

215339



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241



James R. Paschall
Senior General Attorney

Writer's Direct Dial Number

(757) 629-2759
fax (757) 533-4872

December 12, 2005

via DHL Express

Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20006

ENTERED
Office of Proceedings

14

Public Record

Re: STB Docket No. AB-290 (Sub-No. 237X), Norfolk Southern Railway
Company - Petition for Exemption - Abandonment of Freight Operating
Rights and of Rail Freight Service - Between Baltimore, MD and
Cockeysville, MD in Baltimore County, Maryland

Dear Mr. Williams:

Enclosed for filing with the Board in the subject docket is an original and ten
copies of Norfolk Southern Railway Company's Petition for Exemption to abandon a
railroad line in the subject proceeding. Also, enclosed is a check for the filing fee and
three diskettes in a format that is compatible with the Board's word processing
programs.

NSR intends that this Petition be received and accepted for filing on December
14, 2005. If the Petition arrives at the Board's offices one day early, NSR requests that
the Board nonetheless consider it filed on December 14, 2005.

Please acknowledge receipt of this filing on the enclosed copy of this letter and
return it to me in the self-addressed, stamped envelope.

Yours very truly,

James R. Paschall

Enclosures

Mr. Vernon A. Williams
Re: AB-290, Sub-No. 237X
Page 2 of 3
December 12, 2005

cc w/ encl.:

E.C.C.A. Calcium Products, Inc. d/b/a
IMERYS Pigments and Additives Group
P. O. Box 125
10000 Beaver Dam Road
Cockeysville, MD 21030

Baltimore Gas & Electric Company
39 W. Lexington Street
Baltimore, MD 21201

Plant Manager
Fleischmann's Vinegar Company, Inc.
1900 Brand Avenue
Baltimore, MD 21209

Charles A. Spitulnik
McLeod, Watkinson & Miller
One Massachusetts Avenue, N.W.
Suite 800
Washington, D.C. 20001-1401

David L. Ganovski
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, MD 21076

United States Department of Defense
Military Traffic Management Command (MTMCTEA)
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals, Blvd., Suite 130
Newport News, VA 23606-2574

Mr. Tom Ross, Chief of National Recreation and Trails
U. S. Department of the Interior - National Park Service
Recreation Resources Assistance Division
1849 C Street, N. W.
Washington, D.C., 20240

Mr. Vernon A. Williams
Re: AB-290, Sub-No. 237X
Page 3 of 3
December 12, 2005

cc w/ encl.:

U. S. Department of Agriculture,
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, D.C. 20250

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-290 (SUB-NO. 237X)

NORFOLK SOUTHERN RAILWAY COMPANY –
- PETITION FOR EXEMPTION –
ABANDONMENT OF FREIGHT OPERATING RIGHTS AND
OF RAIL FREIGHT SERVICE –
BETWEEN BALTIMORE, MD AND COCKEYSVILLE, MD
IN BALTIMORE COUNTY, MARYLAND

James R. Paschall
Senior General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510

(757) 629-2759

Attorney for
Norfolk Southern Railway Company

Dated: December 12, 2005

Before the
Surface Transportation Board

STB Docket No. AB-290 (Sub-No. 237X)

Norfolk Southern Railway Company –
- Petition for Exemption –
Abandonment of Freight Operating Rights and of
Rail Freight Service –
Between Baltimore, MD and Cockeysville, MD
In Baltimore County, Maryland

Petition for Exemption

Norfolk Southern Railway Company ("NSR"), hereby petitions the Surface Transportation Board (the "Board" or "STB"), pursuant to the provisions of 49 U.S.C. 10502, as amended, for exemption from the prior approval requirements of 49 U.S.C. 10903 to abandon freight operating rights and rail freight service over 12.8 miles of the railroad line between Milepost UU-1.0 at Baltimore, MD and Milepost UU-12.8 at Cockeysville, MD (the "Cockeysville Branch" or the "Line").¹ In the past, the Line

¹The freight operating rights over the Line were acquired by NSR from Consolidated Rail Corporation ("Conrail") through merger of NSR with Conrail's former subsidiary, Pennsylvania Lines, LLC ("PRR") on August 27, 2004. This transaction was approved by the Board in STB Finance Docket No. 33388 (Sub-No. 94), *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company — Control and Operating Leases/Agreements — Conrail Inc. and Consolidated Rail Corporation*, served November 7, 2003. Pursuant to the Conrail Transaction Agreement approved by the Board in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation*

sometimes also was known as the "Hunt Valley Branch." The Line will remain intact and in operation for light rail commuter passenger service. Nonetheless, this petition involves abandonment of a railroad line, rather than discontinuance of service over a railroad line, because the common carrier obligation to provide freight service over the Line will be extinguished, the freight operating easement and right to provide freight service over the Line will be relinquished, and all rail freight service over the Line will be permanently discontinued upon NSR's satisfaction of any conditions imposed by the Board and NSR's formal consummation of an abandonment exemption granted by the Board. Because the Line is owned by the Maryland Department of Transportation (MDOT)², not NSR, and MDOT, through the Maryland Transit Administration (MTA) will continue to use the Line for the public purpose of providing light rail commuter passenger service, NSR also requests that the Board grant an exemption from the Offer of Financial Assistance (49 U.S.C. 10904) and public use provisions (49 U.S.C. 10905) of the Act with respect to the abandonment of the freight operating rights and freight service over the Line.

Conrail sold the Line to MDOT under an agreement dated May 1, 1990 for use

and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation, served July 23, 1998, certain Conrail assets, including Conrail's interest in the Line, were allocated to PRR. PRR's assets, in turn, were leased to and operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR.

²MDOT describes itself as the umbrella organization for the Maryland Transit Administration (MTA) and other Maryland governmental transportation agencies.

for the light rail commuter passenger service over the Line that is provided by the MTA.³ Conrail and MDOT did not close the transaction, however, until April 25, 1997. Conrail retained a freight operating easement to continue to provide rail freight service over the Line and it entered into a related operating agreement with MTA in order to continue to conduct rail freight transportation service over the Line for the railroad freight service customers located along the Line. There are no overhead operations on the Line because it is a dead-end segment.

Conrail operations over the Line had been marginally profitable or unprofitable during various time periods in the years preceding the closing of the transaction with MDOT and until NSR began operations over the Line on June 1, 1999 pursuant to the Conrail Transaction described in footnote 1. NSR's operations similarly have been marginally profitable or even unprofitable during various time periods since it began conducting rail freight service operations over the Line.

Conrail and MDOT had an understanding that Conrail would file an application for abandonment authority or petition for exemption to abandon the freight operating easement and rights and to permanently abandon freight service over the Line due to MDOT's desire to use the Line exclusively for light rail commuter passenger operations. Conrail seems to have been willing to make this agreement because of the marginally profitable or unprofitable results of the freight operations over the Line. The financial

³MDOT and MTA are government agencies sponsoring or operating commuter mass transit service and have not held, do not hold and do not intend to hold themselves out to provide rail freight service over the Line. When MDOT acquired the Line from Conrail, it left the freight operating rights and common carrier obligation to provide rail freight service over the Line with Conrail.

results of operation of the Line have shifted between unprofitable and marginally profitable, depending largely on the ebb and flow of traffic levels, which have varied over the Line for many years.⁴ Because of the shifting profitability of the operation of the Line over time, Conrail's intention was to file for an exemption to abandon its freight operating easement and freight service over the Line only if alternate transportation arrangements were made with the remaining shippers on the Line and the petition for an exemption to abandon the freight operating easement and rights and to permanently abandon freight service over the Line would be unopposed. Earlier this year, MDOT provided NSR with full or redacted copies of agreements with the remaining active shippers located along the Line, E.C.C.A. Calcium Products, Inc. d/b/a IMERYS Pigments and Additives Group (IMERYS), Baltimore Gas & Electric Company and Fleischmann's Vinegar Company, Inc. Under these agreements, these freight railroad customers will use rail-truck transload service in particular, as well as bulk transfer, intermodal or motor carrier service to the extent necessary, to meet their transportation needs and will not oppose the petition to the Board for an exemption for the abandonment of NSR's freight operating easement and rights and of its freight service over the Line. In fact, these customers shifted their traffic to rail-truck transload service earlier this year.

Thus, NSR is filing this petition for exemption to abandon the freight operating easement and rights and the freight service over the Line in accordance with the previous understanding of Conrail and MDOT and with MDOT's recent agreements with

⁴NSR moved 193 carloads of freight over the Line in 2004, but only 122 carloads

the current rail freight customers located on the Line.

Section 10502 of Title 49, as amended, directs the Board to exempt a transaction when the Board finds that the transaction satisfies certain statutory criteria. NSR's rationale for the exemption and the circumstances concerning use of the Line, as presented in this petition, show that the statutory criteria for an exemption are met in this case. The current railroad freight customers on the Line have agreed with MDOT to use alternate transportation services to meet their transportation needs and not to protest the abandonment. Thus, NSR believes that the only shippers that currently use NSR's transportation services over the Line consent to the abandonment. NSR also has worked to arrange bulk transfer, transload or intermodal movements to meet the shippers' transportation needs and to preserve the long haul rail movement for rail freight traffic that currently moves over the Line. Therefore, NSR's action in formally abandoning the Line as a line of railroad will not result in an abuse of market power.

Background

The Line is a 12.8-mile dead-end rail line segment over which NSR seeks to abandon its freight operating easement and rights and to permanently abandon freight service. There is no overhead freight service on the Line. The Line is owned by the Maryland Department of Transportation (MDOT), which purchased it on April 25, 1997 from Conrail under an agreement dated May 1, 1990 for use as a light rail line for commuter passenger service that is provided by the Maryland Transit Administration

in 2003. The customers shifted to rail-truck transload service earlier this year.

(MTA). For the past ten years or more, operation of the Line by Conrail and NSR has shifted between marginal profitability and unprofitability.⁵ Three active railroad customers are located on the Line: E.C.C.A. Calcium Products, Inc. d/b/a IMERYS Pigments and Additives Group (IMERYS), Baltimore Gas & Electric Company and Fleischmann's Vinegar Company, Inc.

Conrail and MDOT had an understanding that Conrail would abandon its freight operating easement and freight service rights and permanently abandon freight service on the Line if the shippers on the Line could make alternate transportation arrangements and would not oppose the abandonment of the freight operating easement and rights and of freight service. MDOT has advised NSR that it expects no shipper will oppose abandonment of the freight operating rights and freight service over the Line and has provided NSR with full or redacted versions of such agreements between MDOT and the shippers. NSR therefore also petitions the Board herein for an exemption from the prior approval requirements of 49 U.S.C. 10903, and from the financial assistance and public use provisions of 49 U.S.C. 10904 and 49 U.S.C. 10905 for the abandonment of the freight operating easement and freight service rights and of the permanent abandonment of freight service over the Line in order to permit MTA to use the Line exclusively for light rail commuter passenger service.

As just noted, NSR understands that some of the transportation needs of the current, active railroad freight customers on the Line are already being met by rail-truck

⁵In recent years, traffic on the Line rarely has exceeded an average of three carloads per week.

transload service or will be met by bulk transfer, transload or intermodal service in the future. NSR has worked on making such transportation options available for commodities now shipped over the Line. In fact, NSR has a transload facility on its main line about one mile from the end point of the subject Line. Therefore, NSR expects that the long haul for much of the railroad traffic moving over the Line will not be diverted to all-truck movements, but rather the long haul for a substantial amount of the rail freight traffic now moving over the Line will continue to be made by rail.

Further Information

Further information supporting an exemption for the proposed abandonment is as follows:

(1) Exact name of petitioner. The petitioner is Norfolk Southern Railway Company (NSR). NSR is a common carrier by railroad which operates a railroad system in 20 States throughout the Eastern United States, including Maryland, and Ontario, Canada. NSR, formerly known as Southern Railway Company, is a wholly-owned subsidiary of Norfolk Southern Corporation, a non-carrier.

(2) Petitioner is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Part A, Chapter 105.

(3) Pursuant to 49 U.S.C. 10502, the relief sought by NSR in this petition is an exemption from the prior approval requirements of 49 U.S.C. 10903 so that NSR may abandon the Line without being required to submit a full long-form abandonment

application.⁶ Because the Line is owned by MDOT and is and will continue to be used for light rail commuter passenger operations by MTA, a public use, NSR also requests exemptions from the requirements and operation of 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions)

(4) A map of the Baltimore-Cockeysville, MD Line proposed to be abandoned is attached as Exhibit 1.

(5) System Diagram Map. This Line, plus one additional mile of line between mileposts UU-0.0 and UU-1.0, was included in category 1 on NSR's system diagram map, in compliance with the requirements of 49 C.F.R. §§ 1152.10 through 1152.13, that was filed with the Board on March 29, 2004 (although the map is labeled "September 2003" and the narrative page is dated "rev 9/15/03"). However, NSR has determined that the filing of an application to abandon the freight operating easement and rights for and to permanently abandon freight service over this Line is unnecessary because NSR's basis for the request for an exemption to abandon the Line does not require the submission of detailed evidence and NSR expects no shipper opposition to the abandonment.

(6) This petition is being filed because NSR operations over the Line have shifted between marginal profitability and unprofitability. NSR also is willing to implement Conrail's understanding with MDOT that Conrail would abandon its freight rights and freight service over the Line so that MTA's light rail commuter passenger

⁶As it happens, as noted in more detail below, NSR did list the Line in category 1 on its latest system diagram map, so it is unnecessary for NSR to request exemption

operation would not be required to share the Line with rail freight service operations. MDOT has satisfied the further condition that satisfactory alternate transportation arrangements be made with the active railroad customers on the Line and those customers agree not to oppose the abandonment of freight service over the Line. In fact, they began to shift their railroad traffic to rail-truck transload service earlier this year.

