of 10

CERTIFICATE OF SERVICE

I certify that I have this 31 day of August, 2010, caused copies of this Request for Trail Use of the Town of Chestertown, Maryland, 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

Maryland and Delaware Railroad Company  
106 Railroad Avenue  
Federalsburg, MD 21632-1407



Name: W. S. STOGERSOLL

Title: TOWN MANAGER