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Office of Proceedings
February 12, 2021
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Public Record

February 12, 2021

By e-filing

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: Finance Docket No. 36484, *Mountain Pacific Railroad LLC -- Acquisition and Operation Exemption -- St. Paul & Pacific Railroad, LLC*

Dear Ms. Brown:

Hereby transmitted is a Verified Notice Of Exemption Under 49 C.F.R. § 1150.31 for filing with the Board in the above referenced matter.

The filing fee of \$2,200 is being paid electronically via *pay.gov*.

Respectfully submitted,

/s/ Thomas F. McFarland
Thomas F. McFarland
*Attorney for Mountain Pacific
Railroad LLC*

TMcF:mg:1897\efSTB1

FILED
February 12, 2021
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
February 12, 2021
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

MOUNTAIN PACIFIC RAILROAD LLC -)
- ACQUISITION AND OPERATION) FINANCE DOCKET
EXEMPTION -- ST. PAUL & PACIFIC) NO. 36484
RAILROAD, LLC)

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.31**

MOUNTAIN PACIFIC RAILROAD LLC
200 Madrone Way
Felton, CA 95018

Applicant

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
2230 Marston Lane
Flossmoor, IL 60422-1336
(708) 704-7679
mcfarland@aol.com

Attorney for Applicant

DATE FILED: February 12, 2021

BEFORE THE
SURFACE TRANSPORTATION BOARD

MOUNTAIN PACIFIC RAILROAD LLC -	)	
- ACQUISITION AND OPERATION	)	FINANCE DOCKET
EXEMPTION -- ST. PAUL & PACIFIC	)	NO. 36484
RAILROAD, LLC	)	

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1150.31**

Pursuant to 49 U.S.C. § 10501(a) and 49 C.F.R. § 1150.31, *et seq.*, MOUNTAIN PACIFIC RAILROAD LLC (MPR), a noncarrier, hereby provides notice of its class exemption from 49 U.S.C. § 10901 for its acquisition by sublease from ST. PAUL & PACIFIC RAILROAD LLC (SPP) and operation of a railroad-truck transloading site located at 400-480 West Beach Street, Watsonville, CA. The transloading site consists of 21,007 square feet and a distance of 794.62 feet. The site is improved with 150 feet of railroad track. An overhead photograph of the subleased site is attached to this Notice as Appendix 1.

BACKGROUND

In a Ground Lease dated December 13, 2018, WATSONVILLE EXCHANGE, INC. (WE) leased property at Watsonville, CA to SPP, including the subleased property. Thereafter, without having commenced rail operations over the leased property, SPP agreed to sublease the property identified above to MPR. In accordance with the Ground Lease, WE agreed to the proposed sublease and operation.

MPR will hold out its rail-truck transloading services as a common carrier by rail serving the general public.

INFORMATION REQUIRED BY 49 C.F.R. § 1150.33

(a) The full name and address of the applicant;

The Applicant is Mountain Pacific Railroad LLC (MPR), 200 Madrone Way, Felton, CA 95018.

(b) The name, address, and telephone number of the representative of the applicant who should receive correspondence;

Applicant's representative to receive correspondence is Thomas F. McFarland, Thomas F. McFarland, P.C., 2230 Marston Lane, Flossmoor, IL 60422-1336, ph (708) 704-7679, mcfarland@aol.com.

(c) A statement that an agreement has been reached or details about when an agreement will be reached;

An agreement has been reached for sublease to MPR a portion of St. Paul & Pacific Railroad LLC's (SPP) Ground Lease from Watsonville Exchange, Inc. (WE).

(d) The operator of the property;

MPR will be the operator of the property.

(e) A brief summary of the proposed transaction, including:

(1) The name and address of the railroad transferring the subject operating authority,

The sublessor will be SPP, 404 West Beach Street, Watsonville, CA 95076.

(2) The proposed time schedule for consummation of the transaction,

The proposed sublease and operation will be consummated no earlier than the 30th day after this Notice is filed at the Board.

(3) The mile-posts of the subject property, including any branch lines, and

The Rail Line is located in a terminal area not identified by Milepost numbers.

(4) The total route miles being operated;

A total of approximately 21,007 square feet and 794.62 linear feet at 400 and 480 West Beach Street, Watsonville, CA 95076 are proposed to be subleased and operated.

(f) A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and States; and

The required map is attached to this Notice as Appendix 1.

(g) A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III carrier.

Attached to this Notice as Appendix 2 is a Verification signed by Richard Kojak on behalf of MPR that includes an allegation that MPR's projected revenues will not exceed those that would qualify it as a Class III rail carrier.

(h) Interchange Commitments.

