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SERVICE DATE – NOVEMBER 20, 2024

DO

FR-4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 290 (Sub-No. 412X)]

Norfolk Southern Railway Company—Abandonment Exemption—in the City of
Baltimore, Md.

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 CFR part 1152 subpart F—Exempt Abandonments to abandon its freight rail easement over an approximately one-mile rail line extending from milepost +/- UU 0.00 to milepost +/- UU 1.00 in the City of Baltimore, Md. (the Line). The Line traverses U.S. Postal Service Zip Codes 21201 and 21211.

According to the verified notice, the Maryland Transit Administration (MTA) owns the Line and currently operates passenger rail transit service over it.¹ NSR states that MTA's passenger services will continue after NSR abandons its easement. NSR therefore asserts that the corridor is not available for alternative public use(s). NSR also states that, based on these unique considerations, it does not intend to negotiate for trail use/railbanking.

NSR has certified that: (1) no local freight traffic has moved over the Line for at least two years; (2) any overhead traffic on the Line can be rerouted over other lines;

¹ The Board previously determined that MTA did not require authorization from the Board's predecessor when MTA acquired the Line in 1990 and that MTA had not become a common carrier on the Line. See Md. Transit Admin.—Pet. for Declaratory Ord., FD 34975, slip op. at 7-8 (STB served Oct. 9, 2007).

(3) no formal complaint filed by a user of rail service on the Line (or by a state or local government on behalf of such user) regarding cessation of service over the Line is pending with either the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(b) and 1105.8(c) (notice of environmental and historic reports), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to government agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,² this exemption will be effective on December 20, 2024, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues³ must be filed by November 29, 2024. Formal expressions of intent to file an OFA

² Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (i.e., subsidy or purchase) and demonstrating that they are preliminarily financially responsible. See 49 CFR 1152.27(c)(2)(i).

³ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

under 49 CFR 1152.27(c)(2) and interim trail use/railbanking requests under 49 CFR 1152.29 must be filed by December 2, 2024.⁴ Petitions to reopen and requests for public use conditions under 49 CFR 1152.28 must be filed by December 10, 2024.

All pleadings, referring to Docket No. AB 290 (Sub-No. 412X), must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on NSR's representative, William A. Mullins, Mullins Law Group PLLC, 2001 L St., N.W., Suite 720, Washington, DC 20036.

If the verified notice contains false or misleading information, the exemption is void ab initio.

NSR has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft EA) by November 25, 2024. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245-0294. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245. Comments on environmental or historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NSR shall file a notice of

⁴ Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NSR's filing of a notice of consummation by November 20, 2025, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at www.stb.gov.

Decided: November 14, 2024.

By the Board, Valerie O. Quinn, Acting Director, Office of Proceedings.