(7) Counsel for Petitioner to whom correspondence may be sent is:

James R. Paschall
Senior General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510-2191

Counsel's Phone Number is: (757) 629-2759

(8) The Line proposed for abandonment traverses United States Postal Service Zip Codes 21030, 21065 and 21201 and serves the stations of Lutherville, MD, Timonium, MD, Texas, MD and Cockeysville, MD. NSR will continue to provide rail service to the station of Baltimore, MD.

Reasons for Abandonment

Abandonment of the freight service easement and freight operating rights and permanent abandonment of freight service over the subject Line will relieve NSR of an unprofitable, or at best occasionally marginally profitable, operation and allow the Line

from the system diagram map requirement with respect to the Line.

to be used exclusively for MTA's light rail commuter passenger operations.

NSR expects no protest or opposition by any user of its rail service over the Line to the proposed abandonment because of the agreements between MDOT and the shippers to use alternate transportation arrangements, which have already begun, and not to oppose the abandonment of the freight operating rights over the Line. NSR also believes that adequate alternative transportation arrangements are available to those customers and in fact are already being used by them. NSR expects no valid protest or objection of any kind by any other party that would support denial of the petition.

Efforts to Continue Service

The abandonment of the freight operating easement and freight rights and of freight service over the subject Line will result in the loss of direct rail service to the customers who ship or receive rail traffic over the Line, but MDOT and NSR have worked with the shippers so that alternate transportation arrangements for their traffic will be available. For some, if not all commodities shipped over the Line, this alternate service will include bulk transfer, transload or intermodal service that will preserve the long haul movement of that traffic via railroad. The commodities that have moved over the Line in recent years mainly have been limestone, ethyl alcohol, and telephone poles. NSR has a transload facility about one mile from the end of the subject line near Milepost UU-1.0. The customers began to shift their rail traffic to rail-truck transload service earlier this year. NSR will continue to serve the station of Baltimore, MD.

Communities on Line

The Line is located mainly in the suburbs bordering Baltimore MD. The Line passes through Lutherville-Timonium, MD, a census-designated place located in Baltimore County, MD made up of the unincorporated communities of Lutherville and Timonium (year 2000 population: 15,814) and the unincorporated community of Cockeysville, MD, which is also a census-designated place in Baltimore County, MD (year 2000 population: 19,388). Baltimore, MD's population according to the year 2000 United States Census was 651,154. (Texas, MD is simply a railroad station name for a location in Baltimore County, MD.)

Public Use, Trail Use, Offers of Financial Assistance

Since the Line over which the freight operating easement and rights, and freight service, will be abandoned will remain in use for railroad purposes as a light rail commuter passenger line run by the Maryland Transportation Administration (MTA) and owned by the Maryland Department of Transportation (MDOT), the Line will continue to be put to public use. Therefore, the right-of-way property is not suitable for further public use. Under these circumstances, NSR requests that the Board hold that the abandonment of the freight operating easement and rights and of freight service over the Line, should not be subject to Offers of Financial Assistance or public use conditions. Because of the continuing use of the Line for light rail commuter passenger operations by MTA, the owner of the Line, NSR will not consent to a Trail Use negotiation condition. Therefore, NSR requests that the Board also exempt this

abandonment transaction from the provisions of 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions).

Statement Concerning Federally Granted Right of Way

Based on information in NSR's possession, the Line does not contain federally granted right-of-way. Any documentation later found in NSR's possession concerning this matter will be made available promptly to those requesting it.

Title Search

Whether or not the title to the property on which the Line is located is subject to any reversionary interest is not relevant in this proceeding because the Line is already owned by MDOT, and operated by MTA, which are public agencies, and which will continue to use the line for commuter passenger railroad purposes.

Employee Protection

Since under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a carrier of its statutory obligation to protect the interests of its employees, NSR is willing, as a condition to the Board granting this exemption, for the Board to order that the employee protective conditions set forth in *Oregon Short Line R. Co. -- Abandonment -- Goshen*, 360 I.C.C. 91 (1979), apply to this abandonment transaction.

Environmental and Energy Impact; Historical Report

Attached as Exhibit 2 are an Environmental Report and a Historic Report prepared and previously distributed to the appropriate Federal, State and Local agencies in accordance with the Board's regulations. No salvage operations will be undertaken as a result of the abandonment because MTA will continue to use the Line for commuter rail passenger operations after the abandonment of the freight operating easement and rights and of rail freight service over the Line. NSR submits that the environmental and historic reports show that the Board should find that the proposed abandonment and planned subsequent use of the Line will not result in any adverse effect on the environment or on historic places, properties or resources. Moreover, the Maryland State Historic Preservation Officer, in a recent reply to the historic report which is submitted with this petition, has stated that the proposed undertaking will not result in an adverse effect on National Register of Historic Places Listed or Eligible properties. Thus, NSR further requests that the Board impose no environmental or historic preservation process conditions on the consummation of the abandonment of the Line.

Passenger Service

The Line is now used, and will continue to be used after the abandonment of the freight operating easement and freight service over the Line, for commuter rail passenger service. There is no intercity rail passenger service over the Line.

Draft Federal Register Notice

A draft notice of its petition to be published by the Board in the Federal Register within 20 days of the petition's filing and a copy of the draft notice contained on a computer disc or diskette compatible with the Board's current word processing capabilities is attached.

The Abandonment Is Appropriate For Exemption

Operation of the Line by Conrail and, since June 1, 1999 operation of it by NSR, has shifted between marginal profitability and unprofitability over a considerable period of years. The remaining shippers on the Line, which is only 12.8 miles in length, have made arrangements for alternative transportation service for their current rail traffic. Much of it will be shifted to rail-truck transload service. The customers began this shift in transportation arrangements earlier this year. MDOT has reached agreements with these shippers not to oppose the abandonment of the freight operating easement and rights and of freight service over the Line in view of the availability of these arrangements so that MTA may be the exclusive user of the Line for its light rail commuter passenger service. The long haul for at least some of the traffic moving over the Line is being, and will be, retained, with final delivery by truck after transload or bulk transfer or as part of an intermodal movement. NSR has a transload facility about one mile from the end of the subject Line.

The abandonment of freight service over the Line will result in more efficient and economical maintenance and use of the track by, and an increased measure of safety

for, MTA in providing its light rail commuter passenger service operations over the Line.

Under these circumstances, the submission to the Board by NSR of a more detailed application or even a more detailed petition for exemption to abandon the Line, is unnecessary since the transaction is limited in scope and will not result in an abuse of market power. Because of the agreements reached between the customers on the Line and MDOT, and because of NSR work with those customers concerning alternative rail-truck service options for future transportation of their shipments that have been moving over the Line, NSR expects no protest or opposition by any user of rail service over the Line to the proposed abandonment and to the subsequent transaction and use of the Line. NSR also expects there could be no valid protest or objection by any other party that would justify the Board's denial of the petition.

This abandonment is also appropriate for exemption from the provisions of 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions) because of the ownership of the Line by MDOT, and because of MDOT's and MTA's plans to continue to use the Line exclusively for light rail commuter passenger operations.

The petition procedure also will allow the Board to act more efficiently and expeditiously in handling this matter than would a formal application.

Notice

NSR is giving notice to the three current active shippers located on the Line, E.C.C.A. Calcium Products, Inc. d/b/a IMERYS Pigments and Additives Group

(IMERY'S), Baltimore Gas & Electric Company and Fleischmann's Vinegar Company, Inc. and to the public agencies required to be served with petitions for exemption to abandon railroad lines by mailing copies of this petition for exemption to them. Several additional government agencies have received notice of the petition for exemption through the distribution of the Environmental Report. NSR has arranged for the publication of a newspaper notice concerning the filing of the petition for exemption in The Baltimore Sun, which is widely circulated in Baltimore County, MD, the only county through which the Line runs, as the attached certification attests.

Discussion and Authorities

Under 49 U.S.C. 10903, a rail line may not be abandoned without the Board's prior approval. Under 49 U.S.C. 10502, however, the Board must exempt a transaction or service from regulation when they find that: (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not necessary to protect shippers from the abuse of market power.

Detailed scrutiny of this transaction under 49 U.S.C. 10903 is not necessary to carry out the rail transportation policy. By minimizing the administrative expense of the application process, an exemption will reduce regulatory barriers to exit [49 U.S.C. 10101(7)]. An exemption will also foster sound economic conditions and encourage efficient management by relieving NSR from the cost of owning and maintaining a line that has been marginally profitable or unprofitable to operate [49 U.S.C. 10101(5) and

(9)]. The long haul rail movement for much of the traffic that moved over the Line is being, and will be, retained through rail-truck transload service. Bulk transfer and intermodal operations are also available to these customers. NSR has a transload facility available about one mile from the end of the Line at Milepost UU-1.0. The Line will continue to be used by MDOT and MTA to provide light rail commuter passenger service without concern about the overlapping rail freight service over the Line. Other aspects of the rail transportation policy will not be affected adversely.

Because of the additional transportation alternatives available to the shippers, and MDOT's and NSR's work with the shippers on at least some of those arrangements that will include retention of long-haul railroad movements for some commodities, regulation of the transaction is not necessary to protect shippers from the abuse of market power

This petition clearly shows that NSR has met the exemption criteria for the abandonment of the subject 12.8-mile line of railroad at Cockeysville, MD. The Board does not need to provide the detailed scrutiny of the proposed abandonment of the Line based on a long-form application for the Board's prior approval under 49 U.S.C. 10903 in order for the Board to carry out the rail transportation policy set forth in 49 U.S.C. 10101. By minimizing the administrative expense of the application process, the Board's approval of an exemption in this proceeding also will reduce regulatory barriers to exit in the railroad industry [49 U.S.C. 10101(7)].

By abandonment of the freight operating easement over and freight service on the subject Line, NSR will be able to use its personnel and assets more productively

elsewhere on its rail system and MDOT will be able to use the Line exclusively for light rail commuter passenger service. Therefore, the Board's grant of an exemption from the prior approval requirements of 49 U.S.C. 10903 for the abandonment of the subject Line will promote safe and efficient rail transportation, foster sound economic conditions, and encourage efficient management [49 U.S.C. 10101(3), (5), and (9)]. Other aspects of the rail transportation policy will not be affected adversely by the grant of the exemption.

Regulation of the proposed transaction is not necessary to protect shippers from the abuse of market power. NSR expects that the only shippers who receive rail service over the Line will not object to the proposed abandonment. Given the appropriateness of this market power finding in this case, the Board need not determine whether the proposed transaction is limited in scope. However, based on numerous precedents, NSR believes that its abandonment of a 12.8-mile dead-end branch line that can be operated with only marginal profitability at best, and which must share the track with a light rail commuter passenger operation, also should be found to be limited in scope.

NSR is giving notice to the three currently active railroad freight service customers on the Line, E.C.C.A. Calcium Products, Inc. d/b/a IMERY'S Pigments and Additives Group (IMERY'S), Baltimore Gas & Electric Company and Fleischmann's Vinegar Company, Inc., by serving them with copies of the petition for exemption so that they may see the exact petition for abandonment as filed, place their names on the Board's service list or otherwise participate in this proceeding if they choose to do so. Moreover, NSR has proceeded with the filing of the petition with the understanding of

support for it by both MDOT and the railroad freight customers located along the Line. Nonetheless, should the Board so order, NSR will serve a copy of the Board's decision on these railroad customers and certify to the Board that copies of the decision have been sent to them.

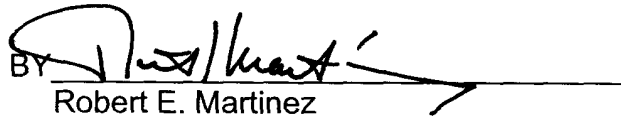
Further exemption of the proposed abandonment of the subject Line from the provisions of 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions) is proper and necessary because of the ownership of the Line by MDOT and its current and continuing use of the Line, through MTA, to provide light rail commuter passenger service over the Line. Imposition of the OFA procedures or a public use condition would serve no purpose in view of the efforts by MDOT to secure ownership and exclusive use of the Line for light rail commuter passenger operations, which already constitutes a public use of the Line. See STB Docket No. AB-3 (Sub-No. 139X), *Missouri Pacific Railroad Company -- Abandonment and Discontinuance of Operations Exemption -- in Houston, Harris County, TX*, STB Docket No. AB-423 (Sub-No. 2X), *Houston Belt & Terminal Railway Company -- Discontinuance of Operations Exemption -- In Houston, Harris County, TX*, served December 31, 1996, slip op., pages 4-5 as well as the Board's decision with respect to the abandonment of the connecting 15.4-mile line, served November 15, 2000 in STB Docket No. AB-290 (Sub-No. 208X), *The Cincinnati, New Orleans and Texas Pacific Railway Company - Abandonment - Exemption in Cumberland and Roane Counties, TN*.

Conclusion

Therefore, Norfolk Southern Railway Company respectfully petitions the Board under 49 U.S.C. 10502, to exempt the abandonment of approximately 12.8 miles of NSR freight operating rights and freight service between Milepost UU-1.0 at or near Baltimore, MD and Milepost UU-13.8 at Cockeysville, MD, from the prior approval requirements of 49 U.S.C. 10903 and from the provisions of 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions).

Respectfully submitted

NORFOLK SOUTHERN RAILWAY COMPANY

BY 
Robert E. Martinez
Vice President – Business Development

Dated: December 12, 2005

Of Counsel:

James R. Paschall
Senior General Attorney
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510

(757) 629-2759

VERIFICATION

Commonwealth of Virginia)
) ss
City of Norfolk)

Robert E. Martinez makes oath and says that he is Vice President – Business Development of Norfolk Southern Railway Company; that he has been authorized by the petitioner to verify and file with the Surface Transportation Board the foregoing petition in STB Docket No. AB-290 (Sub-No. 237X); that he has carefully examined all of the statements in the petition as well as the exhibits attached thereto and made a part thereof; that he has knowledge of the facts and matters relied upon in the petition; that he has obtained knowledge of certain facts from, and has relied in part upon, the business records of the company or persons with a business duty to keep those records accurately; and that all representations set forth in the petition and exhibits are true and correct to the best of his knowledge, information, and belief.