(1) The filing party must certify whether or not a proposed acquisition or operation of a rail line involves a provision or agreement that may limit future interchange with a third-party connecting carrier, whether by outright prohibition, per-car penalty, adjustment in the purchase price or rental, positive economic inducement, or other means ("interchange commitment").

The proposed sublease and operation does not involve a provision or agreement that may limit future interchange with a third party connecting rail carrier.

REVENUES LESS THAN \$5 MILLION PER YEAR

Mr. Kojak's Verification includes an allegation that MPR's annual revenues will not exceed \$5 million per year (Appendix 2).

VERIFICATION

Mr. Kojak's Verification includes an allegation that all assertions in this Notice are true and correct (Appendix 2).

LABOR PROTECTION

Labor protective conditions are not required for the proposed sublease and operation. *See* 49 U.S.C. § 10901(c).

ENVIRONMENTAL AND HISTORIC REPORTING

Environmental and historic reporting are not required for the proposed sublease and operation. *See* 49 C.F.R. § 1105.6 and 49 C.F.R. § 1105.8.

CAPTION SUMMARY

A caption summary required by 49 C.F.R. § 1150.34 is attached to this Notice as Appendix 3.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, the Board should accept this Notice for filing, and should arrange for its timely publication in the *Federal Register* as notice to the general public.

Respectfully submitted,

MOUNTAIN PACIFIC RAILROAD LLC
200 Madrone Way
Felton, CA 95018

Applicant

/s/ Thomas F. McFarland

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
2230 Marston Lane
Flossmoor, IL 60422-1336
(708) 704-7679
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Attorney for Applicant

DATE FILED: February 12, 2021

Mountain Pacific Railroad Sublease Map

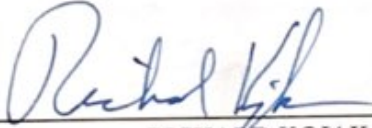
Map of that portion of land leased to St. Paul & Pacific Railroad LLC, known as Watsonville exchange, to be subleased by Mountain Pacific Railroad for use as a transloading facility. Sublease to include approximately 150' railroad track access, vehicular access to same and use of an existing fenced storage yard.



STATE OF CALIFORNIA)
) SS:
COUNTY OF SANTA CRUZ)

VERIFICATION

RICHARD KOJAK, being duly sworn, states that he is an authorized representative of MOUNTAIN PACIFIC RAILROAD LLC (MPR); that he has read the foregoing Notice of Exemption; that the projected annual revenues of the rail line being operated by MPR do not exceed \$5 million; that MPR's projected revenues as a result of the proposed operation will not result in the creation of a Class I or Class II rail carrier; that the proposed operation does not involve any interchange commitment as defined in 49 C.F.R. § 1150.43(h); and that all allegations of fact contained in MPR's Notice of Exemption are true and correct.



RICHARD KOJAK

SUBSCRIBED AND SWORN to
before me this ____ day
of _____, 2021.

*see Attached
Surat*


Notary Public

My Commission Expires:

CALIFORNIA JURAT

GOVERNMENT CODE § 8202

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

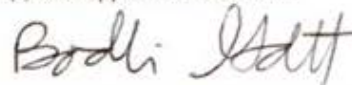
County of Santa Cruz

Subscribed and sworn to (or affirmed) before me on
this 1st day of February, 2021 by
Date Month Year

(1) Richard David Kojak(and (2) _____),
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to
be the person(s) who appeared before me.

Signature



Signature of Notary Public



Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or
fraudulent reattachment of this form to an unintended document.

Description of Attached DocumentTitle or Type of Document: VerificationDocument Date: 2/1/2021 Number of Pages: 1

Signer(s) Other Than Named Above: _____

Appendix 3

CAPTION SUMMARY

**SURFACE TRANSPORTATION BOARD
VERIFIED NOTICE OF EXEMPTION**

(Finance Docket No. 36484)

**MOUNTAIN PACIFIC RAILROAD LLC -- ACQUISITION AND
OPERATION EXEMPTION -- ST. PAUL & PACIFIC RAILROAD, LLC**

MOUNTAIN PACIFIC RAILROAD LLC (MPR), a noncarrier, has filed a Verified Notice of Exemption for its acquisition by sublease from ST. PAUL & PACIFIC RAILROAD LLC (SPP) and operation of a railroad-truck transloading site located at 400-480 West Beach Street, Watsonville, CA. The transloading site consists of 21,007 square feet and a distance of 794.62 feet. The site is improved with 150 feet of railroad track.

Comments must be filed with the Surface Transportation Board and served on applicant's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 2230 Marston Lane, Flossmoor, IL 60422-1336, ph (708) 704-7679, mcfarland@aol.com.

This notice of exemption is filed under 49 C.F.R. § 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. § 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

(SEAL)

By the Board