



ALLEGANY COUNTY, MARYLAND
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T. LEE BEEMAN, JR.
County Attorney

February 2, 2021

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423

301578

ENTERED
Office of Proceedings
February 3, 2021
Part of
Public Record

RE: Docket No. AB 1294X and AB 1293X / Eighteen Thirty Group, LLC and Georges Creek Railway (Joint Filers)

Dear Ms. Brown:

I am legal counsel for Allegany County, Maryland, and I am filing this supplemental request on behalf of the Board of Commissioners of Allegany County, Maryland, a political subdivision of the State of Maryland ("Allegany County"), in response to the Surface Transportation Board's Decision dated January 28, 2021, noting that a supplement was required to be made to the County's request dated December 10, 2020, in order to be in full compliance with the requirements of 49 C.F.R. § 1152.29(a). Accordingly, the County's request is hereby resubmitted with the inclusion of the additional required acknowledgment which was inadvertently omitted from the original NITU request.

Allegany County requests that the Surface Transportation Board issue a Notice of Interim Trail Use for an approximate 7.54 mile rail line (the "Corridor") between milepost BAI 26.00 in Moscow, and milepost BAI 18.46 in Shaft, in Allegany County, Maryland (please see attached map).

This Corridor will provide important and needed opportunities for outdoor recreation that will connect the towns of Barton, Frostburg, Midland, Lonaconing, Luke and Westernport, providing quality of life benefits not only for the residents of those towns but for the public generally. The mayors of each of those towns and the Board of Commissioners of Allegany County have given their support for the development of the Corridor as a 7.54 mile recreational rail trail. The addition of this rail trail would complement the existing Great Allegany Passage Rail Trail, which also passes through the City of Frostburg and attracted approximately 150,000 visitors in 2020. The combination of both rail trails would significantly benefit the health and well-being of residents in the region and attract beneficial tourism and support job creation in the rural area.

Allegany County recognizes that some time has passed since the Surface Transportation Board approved the Joint Filers verified notice of exemption to abandon the Corridor, and the County apologizes for the delay in a timely filing of this request. However, it has taken some time for the County to formally establish itself as the sponsor applicant for this trail, in part because of the time required to finalize a cooperative relationship with the Maryland Department of Natural Resources ("DNR") for purposes of proceeding to acquire the Corridor, and in part due to administrative delays caused by Covid-19 impacts.

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The County desires that negotiations be able to commence as soon as possible with the Eighteen Thirty Group, LLC, for acquisition of the Corridor. The Maryland Department of Natural Resources, a State agency which is working together with the County and which will acquire and own the Corridor, will conduct such negotiations on behalf of the County.

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under 16 U.S.C. § 1247(d) and 49 CFR § 1152.29, with respect to the Corridor, Allegany County is willing to assume full responsibility for (1) Managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way, and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way.

The County acknowledges that use of the right-of-way is subject to the sponsor's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

Allegany County requests a waiver of the filing fee pursuant to 49 C.F.R. § 1152.2(e), based on Allegany County being a governmental entity.

By my signature below, I certify service upon Eighteen Thirty Group, LLC and Georges Creek Railway, attn.: Melanie B. Yasbin, Esq., and Louis E. Gitomer, Esq., Law Offices of Louis E. Gitomer, LLC, their attorneys.