Robert E. Martinez

Subscribed and sworn to before me, a notary public
in and for the State and City above named, this
12th day of December, 2005.

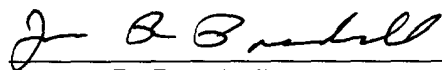

Notary Public

My commission expires: My Commission Expires April 30, 2007

CERTIFICATION

SERVICE OF
NEWSPAPER NOTICE - 49 C.F.R. §1152.50(d)(1)

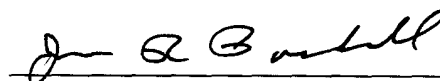
I hereby certify that the newspaper notice required by 49 C.F.R. §1152.50(d)(1) was given through publication on November 16, 2005, in The Baltimore Sun, which is a newspaper of general circulation in Baltimore County, MD, the county through which the Line runs (see Exhibit 3).


James R. Paschall

Dated: December 12, 2005

CERTIFICATE OF SERVICE

I certify that the foregoing petition in STB Docket No. AB-290 (Sub-No. 237X) has been served on E.C.C.A. Calcium Products, Inc. d/b/a IMERYS Pigments and Additives Group; Baltimore Gas & Electric Company; Fleischmann's Vinegar Company, Inc.; Charles A. Spitulnik; David L. Ganovski, Maryland Department of Transportation; the United States Department of Defense, Military Traffic Management Command (MTMCTEA), Transportation Engineering Agency, Railroads for National Defense Program,; Mr. Tom Ross, Chief of National Recreation and Trails, U. S. Department of the Interior - National Park Service, Recreation Resources Assistance Division; and U. S. Department of Agriculture, Chief of the Forest Service, on December 12, 2005, by first class mail, postage prepaid.



James R. Paschall

Dated: December 12, 2005

Federal Register: _____, 2005 (Volume 70, Number ____)]
[Notices]
[Page ____]

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board
[STB Docket No. AB-290 (Sub-No. 237X)]

Norfolk Southern Railway Company - Petition for Exemption – Abandonment of Freight Operating Rights and of Rail Freight Service – Between Baltimore, MD and Cockeysville, MD in Baltimore County, Maryland

On December ___, 2005, Norfolk Southern Railway Company (NSR), filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903, to abandon an approximately 12.8-mile line of railroad, extending between Milepost UU-1.0 and Milepost UU-13.8 at Cockeysville, MD (the Line) in Baltimore County, Maryland. The Line traverses United States Postal Service Zip Codes 21030, 21065 and 21201 and serves the stations of Lutherville, MD, Timonium, MD, Texas, MD and Cockeysville, MD. NSR will continue to provide rail service to the station of Baltimore, MD.

In addition to an exemption from 49 U.S.C. 10903, petitioner seeks exemption from 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions). In support, NSR states that the Line is owned by the Maryland Department of Transportation (MDOT) and that the Maryland Transit Administration (MTA) conducts and will continue to conduct light rail commuter passenger operations over the Line, a public use.

The Line does not contain federally granted rights-of-way. Any documentation in

NSR's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.--Abandonment--Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by _____, 2006. Any offer of financial assistance (OFA) under 49 C.F.R. 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer must be accompanied by a \$1,200.00 filing fee. See 49 C.F.R. 1002.2(f)(25). Any OFA may be affected by the Board's decision on NSR's petition for exemption from the provisions of 49 U.S.C. 10904.

Any request for a public use condition under 49 C.F.R. 1152.28 or for trail use/rail banking under 49 C.F.R. 1152.29 will be due no later than _____, 2005. Each trail use request must be accompanied by a \$200.00 filing fee. See 49 C.F.R. 1002.2(f)(27). Any public use condition request may be affected by the Board's decision on NSR's petition for exemption from the provisions of 49 U.S.C. 10905. NSR has stated that it will not negotiate with any party for an agreement for interim trail use of the right-of-way since the right-of-way is owned by MDOT and will continue to be used for MTA's light rail commuter passenger operations.

All filings in response to this notice must refer to STB Docket No. AB-290 (Sub-No. 237X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001, and (2) James R. Paschall, Norfolk Southern Railway Company, Three Commercial Place,

Norfolk, VA 23510.

Replies to the NSR petition are due on or before _____, 2006.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 C.F.R. part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at www.stb.dot.gov

Decided: _____, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. _____ Filed _____]

BILLING CODE _____



Maryland Department of Transportation
The Secretary's Office

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Robert L. Flanagan
Secretary

James F. Ports, Jr.
Deputy Secretary

September 19, 2005

James Paschall, Esq.
Senior General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191
Telephone: (757) 629-2759
Fax (757) 533-4872

Re: Proposed Abandonment Filing by Norfolk Southern Rail Corporation (NSR) of its Rail Freight Operations/Trackage Rights on the Cockeysville Line Segment, MP UU 1.0 to MP UU 13.8

Dear Mr. Paschall:

This letter serves as written confirmation of Maryland Department of Transportation (MDOT) / Maryland Transit Agency (MTA) official support of NSR's proposed abandonment of its rail freight operations/trackage rights on the Cockeysville Line segment from Milepost UU 1.0 to UU 13.8. Moreover, to assure NSR's continued, unencumbered access to its transload facility located at North Avenue in the City of Baltimore, MD, MDOT/MTA approves NSR retaining its freight operating/trackage rights on the Cockeysville Line segment from MP UU 0.0 to UU 1.0.

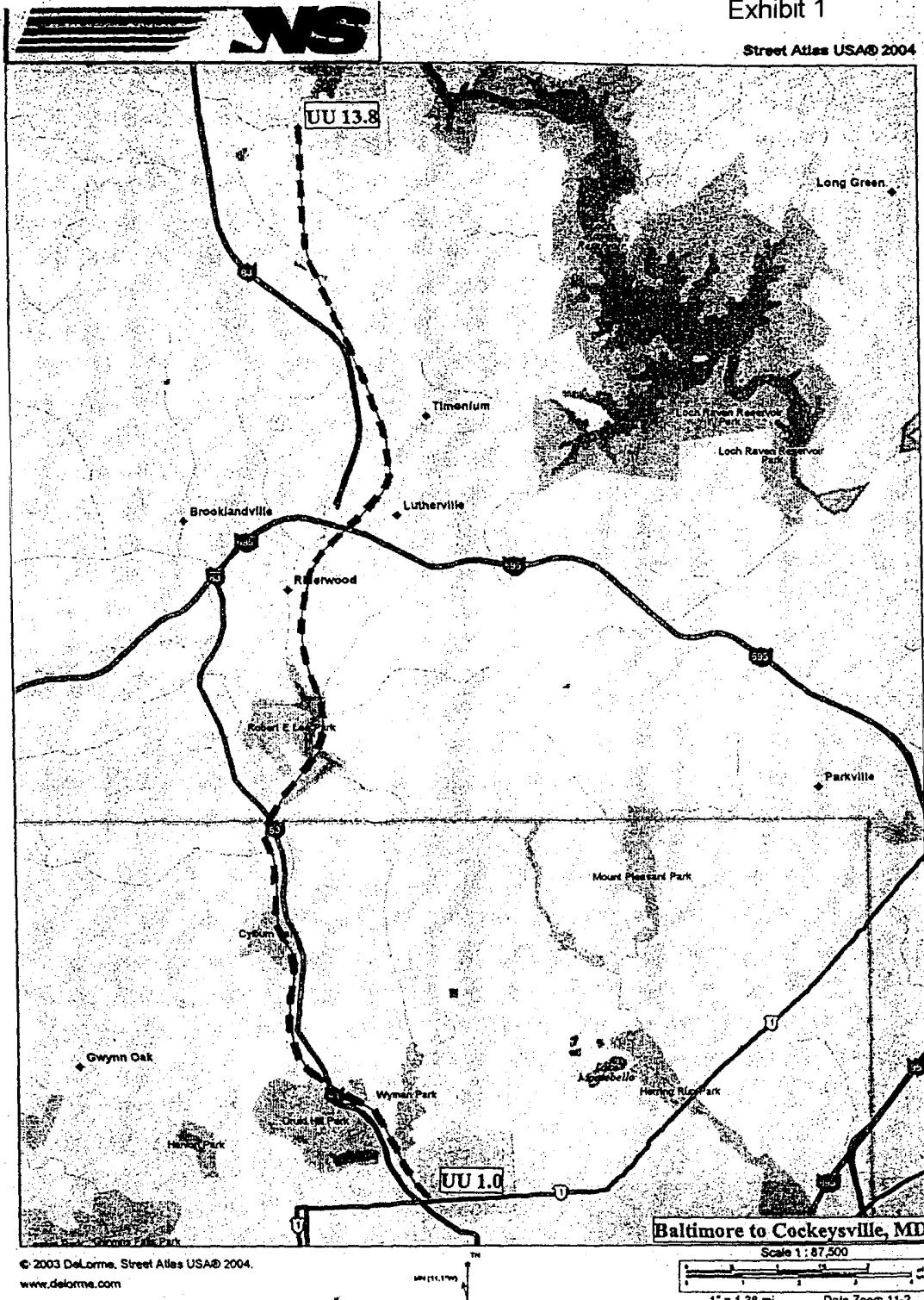
NSR's abandonment of its rail freight operations was requested by MDOT/MTA to facilitate the restructuring of MTA's light rail commuter service currently operating over the above subject line segment.

Per agreement between MDOT/MTA and NSR, we expect NSR to file a notice with the Surface Transportation Board (STB) requesting approval authority to abandon its rail freight operating rights on the Cockeysville Line segment from Milepost UU 1.0 to Milepost UU 13.8 sometime early fourth quarter 2005.

Sincerely,

David L. Ganowski
Director - Office of Freight Logistics
Maryland Department of Transportation

Cy: J. M. Lipps (NSR - Norfolk)
R. L. Crawford (NSR - Philadelphia)



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EXHIBIT 2

ENVIRONMENTAL AND HISTORIC REPORTS

**ENVIRONMENTAL REPORT ON
PROPOSED ABANDONMENT
OF
RAIL FREIGHT OPERATIONS**

BY

NORFOLK SOUTHERN RAILWAY COMPANY

**RAIL LINE SEGMENT LOCATED IN THE
CITY OF BALTIMORE AND BALTIMORE COUNTY,
MARYLAND**

**BALTIMORE TO COCKEYSVILLE, MARYLAND
(BETWEEN MP UU-1.0 AND MP UU-13.8)**

.....
**NORFOLK SOUTHERN RAILWAY COMPANY
ENVIRONMENTAL PROTECTION DEPARTMENT
110 FRANKLIN ROAD, SE
ROANOKE, VIRGINIA 24042-0013**

09/23/05

ENVIRONMENTAL REPORT ON PROPOSED ABANDONMENT OF RAIL FREIGHT OPERATIONS

Abandonment of: rail freight operating rights on 12.8 miles of track between Milepost UU 1.0 and Milepost UU 13.8 from Baltimore to Cockeysville, City of Baltimore and Baltimore County, Maryland.

1. PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (hereinafter called NSR) proposes abandonment of its rail freight operating rights under an agreement with the Maryland Transit Administration (MTA), over 12.8 miles of rail line from the City of Baltimore to Cockeysville, Baltimore County, Maryland. MTA owns this line segment between, Milepost UU 1.0 and Milepost UU 13.8, including the right-of-way and track material. A map delineating the line proposed for abandonment of rail freight operations is attached as **Appendix A**.

The alternative to abandonment of rail freight operations on this line is:

1. to not abandon rail freight operations over this line segment.

This alternative is not satisfactory. MTA, which owns and operates the line segment, intends to rehabilitate the line in order to facilitate restructuring of its light-rail service to communities located along it and has asked NSR to cease providing freight service on the line. The three active customers located along the line segment have entered into individual agreements with MTA to support NSR's abandonment of its rail freight operation. MTA will not provide any freight service on the line following NSR's abandonment.

As this is not a physical abandonment of the line but rather an abandonment of rail freight operations, no environmental impacts are anticipated.

NSR's letter to federal, state and local government agencies is attached as **Appendix B**. Responses to the letter or other comments received as result of consultations can be found in **Appendix C**. Certification of the recipients of this report can be found in **Appendix D**.

2. TRANSPORTATION SYSTEM

NSR's proposed abandonment of its rail freight operating rights over the line are being sought to facilitate the restructuring of MTA's light-rail commuter service over this line segment. Consequently, the effects of the proposed action on regional or local transportation systems and patterns will yield a positive outcome for the local communities that reside along the line segment. As this is only an abandonment of rail freight operations, the physical rail will remain intact for use in commuter transportation purposes.

3. LAND USE

- (i) The proposed abandonment of rail freight operations involves 12.8 miles of rail line extending from the City of Baltimore to Cockeysville, Maryland. The land use along the rail line proposed for abandonment of service is 60% residential, 20% industrial and 20% commercial. As NSR does not own the right-of-way, the owner, MTA, and local zoning ordinances will control future land use.

Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. The limited rail freight traffic moving on the rail line indicates a substantial lack of rail freight dependent land use in the service area. NSR has proposed abandonment of its rail freight operating rights to facilitate MTA's anticipated restructuring and upgrading of its regional light-rail commuter service that operates over this line segment. Consequently, the proposed abandonment is expected to be consistent with land use plans for the service area.

(ii) Prime Agricultural Lands

No effects on any prime agricultural land are anticipated as a result of the proposed abandonment of rail freight operations.

