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SERVICE DATE – MARCH 12, 2021
SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36484

MOUNTAIN PACIFIC RAILROAD LLC—ACQUISITION AND OPERATION
EXEMPTION—ST. PAUL & PACIFIC RAILROAD LLC

Decided: March 11, 2021

On February 12, 2021, Mountain Pacific Railroad LLC (MPR), a noncarrier, filed a verified notice of exemption pursuant to 49 C.F.R. § 1150.31 for its acquisition by sublease from St. Paul & Pacific Railroad LLC and operation of a railroad-truck transloading site in Watsonville, Cal., which the verified notice describes as “improved with 150 feet of railroad track.” (Notice 1.)

On February 24, 2021, MPR filed a request to withdraw its verified notice so that it can “clarify the ownership of the underlying land and track sought to be acquired and operated.” (Ltr. 1.) MPR also requests that the Board waive the requirement for an additional filing fee if it files a subsequent verified notice of exemption for the Line no later than 90 days after a Board decision authorizing withdrawal of the notice filed in this docket.

MPR’s request to withdraw its notice of exemption is reasonable and will be granted. Accordingly, MPR’s notice of exemption will be withdrawn, and the proceeding will be dismissed without prejudice to MPR’s filing another notice of exemption for this transaction in the future, should it so choose. In addition, MPR’s request for waiver of the filing fee that would be due for filing another notice of exemption will be denied as premature. If MPR chooses to refile, it may seek a waiver of the filing fee at that time. See 49 C.F.R. § 1002.2(e)(2).

It is ordered:

1. MPR’s request to withdraw its verified notice of exemption is granted. The notice of exemption is withdrawn, and this proceeding is dismissed without prejudice.
2. MPR’s request for fee waiver is denied as premature.
3. This decision is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.