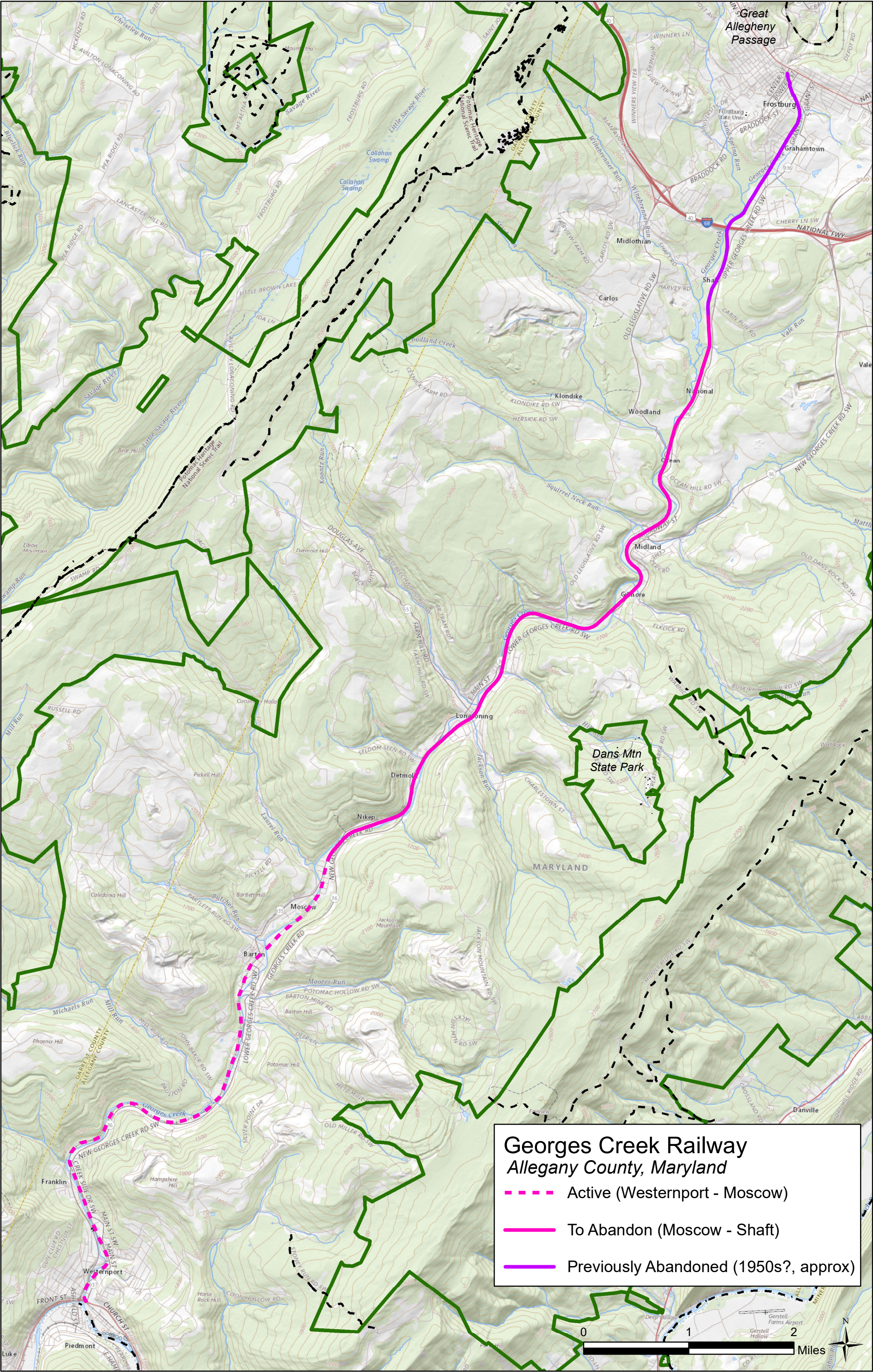
Respectfully submitted,

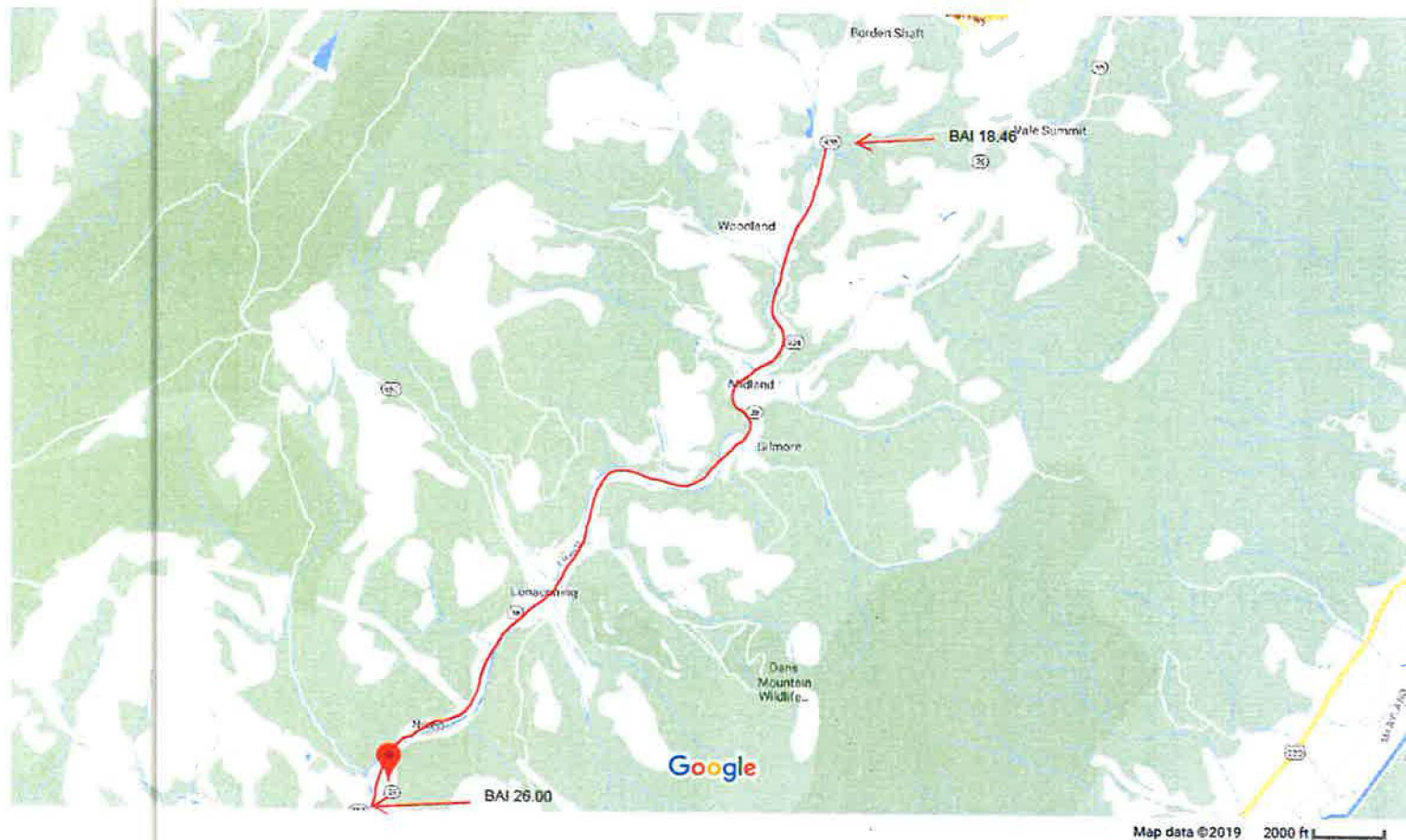
OFFICE OF THE COUNTY ATTORNEY



T. Lee Beeman, Jr.
County Attorney

Cc: Eighteen Thirty Group, LLC and Georges Creek Railway, to the attention of Melanie B. Yasbin, Esq. and Louis E. Gitomer, Esq.





Line to be abandoned and discontinued
STB Docket No. AB-1294X Eighteen Thirty Group LLC--Abandonment Exemption--in Allegheny County, MD
STB Docket No. AB-1293X Georges Creek Railway--Discontinuance Exemption--in Allegheny County, MD