(iii) Coastal Zone

This rail segment is located within the Maryland Coastal Zone. However, no effect on the coastal zone is anticipated because the proposed action is abandonment of only rail freight operations.

(iv) Alternative Public Use

Following NSR's abandonment, MTA will continue to operate public commuter service over the line segment.

4. ENERGY

(i) Development and Transportation of Energy Resources

Development and transportation of energy resources will not be significantly affected by NSR's abandonment of its rail freight operations on this line segment. A small amount of rail freight traffic has moved on the line within the previous two years and will continue to be mostly moved by rail to another location. Additionally, MTA plans expansion of and improvements to the existing commuter train service that operates over the line segment. Therefore, compared with the past two years, the abandonment of rail freight operations on the line would have no effect on development and transportation of energy resources.

(ii) Movement/Recovery of Recyclable Commodities

Movement/recovery of recyclable commodities will not be affected by the abandonment.

(iii) Impact on Energy Efficiency

The proposed abandonment of freight operations will not have an impact on energy efficiency. NSR has moved only 193 cars in 2004 and 122 cars in 2003 over the line proposed for abandonment, and these movements will continue to be handled mostly by rail at nearby transload facilities. Therefore, compared with the past two years, the abandonment would have no effect on energy efficiency.

(iv) Diversion of Traffic to Motor Carriers

Rail freight currently moving over the denoted rail line segment will be handled at rail-served transload facilities in Baltimore. Because of the small volumes of traffic involved, negligible diversions of traffic to motor carriers will occur.

5. AIR

The proposed action is abandonment of rail freight operations and will not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(5) and therefore does not require a quantified analysis of emissions.

(i) Effects on Air Emissions

Neither the State of Maryland nor Baltimore County has established analysis thresholds for air emissions; however, the state of Maryland does have regulations regarding visible emissions and the emission of fugitive dust to ambient air. These regulations are published by the Maryland Division of State Documents under Title 26.11.06.02 and 26.11.06.03.D respectively and are provided in **Appendix E**. United States

Environmental Protection Agency (USEPA) has National Ambient Air Quality Standards for pollutants (including ozone) as found in 40 CFR Part 50; however, NSR does not anticipate any adverse effect on Maryland's air quality as a result of the proposed abandonment of freight operations.

(ii) Class I or Non-Attainment Area

Baltimore County, Maryland, is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the USEPA. Baltimore County, Maryland is in non-attainment for ozone. NSR does not believe any Class I or Non-Attainment areas would be affected by the proposed abandonment.

(iii) Ozone Depleting Materials

Not applicable. Transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is not contemplated, since the proposed action is abandonment rail freight operations; and it is not anticipated that this action will result in the diversion of any such materials from rail to motor carriage.

6. NOISE

The proposed action does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(6) and therefore does not require a quantified analysis of noise levels. Noise levels associated with rail removal or salvage operations are temporary and should not have a significant impact on the area surrounding the proposed abandonment of freight operations.

There is no federal noise regulation according to the EPA. Baltimore County has established no analysis thresholds for noise. The State of Maryland has established thresholds for noise published under COMAR Title 26.02.03; however, railroads and railroad operations are exempt from these thresholds.

7. SAFETY

(i) Public Health and Safety

Abandonment of rail freight operations on the captioned rail line will have no significant effect upon public health and safety. However, it is anticipated that NSR's abandonment of its rail freight operations will have a positive effect on MTA's anticipated restructuring and upgrading of its current commuter rail operations on the rail line segment. NSR is abandoning its rail freight operations in an effort to cooperate with MTA's continuing efforts to offer uninterrupted commuter rail service.

(ii) Hazardous Materials Transport

Not applicable. Action proposed is abandonment of freight operations.

(iii) Hazardous Waste or Hazmat Spill Sites

NSR has no knowledge of any hazardous waste sites where there have been known hazardous material spills on the right-of-way of the line proposed for abandonment of rail freight operations. A site visit was performed to assess right-of-way conditions, a search of company records was conducted, as well as on-line searches of Maryland Department of Natural Resources (MDDENR), National Response Center (NRC) and the USEPA EnviroMapper database was conducted. The searches did not reveal any information regarding spills or releases on this property.

8. BIOLOGICAL RESOURCES

(i) Endangered Species/Critical Habitat

The US Fish and Wildlife Service (USFWS) has indicated through correspondence and/or public records that there are 18 threatened or endangered species that may exist statewide. The complete list of these species has been included in **Appendix F** for reference. NSR is not aware of any critical habitat which would be destroyed or modified as a result of the proposed abandonment. Since there will not be any salvage activities conducted, NSR does not believe that any endangered species or critical habitat which might be present would be adversely affected.

(i) Sanctuaries, Refuges and Parks

Based on the site investigation and comments received from government agencies, the line segment proposed for abandonment of rail freight operations does not pass through any national forests/parks, state forests/parks, or wildlife sanctuaries. Based on comments received from the City of Baltimore and Baltimore County, the line passes through the following parks:

- Robert E. Lee Park (city park)
- Seminary Park (county park)
- W. Lutherville (county park)

No adverse effects on any wildlife sanctuary, National Park, or State Park are anticipated.

9. WATER

(i) Water Quality Standards

NSR does not own the rail line over which freight operations are being abandoned and thus there will not be any alteration of the underlying roadbed as a result of this action. Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, no water quality impacts are expected in connection with the proposed action to abandon rail freight operations. Therefore, NSR considers the abandonment to be consistent with any applicable Federal, State, and/or local water quality standards.

(ii) Wetlands/100-Year Flood Plains

The rail line proposed for abandonment of rail freight operations crosses Western Run, Lake Roland, Towson Run, Roland Run, Goodwin Run and passes through 100-year flood plains and wetlands associated with these waterways. Since there will not be any physical removal of rail, the roadbed will not be significantly altered. No discernible effects on either 100-year flood plains or wetlands are expected in connection with the proposed abandonment of freight operations. Consequently, NSR does not believe a Section 404 permit will be required in connection with the proposed abandonment.

(iii) Section 402 Permit

Inasmuch as NSR proposes only to abandon its rail freight operations, NSR does not intend to remove or alter the contour of the roadbed underlying the rail line, undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment of its rail freight operations, water quality effects will not be an issue. NSR does

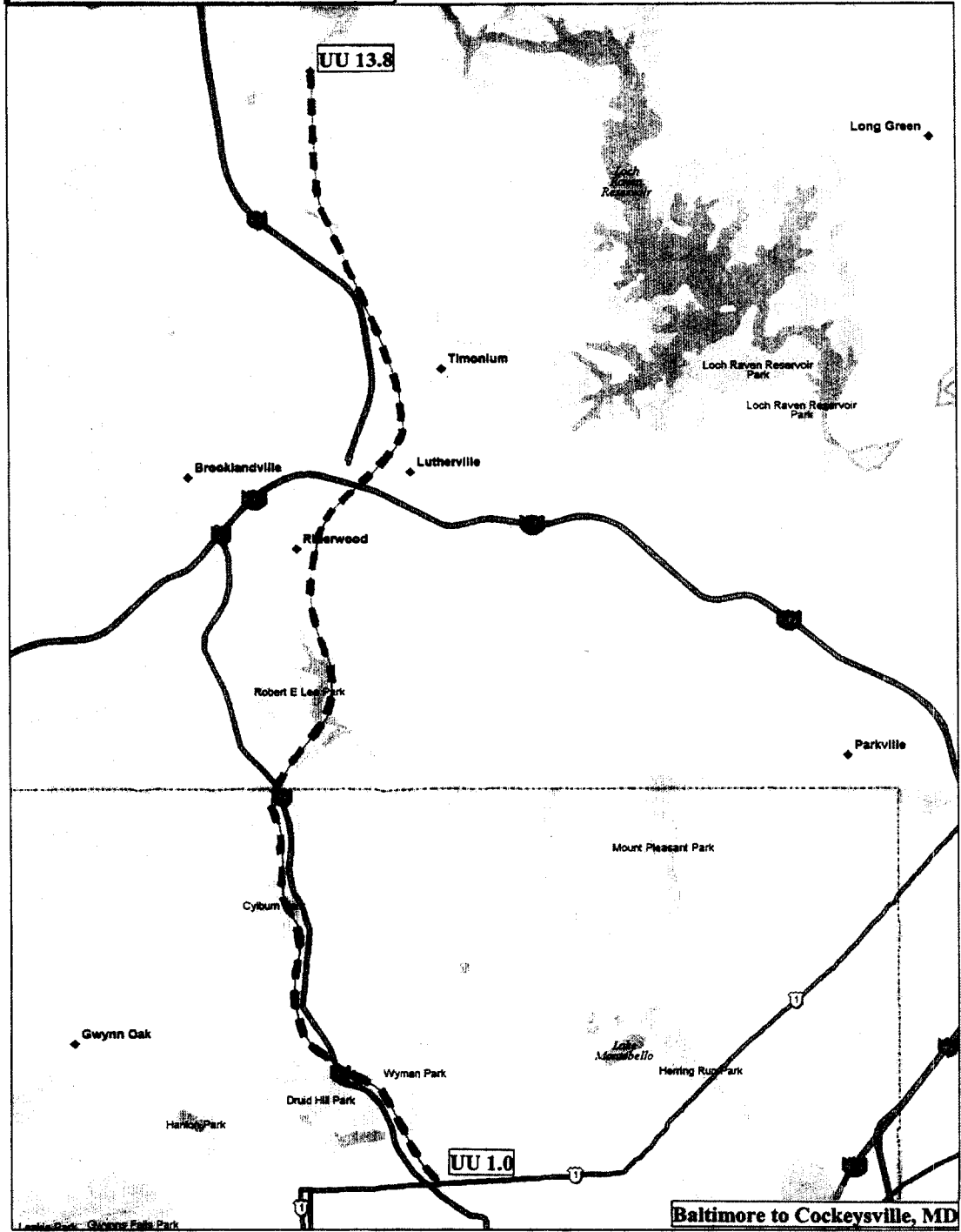
not believe that a permit under Section 402 of the Federal Water Pollution Control Act will be required.

10. PROPOSED MITIGATION

Abandonment of rail freight operations over the involved rail line is not expected to produce adverse environmental impacts. Physical activity associated with removal of rail, ties, and other railroad appurtenances will not occur. Therefore, mitigation activities associated with physical removal of rail will not be necessary in this instance.

APPENDIX A

Site Map



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MD (11 1'W)

Scale 1 : 87,500
1" = 1.38 mi Data Zoom 11-2

APPENDIX B

Agency Letter



RECIPIENT LIST

Proposed Abandonment of rail freight operations on the segment of rail line between Milepost UU 1.0 and Milepost UU 13.8, a distance of 12.8 miles from Baltimore to Cockeysville, City of Baltimore and Baltimore County, Maryland.

Agency	Contact Name	Address
Maryland State Clearinghouse	Linda C. Janey Director	Department of State Planning Clearinghouse & Plan Review Section 301 West Preston Street, Room 1104 Baltimore, Maryland 21201-2365
Maryland State Environmental Protection Agency		Maryland Department of the Environment 2500 Browning Highway Baltimore, Maryland 21224
Maryland Department of Natural Resources - Coastal Zone Management Program	K. Freeman	Tawes State Office Building, E-2 580 Taylor Avenue Annapolis, Maryland 21401
City of Baltimore	Martin O'Malley Mayor	City Hall, Room 250 100 N. Holliday Street Baltimore, Maryland 21202
Baltimore County	James T. Smith, Jr. County Executive	400 Washington Avenue Old Courthouse Mezzanine Towson, Maryland 21201
U. S. Fish and Wildlife Service	Marvin Moriarty	300 West Gate Center Drive Hadley, Massachusetts 01035-9589
National Geodetic Survey	Mr. Richard Snay – Chairman At-Large Chief of Spatial Reference System Div.	1315 East/West Highway, Room 8813 Silver Spring, Maryland 20910
U. S. Army Corps of Engineers	Regulatory Branch – Northern Section	P.O. Box 1715 Baltimore, Maryland 21203-1715
USDA Natural Resources Conservation Service	Mark Rose	John Hanson Business Center 339 Busch's Frontage Road, Suite 301 Annapolis, Maryland 21401
U. S. Environmental Protection Agency		Regional Office – Region 3 1650 Arch Street Philadelphia, Pennsylvania 19103
U. S. National Park Service – Regional Office / Northeast Region	Jackie Katzmire	U.S. Custom House 200 Chestnut Street, Fifth Floor Philadelphia, Pennsylvania 19106
Maryland Transit Administration	Lisa L. Dickerson MTA Administrator	Six St. Paul Street Baltimore, Maryland 21202
COURTESY COPY:		
Maryland Department of Transportation	David Ganovski Director	Office of Freight Logistics 7201 Corporate Center Drive Hanover, Maryland 21076



Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

September 23, 2005

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon rail freight operations on the segment of rail line from Baltimore to Cockeysville, Maryland, City of Baltimore and Baltimore County, between Milepost UU 1.0 and Milepost UU 13.8, a distance of 12.8 miles. A map of the proposed abandonment can be found in **Appendix A** of this Environmental Report for Proposed Rail Line Abandonment of Freight Operations.

NSR does not anticipate any adverse environmental impacts. You may provide us with a written response that can be included in an Environmental Report, which will be sent to the STB. The preceding page lists the various agencies receiving this report and the type of information NSR anticipates receiving from those agencies.

This report is also being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423-001, Telephone (202) 565-1552 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, NS must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address below or provide information by telephone to Mr. Larry Western at (540) 981-4239.

Norfolk Southern Railway Company
Larry G. Western
Environmental Protection Department
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

Yours truly,

K. R. Miller
Director Environmental Engineering and Audits
Norfolk Southern Railway Company

Cy: L. G. Western
J. R. Paschall
J. M. Lipps

APPENDIX C

Agency Responses



IN REPLY REFER TO:

United States Department of the Interior

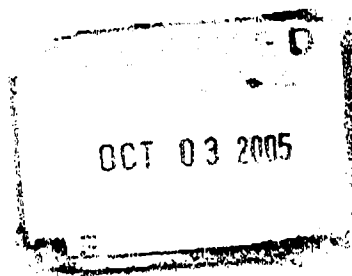
NATIONAL PARK SERVICE
Northeast Region
United States Custom House
200 Chestnut Street
Philadelphia, PA 19106

L6W

L7619 (NER-RSS/RP&C)

September 28, 2005

NORFOLK SOUTHERN
Environmental Protection Department
110 Franklin Road SE (Box 13)
Roanoke VA 24042



Dear Mr. Miller:

The National Park Service Northeast Regional Office has received your request for information. Due to the large number of requests received in this office, we regret that we are unable to provide an individual response to each requestor. Following is a list of the resources of interest to the National Park Service. It is your responsibility to determine if your proposed project is located in the vicinity of, and may potentially affect, any of the listed resources and contact the manager of the specific resource for more information.

National Parks

The National Park System is comprised of over 380 areas throughout the U.S. and its territories. Management responsibility for each National Park unit lies with the Superintendent of that unit. Units of the National Park System can be located by commonly available materials such as highway and county road maps, or USGS topographic maps. Information about specific National Park units and contact information can be found at www.nps.gov.

National Historic Landmarks

National Historic Landmarks (NHLs) are nationally significant historic resources that possess exceptional value or quality in illustrating or interpreting the heritage of the United States. Information on NHLs can be found at <http://www.cr.nps.gov/nhl/INDEX.htm>. The primary contact regarding potential effects of your proposed project on NHLs is the State Historic Preservation Officer (SHPO). Contact information for SHPOs by state can be found at <http://www.ncshpo.org/stateinfolist/fulllist.htm>. If your project could have an effect on a NHL you should include our Preservation Assistance Office/NHL Program Manager as an interested party and provide information regarding the issues that may affect NHLs. In the event that the SHPO determines your project will have an adverse effect on a NHL under the Historic Preservation Act's Section 106 review process, you must then contact the NHL Program Manager and offer the NPS an opportunity to formally consult with your agency. Information on the 106

2

process should be sent to Bill Bolger at the National Park Service, 200 Chestnut Street, Philadelphia, PA 10106 or by e-mail to bill_bolger@nps.gov.

National Natural Landmarks

The National Natural Landmarks Program recognizes and encourages the conservation of outstanding examples of our country's natural history in both public and private ownership. The National Park Service administers the National Natural Landmark Program and, if requested, assists National Natural Landmark owners and managers with the conservation of these important sites. A guide to National Natural Landmarks by state and contact information for National Natural Landmarks can be found at <http://www.nature.nps.gov/nnl/>.

National Heritage Areas

National Heritage Areas are places where natural, cultural, historic and recreational resources combine to form a cohesive, nationally distinctive landscape arising from patterns of human activity shaped by geography. National Heritage Areas may be managed by a State or local agency, a commission, or a private nonprofit corporation. The National Park Service provides technical and financial assistance for a limited time (usually 10-15 years) following designation. A list of National Heritage Areas and contact information can be found at <http://www.cr.nps.gov/heritageareas/CNTC/INDEX.HTM>.

National Trails System

The National Trails System is the network of scenic, historic, and recreation trails created by the National Trails System Act of 1968. These trails provide for outdoor recreation needs, promote the enjoyment, appreciation, and preservation of open-air, outdoor areas and historic resources, and encourage public access and citizen involvement. The National Trails System Act made it Federal policy to recognize and promote trails by providing financial assistance, support of volunteers, coordination with States, and other authorities. As a result, 8 National Scenic Trails and 15 National Historic Trails have been established by act of Congress, and are administered by the National Park Service, the USDA Forest Service, and the Bureau of Land Management, depending on the trail, and over 800 national recreation trails have been designated through recognition by the Secretaries of Agriculture and Interior; and 2 side-and-connecting trails have also been certified. More detail and contact information for these trails can be found at http://www.nps.gov/nts/nts_trails.html. A state-by-state list of National Recreational Trails with contact information can be found at <http://www.americantrails.org/nationalrecreationtrails>.

Land and Water Conservation Fund

The Land and Water Conservation Fund program provides matching grants to States and local governments for the acquisition and development of public outdoor recreation areas and facilities. The Land and Water Conservation Fund is administered for the NPS through the state. Contact the State Liaison Officer directly for information regarding potential effects of your project. Contact information for State Liaison Officers can be found at http://www.nps.gov/nrcr/programs/lwcf/contact_list.html.

Urban Park and Recreation Recovery Program

3

The Urban Park and Recreation Recovery Program provides direct Federal assistance to urban localities for rehabilitation of critically needed recreation facilities. The Urban Park and Recreation Recovery Program is administered by the National Park Service. A list of funded cities and contact information for the Urban Park and Recreation Recovery Program can be found at <http://www.ncrc.nps.gov/uparr/>. If your project occurs in one of the funded or eligible cities, contact the Urban Park and Recreation Recovery Program directly for more information regarding potential effects of your project.

Wild and Scenic Rivers

The National Wild and Scenic Rivers System preserves certain rivers with outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values in a free-flowing condition for the enjoyment of present and future generations. There are four primary federal agencies charged with protecting and managing wild and scenic rivers: the Bureau of Land Management, the US Forest Service, the US Fish and Wildlife Service, and the National Park Service. A list of designated rivers and contact information can be found at <http://www.nps.gov/rivers/wildriverslist.html#pa>. This website also contains information about the Nationwide Rivers Inventory (NRI), which is an additional list of river segments with significant natural and/or cultural values that should be considered in the planning process.

Wilderness Areas

The Wilderness Act of 1964 originated out of a national concern over trends affecting roadless areas on the national forests. But it was also applied to lands in the National Park System because of concerns about the erosion of roadless blocks within units of the National Park System. The Wilderness Act supplements the NPS's basic statutory authority. It serves as a permanent zoning device, with national legal sanction, determining where roads and structures will not intrude. A list of National Park Service Wilderness Areas and contact information can be found at <http://wilderness.nps.gov/maplocator.cfm>.

Thank you for your interest in the National Park Service and its programs.

Resource Planning and Compliance Program
National Park Service, Northeast Regional Office
200 Chestnut Street
Philadelphia, PA 19106



Maryland Department of Planning

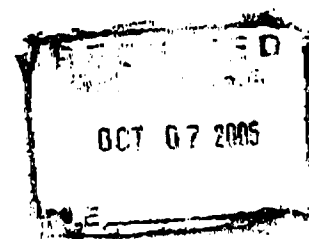
Robert L. Ehrlich, Jr.
Governor

Michael J. Steele
Lt. Governor

Andrey E. Scott
Secretary

Florence E. Buntan
Deputy Secretary

September 27, 2005



Mr. Larry G. Western
Project Manager, Environmental Protection Department
Norfolk Southern Railway Company
110 Franklin Road, SE (Box 13)
Roanoke, VA 24042-0013

STATE CLEARINGHOUSE REVIEW PROCESS

State Application Identifier: MD20050926-0821

Reply Due Date: 10/21/2005

Project Description: Environmental Report: Proposed Abandonment of Rail Freight Operations between Baltimore City, and Cockeysville

Project Location: County(ies) of Baltimore City and Baltimore

Clearinghouse Contact: Bob Rosenbush

Dear Mr. Western:

Thank you for submitting your project for intergovernmental review. Your participation in the Maryland Intergovernmental Review and Coordination (MIRC) process helps to ensure that your project will be consistent with the plans, programs, and objectives of State agencies and local governments.

We have forwarded your project to the following agencies and/or jurisdictions for their review and comments: the Maryland Department(s) of Transportation, the Environment, Natural Resources, Business and Economic Development, Housing and Community Development, including the Maryland Historical Trust, the County of Baltimore, Baltimore City, and the Maryland Department of Planning. A composite review and recommendation letter will be sent to you by the reply due date. Your project has been assigned a unique State Application Identifier that you should use on all documents and correspondence.

Please be assured that we will expeditiously process your project. The issues resolved through the MIRC process enhance the opportunities for project funding and minimize delays during project implementation.

A "Project Survey" form is enclosed with this letter. Please complete and return it within 14 days of the date of this letter. If you need assistance or have questions, contact the State Clearinghouse staff noted above at 410-767-4490 or through e-mail at brosenbush@mdp.state.md.us. Thank you for your cooperation with the MIRC process.

Sincerely,

Linda C. Janey, J.D., Director
Maryland State Clearinghouse for Intergovernmental Assistance

LCJ:BR
Enclosure(s)
05-0821_NRR,NEP.doc

301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2905
Telephone: 410.767.4500 • Fax: 410.767.4480 • Toll Free: 1.877.767.6272 • TTY Users: Maryland Relay
Internet: www.MDP.state.md.us

APPENDIX D
Certification of Environmental Report
Recipients

RECIPIENT LIST

Agency	Contact Name	Address
Maryland State Clearinghouse	Linda C. Janey Director	Department of State Planning Clearinghouse & Plan Review Section 301 West Preston Street, Room 1104 Baltimore, Maryland 21201-2365
Maryland State Environmental Protection Agency		Maryland Department of the Environment 2500 Browning Highway Baltimore, Maryland 21224
Maryland Department of Natural Resources - Coastal Zone Management Program	K. Freeman	Tawes State Office Building, E-2 580 Taylor Avenue Annapolis, Maryland 21401
City of Baltimore	Martin O'Malley Mayor	City Hall, Room 250 100 N. Holliday Street Baltimore, Maryland 21202
Baltimore County	James T. Smith, Jr. County Executive	400 Washington Avenue Old Courthouse Mezzanine Towson, Maryland 21201
U. S. Fish and Wildlife Service	Marvin Moriarty	300 West Gate Center Drive Hadley, Massachusetts 01035-9589
National Geodetic Survey	Mr. Richard Snay – Chairman At-Large Chief of Spatial Reference System Div.	1315 East/West Highway, Room 8813 Silver Spring, Maryland 20910
U. S. Army Corps of Engineers	Regulatory Branch – Northern Section	P.O. Box 1715 Baltimore, Maryland 21203-1715
USDA Natural Resources Conservation Service	Mark Rose	John Hanson Business Center 339 Busch's Frontage Road, Suite 301 Annapolis, Maryland 21401
U. S. Environmental Protection Agency		Regional Office – Region 3 1650 Arch Street Philadelphia, Pennsylvania 19103
U. S. National Park Service – Regional Office / Northeast Region	Jackie Katzmire	U.S. Custom House 200 Chestnut Street, Fifth Floor Philadelphia, Pennsylvania 19106
Maryland Transit Administration	Lisa L. Dickerson MTA Administrator	Six St. Paul Street Baltimore, Maryland 21202
COURTESY COPY:		
Maryland Department of Transportation	David Ganovski Director	Office of Freight Logistics 7201 Corporate Center Drive Hanover, Maryland 21076

**Proposed Abandonment of rail freight operations on the segment of rail line between
Milepost UU 1.0 and Milepost UU 13.8, a distance of 12.8 miles from Baltimore to
Cockeysville, City of Baltimore and Baltimore County, Maryland.**

This Environmental Report for Proposed Abandonment of Rail Freight Operations was sent to the above
referenced agencies on

9/23/05
Date

K.R. Miller
K.R. Miller, Director Environmental Engineering and Audits

APPENDIX E
Visible Emissions and Fugitive Dust
Regulations

.02 Visible Emissions.

A. General Exceptions.

(1) The visible emission standards set forth in §C of this regulation, do not apply to emissions from the installations or sources listed below:

- (a) The burning of wood in fireplaces;
- (b) Open fires (except salamanders) permitted under provisions of COMAR 26.11.07.03, .04, and .05;
- (c) Fugitive emissions from iron and steel production installations in compliance with COMAR 26.11.10.03B;
- (d) Fugitive emissions from metallurgical, slot-type, byproduct coke ovens in compliance with COMAR 26.11.10.03C;
- (e) Emissions from grain drying and grain-handling installations in compliance with COMAR 26.11.18.03;
- (f) Fugitive emissions from skull cracker oxygen lancing in compliance with COMAR 26.11.10.04C;
- (g) Fugitive emissions from batch-type hot-dip galvanizing installations in compliance with COMAR 26.11.12.04;
- (h) Confined emissions from glass melting furnaces and fugitive emissions from forming and post-forming equipment in compliance with COMAR 26.11.25.03;
- (i) Emissions from food preparation installations subject to COMAR 26.11.18.06;
- (j) Emissions at a federal facility or other facility under contract with a federal facility that result from testing, training, or demonstrations of explosives, obscurant materials, propellants, or other incendiary devices; or
- (k) Sources in compliance with Regulation .03C and D of this chapter.

(2) The visible emissions standards in §C of this regulation do not apply to emissions during start-up and process modifications or adjustments, or occasional cleaning of control equipment, if:

- (a) The visible emissions are not greater than 40 percent opacity; and
- (b) The visible emissions do not occur for more than 6 consecutive minutes in any 60 minute period.

B. Case-by-Case Exception to Visible Emissions Standards.

(1) Except as provided in §B(5) of this regulation, a person who owns or operates an existing installation subject to a visible emissions standard in §C of this regulation may request an exception. The request shall be submitted to the Department in writing and shall include the following:

- (a) A description of the installation and all associated air pollution control devices;
- (b) Process information, including operating parameters and the substances that cause or the substances that are suspected of causing the visible emissions;
- (c) A demonstration, based on stack tests, a material balance, or other method of equivalent certainty that all other applicable regulations are met when the visible emissions occur;
- (d) An analysis of any methods that may be available to reduce the visible emissions, the cost effectiveness of the methods, and the economic burden that would result from the use of these methods; and

(e) Any other information requested by the Department and relating to its determination to grant or deny an exception.

(2) The application for an exception to a visible emissions standard will be processed as follows:

(a) Within 10 working days, the Department will acknowledge receipt of an application for an exception to a visible emissions standard.

(b) Within 60 days after receipt of a completed application, the Department shall notify the applicant of its intent to proceed with the application or deny the request. The Department will make a determination to proceed if the conditions in §B(2)(c)(i)—(iii) and (d) of this regulation are met.

(c) Conditions.

(i) The applicant has provided an adequate demonstration that the installation for which a visible emissions exception is requested meets all other applicable air pollution control requirements within this subtitle when the visible emissions occur.

(ii) The applicant has demonstrated to the satisfaction of the Department that complying with the applicable visible emission standard would cause an unreasonable economic burden.

(iii) The applicant has demonstrated to the satisfaction of the Department that the applicant has sufficient control of the installation to be capable of meeting an alternative visible emission limit established by the Department.

(d) Test Methods. A person shall demonstrate compliance with all other applicable regulations, as required by §B(1)(c) of this regulation, through the use of:

(i) Applicable federally approved test methods in the Department's TM 91-01 "Test Methods and Equipment Specifications for Stationary Sources", which is incorporated by reference in COMAR 26.11.01.04C; or

(ii) Other compliance methods required under this subtitle that are federally enforceable.

(e) Test Methods for Visible Emissions. Compliance with any visible emissions or opacity standard in this subtitle, including any alternative opacity standard established pursuant to this section, shall be determined using applicable federally approved test methods in the Department's TM 91-01 "Test Methods and Equipment Specification for Stationary Sources", which is incorporated by reference in COMAR 26.11.01.04C, or any other applicable federally approved test method.

(3) Opportunity for Public Comment.

(a) Within 10 days after notification by the Department of a determination to proceed, the applicant shall notify the public, by local notice and by prominent advertisement in at least one newspaper of general circulation in the region where the applicant's source is located, of the opportunity to comment on the application.

(b) The advertisement shall be made at the applicant's expense and in a format approved by the Department, and shall include a summary of all the information in the application that was considered by the Department.

(4) Final Action on a Request for an Application.

(a) The Department will make a final determination on the application after considering any public comments.

(b) If an exception is granted, the Department will issue an order which establishes an alternative opacity standard applicable to the installation receiving the exception. The order may also include any conditions or requirements determined by the Department to be necessary to insure continuous compliance with the alternative standard.

(c) Exceptions may not be granted for a period of more than 5 years and may be renewed. In requesting a renewal of a visible emissions exception, the applicant shall submit an application and satisfy all the requirements in this regulation that relate to an initial exception request, including the opportunity for public comment required in §B(3) of this regulation.

(5) The Department or control officer may bypass the procedure above and may grant exceptions to visible emission requirements if the:

(a) Application of a visible emission requirement to a residential building housing two or fewer families creates undue economic hardship on individuals residing in it; or

(b) Equipment's primary way of transferring heat is by the radiant method rather than a piped fluid system such as forced hot air, hot water, or steam. Equipment in this category would include stoves, room heaters, floor or wall-mounted circulating heaters, or similar devices.

C. Visible Emission Standards.

(1) In Areas I, II, V, and VI a person may not cause or permit the discharge of emissions from any installation or building, other than water in an uncombined form, which is greater than 20 percent opacity.

(2) In Areas III and IV a person may not cause or permit the discharge of emissions from any installation or building, other than water in an uncombined form, which is visible to human observers.

26.11.06.03

.03 Particulate Matter.

A. Calculations. All calculations of particulate matter emissions shall be made in terms of grains per standard cubic foot (milligrams per standard cubic meter) of dry exhaust gas (gr/SCFD) (mg/dscm).

B. Particulate Matter from Confined Sources.

(1) Areas I, II, V and VI.

(a) Installations Constructed On or After January 17, 1972. A person may not cause or permit particulate matter to be discharged from any installation constructed on or after January 17, 1972 in excess of 0.05 gr/SCFD (115 kg/dscm).

(b) Installations Constructed Before January 17, 1972.

(i) A person may not cause or permit particulate matter to be discharged from any installation constructed before January 17, 1972 in excess of the values determined from Table 1. When the process weight per hour falls between two values in the table, the maximum weight discharged per hour shall be determined by linear interpolation. When the process weight exceeds 60,000 pounds (27,200 kilograms) per hour, the maximum allowable weight discharged per hour will be determined by use of the following equation:

$$E = 55.0 P^{0.11} - 40$$

$$E = 11.79 P^{0.11} - 18.14$$

E = Maximum weight discharged per hour (lbs) E = maximum weight discharged per hour (kg)

P = process weight in tons per hour

P = process weight in kilograms per hour

(ii) For those processes in which the process weight per hour exceeds 60,000 pounds (27,200 kilograms), the maximum allowable weight of particulate matter discharged per hour may exceed that calculated by the above equation provided that the concentration of particulate matter in the gases discharged to the atmosphere is less than 0.05 gr/SCFD (115 mg/dscm).

(c) Exception. For any premises for which the Department determines that compliance with §B(1)(a) will cause or exacerbate a violation of the National Ambient Air Quality Standards or Federal Prevention of Significant Deterioration increments, the applicable emission standard is 0.03 gr/SCFD (68.7 mg/dscm).

(2) Areas III and IV.

(a) A person may not cause or permit to be discharged into the outdoor atmosphere from any other installation, particulate matter in excess of 0.03 gr/SCFD (68.7 mg/dscm).

(b) Exceptions. Section B(2)(a) does not apply to the following:

(i) Iron and steel production installations;

(ii) Glass melting furnaces in compliance with COMAR 26.11.25.

C. Particulate Matter from Unconfined Sources.

(1) A person may not cause or permit emissions from an unconfined source without taking reasonable precautions to prevent particulate matter from becoming airborne. These reasonable precautions shall include, when appropriate as determined by the Department, the installation and use of hoods, fans, and dust collectors to enclose, capture, and vent emissions. In making this determination, the Department shall consider technological feasibility, practicality, economic impact, and the environmental consequences of the decision.

(2) Exceptions. The following are exempt from the provisions of §C(1):

(a) Iron and steel production installations which are subject to COMAR 26.11.10.04B and C;

(b) Grain drying and grain handling installations;

(c) Batch-type hot-dip galvanizing installations which are subject to COMAR 26.11.12.

D. Particulate Matter from Materials Handling and Construction. A person may not cause or permit any material to be handled, transported, or stored, or a building, its appurtenances, or a road to be used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. These reasonable precautions shall include, but not be limited to, the following when appropriate as determined by the control officer:

(1) Use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land.

(2) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can create airborne dusts.

(3) Installation and use of hoods, fans, and dust collectors to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting of buildings or other similar operations.

(4) Covering, at all times when in motion, open-bodied vehicles transporting materials likely to create air pollution. Alternate means may be employed to achieve the same results as would covering the vehicles.

(5) The paving of roadways and their maintenance in clean condition.

(6) The prompt removal from paved streets of earth or other material which has been transported there by trucks or earth moving equipment or erosion by water.

APPENDIX F
Federal and State Endangered and
Threatened Species

Maryland -- 18 listings

Animals -- 11

Status Listing

E Bat, Indiana (<i>Myotis sodalis</i>)
E Darter, Maryland (<i>Etheostoma sellare</i>)
T Eagle, bald lower 48 States (<i>Haliaeetus leucocephalus</i>)
T Plover, piping except Great Lakes watershed (<i>Charadrius melodus</i>)
E Puma (=cougar), eastern (<i>Puma (=Felis) concolor couguar</i>)
E Squirrel, Delmarva Peninsula in Sussex Co., DE (<i>Sciurus niger cinereus</i>)
E Sturgeon, shortnose (<i>Acipenser brevirostrum</i>)
T Tiger beetle, northeastern beach (<i>Cicindela dorsalis dorsalis</i>)
T Tiger beetle, Puritan (<i>Cicindela puritana</i>)
T Turtle, bog (Muhlenberg) northern (<i>Clemmys muhlenbergii</i>)
E Wedgemussel, dwarf (<i>Alasmodonta heterodon</i>)

Plants -- 7

Status Listing

T Joint-vetch, sensitive (<i>Aeschynomene virginica</i>)
E Gerardia, sandplain (<i>Agalinis acuta</i>)
T Amaranth, seabeach (<i>Amaranthus pumilus</i>)
T Pink, swamp (<i>Helonias bullata</i>)
E Dropwort, Canby's (<i>Oxypolis canbyi</i>)
E Harperella (<i>Ptilimnium nodosum</i>)
E Bulrush, Northeastern (<i>Scirpus ancistrochaetus</i>)
T= Threatened
E = Endangered

Historic Report

Proposed Abandonment of Freight Operating Rights

Proposed Action and Alternatives

Norfolk Southern Corporation proposes to abandon freight operating rights over a 12.8 mile line of railroad between approximately milepost UU 1.0 in Baltimore, Maryland and milepost UU 13.8 in Cockeysville, Maryland. A map delineating the line proposed for abandonment is attached as Appendix A. In the related petition to the Surface Transportation Board (STB) for an exemption from the prior approval requirements of the Interstate Commerce Commission Termination Act (ICCTA), Norfolk Southern Railway Company's (NSR) proposed abandonment of freight operating rights is pursuant to a lease and operating agreement over this line of railroad sometimes referred to as the "Cockeysville Branch," the "Hunt Valley Branch", or the "Line".

The Line is now a dead-end branch line that the Line's previous owner, Consolidated Rail Corporation (Conrail) sold to the Maryland Department of Transportation (MDOT) on April 25, 1997 for use as a light rail line for commuter passenger service that is provided by the Maryland Transit Administration (MTA). Conrail, and later Norfolk Southern Railway Company (at first under a lease and operating agreement with Conrail's subsidiary, Pennsylvania Lines LLC, which has been merged into NSR) have continued to provide freight service over the Line since its sale to MDOT pursuant to a freight service operating easement and related operating agreement. Operation of the Line has been marginally profitable or unprofitable during recent time periods. Under these circumstances, Conrail told MDOT that it would file for

STB authority or an exemption to abandon freight service over the Line. Alternate transportation arrangements have been made with remaining shippers on the Line and NSR is now carrying through with Conrail's declared intention. The shippers have agreed to use bulk transfer, transload, intermodal or motor carrier service to fulfill their transportation needs.

For purposes of the historical report, however, it is crucial to note that this railroad property will remain intact upon the abandonment of freight service over the Line. Light rail commuter passenger service will continue to be provided over the Line by the MTA after the abandonment of the freight operating rights and the discontinuance of freight service. Thus, even if it were determined that any properties comprising or associated with the Line are actual or eligible historic properties, abandonment of the freight operating rights over the Line will have no effect on them. Any subsequent changes to the character of the Line would be undertaken by MTA. The alternative to this abandonment is to maintain freight operating service; however, this is not beneficial to NSR or the MTA.

Additional Information:

U.S.G.S Topographic Map

Maps were furnished to the Maryland Historic Trust.

Written Description of Right of Way

The segment between MP 1.0 and 7.0 parallels a river; therefore, the width of the corridor varies greatly. From MP 7.0 to 13.8 the width of the corridor is 132'; 66'

on each side of the track centerline. On about 60% of the corridor the encroachments are residential, with the remaining 40% consisting of industrial or commercial properties.

Photographs

Photographs were furnished to the Maryland Historic Society.

Date of Construction of Structures

Construction dates are shown on the Bridges and Structures Listing attached to this report in Appendix B.

History of Operations and Changes Contemplated

The Cockeysville Branch, or Hunt Valley Branch, originally was constructed by the Baltimore and Susquehanna Railroad Company. The Baltimore and Susquehanna Railroad Company was incorporated on February 13, 1828 by special act of the Maryland legislature. It was chartered to run from Baltimore, MD to York, PA and construction began as early as 1829. The line was completed from Baltimore to the Maryland-Pennsylvania State Line and began operations in 1838 in connection with the 22 mile line of the York and Maryland Line Rail Road Company, which was constructed between the Pennsylvania-Maryland State Line and York, Pennsylvania between 1836 and 1838. The York and Maryland Line Rail Road Company had been incorporated by special act of the Pennsylvania legislature on March 14, 1832. In addition to its 35 mile line between Baltimore and the Pennsylvania-Maryland State Line, The Baltimore and Susquehanna constructed a 10-mile line between Hollins and Turnpike in 1831-32.

On December 15, 1854, the Baltimore and Susquehanna Railroad Company, York and Maryland Line Rail Road Company, York and Cumberland Railroad Company (chartered by special act of the Pennsylvania legislature on April 21, 1846) and The Susquehanna Railroad Company (chartered by special act of the Pennsylvania legislature on April 14, 1851) consolidated, apparently effective on January 1, 1855, to form the Northern Central Railway Company. The Northern Central Railway Company was incorporated by special acts of Maryland and Pennsylvania through articles of union dated December 4, 1854; filed in Pennsylvania on December 16, 1854 and in Maryland on or about the same time.

The Northern Central Railway Company acquired 146.433 miles of line from its predecessor roads by the consolidation on December 16, 1854 of the constituent companies, as follows:

The Baltimore and Susquehanna Railroad Company

Lines constructed by that company between:

Baltimore, MD and the Maryland-Pennsylvania State

line in 1829-1838	35.60 miles
-------------------	-------------

Hollins and Turnpike, in 1831-1832	<u>10.00</u> miles
------------------------------------	--------------------

Total:	45.60 miles
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York and Maryland Line Railroad Company

Line constructed by that company between:

Maryland-Pennsylvania State line and York, PA

in 1836-1838	22.00 miles
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York and Cumberland Railroad Company

Line constructed by that company between:

York and Lemoyne, PA in 1849-1851

26.00 miles

The Susquehanna Railroad Company

Line constructed partly by that company and completed by
the Northern Central between:

Lemoyne and Sunbury, PA in 1855-1858

54.00 miles

The following information about events during the Civil War is excerpted or adapted from an essay by Gary Baker on the Civil War Interactive internet site:

On April 15, 1861, a day after the U.S. Army garrison at Fort Sumter in the harbor of Charleston, South Carolina surrendered to the Confederate forces of General P.G.T. Beauregard to open the Civil War, President Abraham Lincoln called for 75,000 volunteers to serve for three months in order to quash the Southern rebellion. Two days later, in response to Lincoln's call to arms, the 700 uniformed and armed members of the 6th Regiment Massachusetts Volunteer Militia, under the command of Colonel Edward F. Jones, left Boston for Washington. In order to reach Washington, the 6th Massachusetts would have to pass through Baltimore, Maryland, which was rife with pro-southern sentiment.

By 1860, Baltimore had become the terminus for five separate railroads. Not one passed through the city, however, because local ordinances prohibited trains to pass through town. The Northern Central Railway terminated at Bolton

Hill station in northern Baltimore. The Philadelphia, Wilmington and Baltimore Railroad terminated at President Street on the east side of town. The Baltimore and Ohio Railroad stopped at the Camden Street Station on the southern edge of the city. This failure of the railroads to directly connect in Baltimore created numerous difficulties in moving cargo and passengers from the rail line of one company to that of another. Depending on where passengers arrived in Baltimore, and what their destinations were, their options as to how they might reach the station of the railroad that was to carry them past Baltimore varied. Some stations were close enough to walk from one to another. Carriages could be hired. In some cases passengers remained in their cars while the cars were disconnected from the engine, hitched to a team of horses, and pulled through the city along rails laid specifically for that purpose. One such connection existed between the depots of the Philadelphia, Wilmington and Baltimore Railroad at President Street and the Baltimore and Ohio Railroad near Camden Street.

While the 6th Massachusetts was making its way toward Philadelphia on April 18, 1861, four companies of the 25th Pennsylvania Volunteers, commanded by Major J. C. Pemberton, along with two companies of U.S. Army Artillery bound for Fort McHenry in Baltimore, left Harrisburg for Washington, D.C. by way of the Northern Central Railway. Because comments made by the Northern press about forcibly keeping Maryland in the Union had engendered considerable hostility in Baltimore, local government officials thought it prudent to keep word of the pending arrival of Federal troops in Baltimore quiet. Despite their best efforts, word quickly spread that troops were coming, and crowds gathered at the Calvert

and Bolton stations before the expected time of arrival of the Pennsylvania soldiers.

When the 25th Pennsylvania reached Bolton Station around 2:00 P.M., the streets were clogged. The soldiers dismounted their cars at the intersection of Cathedral and Howard Streets, formed up into column, and began their march toward Mount Clare Station, where fifteen freight cars awaited them. The crowd greeted the soldiers with jeers, and hurrahs for President Davis and South Carolina. Before the situation got out of hand the Baltimore City Police arrived and formed two lines through which the troops marched while the mob pelted them with paving stones and bricks.

All along the route the crowd jostled and shoved the troops despite the efforts of the police, who managed to keep the demonstration from exploding into a full scale attack on the soldiers. When the column reached Mount Clare the troops quickly boarded their train, while some members of the mob climbed on top of the cars, yelling and shouting, and others in the crowd pelted the rail cars with stones, bottles, and bricks. This event was simply a prelude to the more violent riot that took place in Baltimore on April 19, 1861 when the 6th Massachusetts moved between the Philadelphia, Wilmington and Baltimore depot at President Street and the Baltimore and Ohio depot near Camden Street. During that confrontation four soldiers were killed and thirty-six were wounded. Twelve civilians were also killed and an unknown number were wounded.

When word came to the Baltimore police that night that more troops were to enter Baltimore via the Northern Central Railway, and that there was a possibility that some troops had already arrived at Perryville, where rail cargoes were ferried across the Susquehanna, the Baltimore police board decided to act. Marshal Kane was sent to see Governor Hicks, who was staying at Mayor Brown's home. Kane informed the Governor that within a few hours a large body of troops, no doubt aware of the day's events and inflamed with resentment, would enter Baltimore. The Governor, though he would later deny it, supposedly gave his permission to burn the railroad bridges of the North Central Railway and Philadelphia, Wilmington & Baltimore Railroad, effectively cutting Baltimore off from the North. While Isaac Trimble, later a Confederate general, led militia in burning several bridges on The Philadelphia, Wilmington and Baltimore Railroad, a contingent of the Towson Guards under the command of Captain Charles Ridgely was burning railroad bridges of the North Central Railway. Among Ridgely's men were a number of prominent young Marylanders. One young aristocrat named Harry Gilmor would later become a scout for Thomas J. "Stonewall" Jackson during his Valley Campaign, and eventually command his own battalion of Confederate partisan rangers.

The next day, a force of some 2600 Pennsylvania volunteers marched into Maryland and came as far south as Cockeysville via the Northern Central Railway, where they were stopped by the partial destruction of the Ashland Bridge and there encamped. On Sunday, April 21, 1861, news of their arrival spread through Baltimore, some fifteen miles to the south. The ringing of church

bells for morning service was joined by the long roll of drums from local armories. Many men rushed from the churches to the armories. By 11:00 A.M. Holliday Street and several nearby streets were packed with a mass of citizens and soldiers. By 2:00 P.M. several cannons had been moved as far north as Greenmount Avenue. Senator Anthony Kennedy and Representative J. Morrison Harris of Maryland, with General Oliver Howard, left Washington and met with General George C. Wynkoop, commander of the Pennsylvania troops, and convinced him to return to Harrisburg. The Philadelphia, Wilmington and Baltimore Railroad and Northern Central Railway approaches to Baltimore needed to be guarded by the army in the Baltimore area for some time thereafter to prevent further damage to the railroads from Southern sympathizers. However, the threat was soon reduced considerably when most of these sympathizers went to Virginia to join the Confederate Army.

The Pennsylvania portion of the Northern Central Railway was raided and damaged by the Confederates during the Gettysburg campaign while the Maryland portion of the line was threatened by Confederate General Jubal Early's July 1864 campaign in which he entered Maryland from the Shenandoah Valley and marched to the outskirts of Washington, DC before being repulsed.

Of course, not only have the original components, materials or structures that constitute the Line at this time long since changed on more than one occasion, the area where this Line is located has also changed into an industrial and nearby suburban residential area as part of the extended Baltimore area.

By 1870, The Pennsylvania Railroad Company had acquired majority stock ownership of the Northern Central Railway Company. The Pennsylvania Railroad Company had been incorporated in Pennsylvania on April 13, 1846, by a special act of the Legislature of Pennsylvania, and was granted Letters Patent dated February 25, 1847 by the Commonwealth of Pennsylvania.

The Northern Central Railway Company operated its own property from December 16, 1854 to January 1, 1911, after which it was run by The Pennsylvania Railroad Company, except for the period of federal control in 1918-1920. The Pennsylvania Railroad Company entered into a 999-year lease with The Northern Central Railway Company in order to operate the Northern Central Railway property during the lease period, as of January 1, 1911.

In the early 20th century, people had many choices among holiday excursions by train in the mid-Atlantic region, including a ride north on the Northern Central Railway from Baltimore to stations at Cylburn, Brightside, Woodberry, Mt. Washington, Lake Roland, Ruxton, Lutherville, and Timonium. Other branches of the Northern Central turned toward Phoenix, Monkton, White Hall, and Parkton, or Walker, Blue Mount, Bentley Springs, New Freedom, Shrewsbury, Glatfelter, and on to York and Harrisburg, Pennsylvania. During this time period, the Northern Central Railway ran special trains to Timonium, Maryland when the Maryland State Fair was in progress every year in August. Thousands of people would depart for this event from the Calvert Station, which stood on the site of the Sun newspaper offices at Centre and Calvert Streets in Baltimore.

The consolidation of the Pennsylvania Railroad Company and the New York Central Railroad Company into a company that was originally and tentatively named the Pennsylvania New York Central Transportation Company, and later renamed the Penn Central Transportation Company, was studied and discussed by the railroad applicants to the Interstate Commerce Commission for approval and then handled by the ICC and the courts for approval, for about 10 years before the transaction was authorized and completed.

After the initial study of the Pennsylvania Railroad Company and New York Central Railroad Company that was authorized by the parties in November 1957 was completed in January 1959, the New York Central Railroad Company withdrew from the plan and began negotiations for a merger with the Chesapeake and Ohio Railway Company (C & O) for joint control of The Baltimore and Ohio Railroad Company (B & O). However, when at a later date the Chesapeake and Ohio Railway contracted for the purchase of some 61% of Baltimore and Ohio Railroad stock, the New York Central Railroad Company gave up its plan to merge with the Chesapeake and Ohio Railway Company and jointly control the Baltimore and Ohio Railroad Company and renewed negotiations for a merger with the Pennsylvania Railroad Company.

The New York Central Railroad Company and the Pennsylvania Railroad Company signed an agreement of merger in 1962. The New York, New Haven and Hartford Railroad Company (New Haven) approached the Pennsylvania Railroad and the New York Central Railroad for inclusion in the plan but the Pennsylvania and New York Central rebuffed the New Haven's request. The Pennsylvania-New York Central

merger agreement provided that all properties, franchises, licenses and like assets or rights (permitted by respective state law), would be transferred to the merged company and appropriate stock exchange, debt arrangements, and other agreements would be effected. In ICC Finance Docket No. 21989, filed March 9, 1962, the Pennsylvania Railroad Company and the New York Central Railroad Company made a joint application to the Interstate Commerce Commission for approval of the transaction in their merger agreement that was signed by the parties on January 12, 1962 and subsequently approved by the Pennsylvania Railroad Company shareholders on May 8, 1962.

In *Pennsylvania R. Co. -- Merger -- New York Central R. Co.*, 327 I.C.C. 475 (1966), the Interstate Commerce Commission (ICC) approved and authorized the merger of the New York Central Railroad Company into the Pennsylvania Railroad Company, together with sole or joint control of the New York Central's subsidiaries and affiliates and acquisition of NYC's leases and contracts to operate the properties of other carriers and NYC's trackage rights held jointly or otherwise by NYC over lines of other carriers or terminals. The purpose of the merger was to provide the drastic relief needed to arrest a trend which, as the Commission then saw it, would certainly have reduced the individual applicants to perilous financial straits. See 327 I.C.C. at 493-502. In order to render the transaction consistent with the public interest as interpreted by the Commission at the time, the ICC required, among other things, that the New York, New Haven and Hartford Railroad Company (New Haven) and its affiliates and subsidiaries be included upon fair and equitable terms later to be determined by the Commission with the approval of the courts. Though consummation of the merger was

permitted prior to the New Haven inclusion, the ICC made clear that such consummation would constitute full and complete assent by the merging parties to the New Haven's inclusion in the consolidated company.

In *The Baltimore & Ohio Railroad Co. et al. v. United States et al.*, 386 U.S. 372; 87 S. Ct. 1100; 18 L. Ed. 2d 159 (1967), the United States Supreme Court found that the ICC should not have approved consummation of the merger before the Commission decided whether to include not just the New Haven but the three other railroads to be "protected" under the Commission's decision as a result of the approval of both the Pennsylvania Railroad Company-New York Central Railroad Company merger and the Norfolk and Western Railway Company, the Wabash Railroad Company and the New York, Chicago and St. Louis Railroad Company (the "Nickel Plate" Railroad) merger. The additional three companies, the Erie Lackawanna Railroad Company, the Boston and Maine Railroad Company, and the Delaware and Hudson Railroad Company were expected to be included into either the Pennsylvania-New York Central Railroad or Norfolk and Western Railway merged systems. This Supreme Court decision, and remand to the ICC for further proceedings, delayed consummation of the Penn Central merger transaction even longer, to the financial detriment of all the parties.

Thus, although the Interstate Commerce Commission's authorization of the merger of the Pennsylvania and the New York Central railroads was sustained in *Penn-Central Merger and N & W Inclusion Cases*, 389 U.S. 486, 88 S. Ct. 602, 19 L. Ed. 2d 723 (1968), the United States Supreme Court delayed consummation of the transaction until the Erie Lackawanna Railroad, Boston and Maine Railroad and Delaware and

Hudson Railroad inclusion cases were decided. In its opinion, the Supreme Court observed in *Penn-Central Merger Cases*, 389 U.S. 486 (1968), at page 498, that:

Most of the parties before us are in accord that the merger is in the public interest and should be consummated as promptly as possible. Those urging immediate consummation before this Court include the Department of Justice and the Commission, the States of Pennsylvania, Connecticut, Rhode Island, New York, Massachusetts, and New Jersey; the Railway Labor Executives' Association; the trustees of the NH; the Pennsylvania and New York Central railroads; B & M; and, in substance, the E-L, D & H, and N & W and its allies.

The ICC had found that the merger would "create an hour-glass shaped system flared on the east from Montreal, Canada, through Boston, Massachusetts, to Norfolk, Virginia, and on the west from Mackinaw City, Michigan, through Chicago, Illinois, to St. Louis, Missouri" 327 I. C. C., at 489. It would operate some 19,600 miles of road in 14 States between the Great Lakes, including some track in Canada on the north, and the Ohio and Potomac Rivers on the south.

The Pennsylvania Railroad Company was the largest railroad in the Northeastern Region of the United States and the New York Central Railroad Company was the third largest railroad in that region at the time of the merger. Taken together, the operating revenue of the two roads was over \$1,500,000,000 in 1965. Their net income in 1964 totaled almost \$57,000,000 and in 1965 that net income exceeded \$75,000,000. In 1963 the total net income of the two companies had been barely \$16,000,000. The cost of operation of the two systems was running at \$90,000,000 a month and their working

capital was \$2,000,000 in 1965. As of December 31, 1963, the combined investments of the two companies were valued at \$1,242,000,000. The Pennsylvania Railroad and the New York Central Railroad systems were each made up of numerous underlying corporations. As of the date of the ICC Examiners' Report in the Penn Central merger case, the merged company would have ownership interest in 182 corporations and 10 railroads under lease. Thirty-six of the corporations were rail carriers, in six of which the merged company would have a voting control. All six were Class I railroads. The merged company would likewise control six Class II railroads, five switching and terminal railroads, a holding company, five car-leasing companies, four other common carriers and 34 non-carrier corporations.

What the Supreme Court described as the largest railroad merger in the history of the Nation at the time was consummated by the parties on February 1, 1968, bringing together the companies that then dominated rail transportation in the Northeastern Region of the United States.

Subsequently, in the Fourth Supplement to the ICC's merger report, *Pennsylvania R. Co. -- Merger -- New York Central R. Co.*, 334 I.C.C. 25 (1968), the Commission fixed the terms for inclusion of the New York, New Haven and Hartford Railroad Company into the merged company and ordered that the inclusion be effected. Inclusion of the New Haven into the Penn Central was consummated pursuant to the ICC's order of January 1, 1969. The Penn Central Transportation Company, a 20,000 route-mile railroad straddling the Northeast and extending into the Midwest and the South emerged from these transactions. Annual savings from the merger were

originally predicted by the parties to exceed \$80 million after 8 years. The ICC and the courts thought that this system could take over and provide the necessary services of the New Haven, which was then enmeshed in severe deficit operations, caused in large part by extensive commuter and passenger train operations. Some 18 months after inclusion of the New Haven into the merged company, however, the Penn Central Transportation Company and its subsidiaries were at the reorganization court filing for bankruptcy reorganization and alleging that it was virtually without cash, was unable to meet its debts as they matured, had no means of borrowing or otherwise procuring funds to pay and discharge its debts and obligations, and was desirous of effecting a reorganization pursuant to section 77 of the U. S. Bankruptcy Act. Inclusion of the New Haven, which was weighed down by being the fourth largest private carrier of passengers in the world, in the Penn Central system produced some of the major financial and operating problems that bankrupted the Penn Central Transportation Company so soon after its formation.

Thus, the Penn Central Transportation Company filed a petition for reorganization under section 77 of the Bankruptcy Act, 11 U.S.C. §§ 205 et seq., on July 21, 1970. Subsequently, the United States District Court for the Eastern District of Pennsylvania appointed W. Willard Wirtz, George P. Baker, Jervis Langdon, Jr., and Richard C. Bond as trustees.

From April 1, 1976, when Conrail acquired and took possession of its properties, until June 1, 1999, Consolidated Rail Corporation held title to and operated the railroad property that is the subject of this proceeding. Conrail had acquired that property under

the now defunct United States Railway Association's (USRA) Final System Plan for reorganization of the bankrupt northeastern and midwestern railroads (Penn Central Transportation Company, its secondary debtors, the Lehigh Valley Railroad Company, the Central Railroad of New Jersey, the Lehigh & Hudson River Railway, the Reading Company, Erie-Lackawanna Railroad Company, and the Ann Arbor Railroad Company), which had been submitted to Congress on July 26, 1975 ("Final System Plan") and automatically approved under the Regional Rail Reorganization Act of 1973 (3R Act). Under the Final System Plan, the remaining property of The Northern Central Railway Company that was not already abandoned, or abandoned pursuant to the FSP, was conveyed to Consolidated Rail Corporation on April 1, 1976, along with most of the rest of property of the Pennsylvania Railroad Company that had become part of the Penn Central Transportation Company property. Thus, the Penn Central's interest in the Cockeysville Branch was among the properties that Conrail acquired under the Final System Plan when it acquired its properties and began operations on April 1, 1976.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. An Agreement of Merger and Reorganization, dated July 31, 1980, was the basis for Norfolk Southern Corporation control of Norfolk and Western Railway Company, headquartered in Roanoke, Virginia, and Southern Railway Company, headquartered in Washington, DC with a substantial number of its offices also in Atlanta, Georgia, and their subsidiaries. Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982, pursuant to approval granted by the Interstate Commerce Commission (ICC). In October 1982, Norfolk Southern Corporation

established its corporate headquarters at Norfolk, Virginia.

Two studies of the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history. They are: E. F. Pat Striplin, *The Norfolk and Western: A History* (Roanoke, Va.: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, N.C.: University of North Carolina Press, 1985). Numerous books have been written about the Pennsylvania Railroad. Among the more comprehensive of these books or multi-volume studies are *The Growth and Development of the Pennsylvania Railroad Company, 1846-1925*, H. W. Schotter; *Corporate History of the Pennsylvania Lines West of Pittsburgh* (15 vol.), compiled by S. H. Church; *The Pennsylvania Railroad Company; Corporate, Financial, and Construction History of Lines Owned, Operated and Controlled to December 31, 1945* (4 vol.), prepared by Coverdale and Colpitts, consulting engineers.

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. Norfolk and Western Railway Company became a wholly owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company (NW) into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Conrail, a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*, and the transaction was closed and became effective June 1, 1999.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets, including Conrail's interest in the Line, were allocated to Pennsylvania Lines LLC ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in turn, were leased to and operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR Operating Agreement"). As a result of the Conrail transaction, Norfolk Southern Railway Company's rail operations grew to include some 7,200 miles of the Conrail system (predominately most of the remaining former Pennsylvania Railroad Company properties), creating balanced rail transportation in the East to benefit customers and communities alike.

On June 4, 2003, Norfolk Southern Corporation (NSC), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the STB for approval to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of CSX and NSC, respectively, of the two Conrail subsidiaries - New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR) that CSXT and NSR had been managing and operating, respectively, since June 1, 1999 under operating agreements approved by the STB in the 1998 decision. The STB approved the petition, subject to certain conditions, in a decision served on November 7, 2003. The effect of the transaction, which was concluded on August 27, 2004 by the merger of NYC and PRR into CSXT and NSR, respectively, was to replace the operating agreements and allow NSR and CSXT to operate the NYC and PRR lines via direct ownership.

The change contemplated in the operation of the subject Line, the Cockeysville Branch described above, after the STB grants an exemption from the prior approval requirements of the ICCTA with respect to the abandonment of Norfolk Southern Railway Company's freight operating rights over the Line, is for NSR to consummate abandonment of its freight operating easement over the Line and to permanently discontinue providing freight service over the Line. As a result of this action, NSR's common carrier obligation to provide freight service over this line will be abandoned and extinguished and no party will have a common carrier obligation to provide freight service over the Line thereafter. However, the Line will remain essentially intact and will continue to be used by its owner and operator, MDOT and the

Maryland Transit Administration, to provide light rail commuter passenger service to the residents of the area.

Summary of Documents in Carrier's Possession that Might be Useful for Documenting a Structure that is Found to be Historic

While plans may be available for the structure on the line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction.

Opinion Regarding Criteria for Listing in the National Register of Historic Places

NSR's opinion is that neither the structures on the line to be abandoned nor the line itself meets the criteria for listing in the National Register of Historic Places. The structures are small in nature and short in length, relatively modern and ordinary in design and construction. They bridge small ditches or drainage areas. The structures are not distinguished in any way. The line passes through residential, commercial and industrial areas. NSR has no reason to believe that there is any likelihood of finding historic properties on the line proposed for abandonment.

Subsurface Ground Conditions that Might Affect Archaeological Recovery

NSR is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, the action contemplated is the abandonment of freight operating rights. The line itself will remain intact and operated by Maryland Transit Administration for passenger service. Under this circumstance, materials will remain in place causing no change to surface

conditions. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling. The contemplated action will not result in additional activities below the surface, or below the level of initial disturbance.

Follow-Up Information

NSR will provide relevant and available additional information as required and appropriate.

Appendix A

Map



Scale 1" = 87,500

1" = 1.38 mi Data Zoom 11-2

Appendix B

Bridge List

**Norfolk Southern Corporation
Bridges and Structures Department
Bridge Listing**

Milepost	Crossing Name	Location ST CO Town	TP BR	TP DK	No. of Tracks	No. of Spans	Total Length	Date Built	Remarks
3.81	Jones Falls	07 23 WDBRRY	DG	CS	1	2	111	1899	
4.43	Jones Falls	07 23 BALTO	DG	CS	1	2	132	1887	
5.92	Western Run	07 23 BALTO	TG	CS	1	1	67	1915	SUBS 1886
7.15	Lake Roland	07 03 HOLLINS	TG	CS	1	2	90	1925	
7.89	Branch	07 03 LAKE	BA		1	1	12		
9.02	Branch	07 03 RIDERWO	SA		1	1	8		
9.73	Roland Run	07 03 LUTHERV	DG	OP	1	1	35	1899	
10.08	Roland Run	07 03 LUTHERV	DG	OP	1	1	34	1899	? TIES 81
12.32	Goodwins Run	07 03 TIMONIV	CS		1	1	16	1964	
12.87	Goodwins Run	07 03 COCKEYS	SA		1	1	9	1964	

Appendix C

Photographs

**Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-290 (Sub-No. 237X) was mailed via first class mail on November 4, 2005 to the following party:

Mr. J. Rodney Little
State Historic Preservation Office
Maryland Historic Trust
100 Community Place, 3rd Floor
Crownsville, MD 21032-2023



Marcellus C. Kirchner
December 8, 2005



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

November 4, 2005

Mr. J. Rodney Little
State Historic Preservation Office
Maryland Historical Trust
100 Community Place
3rd Floor
Crownsville, MD 21032-2023

RE: Docket No AB-290 Sub-No. 237X, Norfolk Southern Railway Company
Abandonment – from Baltimore, MD to Cockeysville, MD

Dear Mr. Little:

Norfolk Southern soon expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon freight operating rights over approximately 12.8 miles of rail line located between mileposts UU 1.0 and UU 13.8 between Baltimore and Cockeysville, Maryland. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area, topographical maps and a bridge information list.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, D. C. 20423-0001, Telephone (202) 565-1545, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated as soon as possible. Please refer your comments to Donna Braun by email at donna.braun@nscorp.com or by mail to:

Donna Braun
Norfolk Southern Railway Company
3 Commercial Place
12th Floor – Strategic Planning
Norfolk, VA 23510

Page 2
November 4, 2005

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please contact Ms. Braun directly as indicated above.

Sincerely,

Marcellus C. Kirchner

Enclosures

cc: James Paschall

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

November 8, 2005

Mr. J. Rodney Little, SHPO
Maryland Historical Trust
100 Community Place
3rd Floor
Crownsville, MD 21032-2023

RE: Docket No AB-290 Sub-No. 237X, Norfolk Southern Railway Company
Abandonment – from Baltimore, MD to Cockeysville, MD

Dear Mr. Little:

In a correspondence dated November 4, 2005, Norfolk Southern advised you of the intent to file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon freight operating rights over approximately 12.8 miles of rail line located between mileposts UU 1.0 and UU 13.8 between Baltimore and Cockeysville, Maryland. A site map was inadvertently not included; however, is now attached for your convenience.

Sincerely,

Marcellus C. Kirchner

Enclosures

cc: James Paschall

NS
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191

F
STB
TJT/EJR
Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

200503408

November 4, 2005

Mr. J. Rodney Little
State Historic Preservation Office
Maryland Historical Trust
100 Community Place
3rd Floor
Crownsville, MD 21032-2023

NOV 10 2005

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Abandonment – from Baltimore, MD to Cockeysville, MD

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Donna Braun
Norfolk Southern Railway Company
3 Commercial Place
12th Floor – Strategic Planning
Norfolk, VA 23510

The Maryland Historical Trust has determined that there are no historic properties affected by this undertaking.

E. J. Lee Date 11/18/05

15 JT 11/15/05

HBE: ALL ENGINEERING STRUCTURES ON THE NORTHERN CENTRAL RAILROAD BETWEEN WOODBERRY (BALT. CITY) AND TEXAS (BALTIMORE COUNTY) WERE DETERMINED ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES IN AUGUST 2000. ABANDONMENT OF FREIGHT SERVICE WILL HAVE NO EFFECT ON THE HISTORIC STRUCTURES.

Archeo: #15 Be 11/15/05

Abandonment of freight operations

Operating Subsidiary: Norfolk Southern Railway Company

line will remain in use by MTA for light rail



THE BALTIMORE SUN

BALTIMORE, MARYLAND 21278-0001

December 7, 2005

WE HEREBY CERTIFY, that the annexed advertisement of

Norfolk Southern Corp.
Three Commercial Place

was published in "THE BALTIMORE SUN" a daily newspaper printed
and published in the City of Baltimore 11/16/05

The Baltimore Sun Company,

7331

By

B. K.

Legal Notices 265

NOTICE OF INTENT TO ABANDON FREIGHT OPERATING RIGHTS
Norfolk Southern Railway Company gives notice that on or about December 14, 2005, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a petition for exemption under 49 CFR 1152 Subpart F-Exempt Abandonments, from the prior approval requirements of 49 U.S.C. 10903, permitting the abandonment of freight operating rights over a 12.8-mile line of railroad between milepost UU-1.0, near Baltimore, and milepost UU-13.8, near Cockeysville, which traverses through United States Postal Service ZIP Codes 21030, 21066 and 21201 in Baltimore County, Maryland. The proceeding will be docketed as No. AB-290 (Sub-No. 237X).

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandon-

ment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.9(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance at 202-927-7597. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757) 629-2759.