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June 22, 2023

Via Electronic Filing
Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street S.W. Room 1034
Washington, DC 20423-0001

RE: FD 36706

BLPI RR L.L.C.

Acquisition Exemption- Track in Latah County Idaho

306767

ENTERED
Office of Proceedings
June 22, 2023
Part of
Public Record

Dear Ms. Brown:

Attached for filing in the above-captioned proceeding is a Verified Notice of Exemption of BLPI RR L.L.C. The filing fee for this matter has been filed separately via Pay.gov.

If you have any questions regarding this filing, please feel free to contact me.

Thank you for your time and attention to this matter.

FILED
June 22, 2023
SURFACE
TRANSPORTATION BOARD

Sincerely,


John K. Fiorilla
Attorney for BLPI RR L.L.C.

Cc: Attachments

FEE RECEIVED
June 22, 2023
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB FINANCE DOCKET NO

36706

BLPI RR L.L.C.

ACQUISITION EXEMPTION

PALOUSE RIVER & COULEE CITY RAILROAD L.L.C.

VERIFIED NOTICE OF EXEMPTION

PURSUANT TO 49 C.F.R. § 1150.31 *ET SEQ.*

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(609) 792-6851
Jfiorilla@dyerpetererson.com

Attorney for BLPI RR, LLC

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**STB FINANCE DOCKET NO
36706**

**BLPI RR L.L.C.
ACQUISITION EXEMPTION
PALOUSE RIVER & COULEE CITY RAILROAD L.L.C.**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1150.31 *ET SEQ.***

Pursuant to 49. C.F.R. § 1150.31 *et seq.* BLPI RR L.L.C. (BLPI), currently a non-carrier files this Verified Notice of Exemption (Verified Notice) to acquire from the Palouse River & Coulee City Railroad L.L.C. (PCC) and approximately 43.74 miles of railroad (the “Line” located entirely in the County of Latah, Idaho extending from Milepost 3.32 (WA/ID State Line) to Milepost 47.06 at Bovill, ID.

In Support of this Verified Notice, BLPI submits the following information required by 49. C.F.R. § 1150.33

The full name and address of the applicant is as follows

BLPI RR L.L.C.
3759 ID-6
Princeton, Idaho 83857

BLPI's representative to whom correspondence regarding the transaction should be sent is as follows:

John K. Fiorilla
Dyer & Peterson PC
605 Main Street Suite 104
Riverton, N.J. 08077-1440
(609) 792-6851
jfiorilla@dyerpetereson.com

BLPI and PCC entered into a Purchase and Sale Agreement dated April 24, 2023 under which BLPI would acquire the above-described Line.

For the purposes of future railroad service, BLPI intends to lease the Line to a third party subject to a separate class exemption proceeding before the Board. However, by virtue of this Verified Notice, BLPI will be entitled to function as operator of the Line if it were to so choose.

The projected revenues from the operation of the Line at inception will not exceed five million dollars and, accordingly, the advance labor notice provisions of 49 C.F.R. 1150.32 (e) are inapplicable

The name and address of the railroad transferring the subject property to BLPI is the Palouse River & Coulee City Railroad L.L.C., 315 West 3rd Street, Pittsburg, Kansas 66762.

This transaction is expected to be consummated as soon as practicable after the effective date of this Verified Notice and satisfaction of all condition's precedent set forth in the Purchase and Sale Agreement.

The Line consists of approximately 43.74 route miles, extending between MP 3.32 (WA/ID State Line) and MP 47.06 in Bovill, ID. The Line, currently inactive, is owned by PCC.

In 2000, PCC sought and obtained Board authorization to abandon the eastern portion of the Line (the Eastern Segment) from Milepost 21.0 at Harvard, Idaho to Milepost 47.0 at Bovill pursuant to the Board's abandonment class exemption procedures at 49 C.F.R. Part 1152, subpart F.¹ Board records indicate that interim trails use negotiations ensued in the AB-570 (Sub-No. 1) proceeding, but it appears that such negotiations did not produce an interim trails use agreement. Additionally, Board records indicate that PCC did not file a notice of

¹ *Palouse River & Coulee City Railroad, Inc. – Abandonment Exemption – in Latah County, ID, AB 570 (Sub-No. 1X) (served Oct. 6, 2000).*

abandonment consummation for the Eastern Segment, such that, although PCC was entitled formally to suspend common carrier operations over that line segment by way of discontinuance, PCC's abandonment authorization has expired via inaction, and, pursuant to applicable regulations (49 C.F.R. § 1152.29(e)(2)) the Eastern Segment therefore remains subject to Board jurisdiction.

On the basis of the Board's records, BLPI understands that the Eastern Segment is currently subject to Board-authorized discontinuance (as there is no consummation notice requirement under the Board's rules for the exercise of common carrier discontinuance corresponding to the abandonment consummation requirement of Section 1152.29(e)(2)). BLPI also understands that the Eastern Segment has not seen common carrier service for over 20 years in keeping with the facts and circumstances leading to the AB-570 (Sub-No. 1) proceeding. According to Board precedent, BLPI may acquire the Line, including the Eastern Segment, under the class exemption procedures invoked here.²

A map depicting the Line is attached as Exhibit A.

A Certificate of Compliance with the requirements of 49 C.F.R. § 1150.33(g) is attached as Exhibit B to this notice.

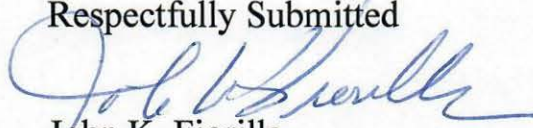
² See *Grand Elk Railroad, Inc. – Acquisition Exemption – Lines of Wisconsin Central in the State of Michigan*, FD 36503 (STB served Dec. 20, 2021), 10-11.

Pursuant to 49 C.F.R. § 1150.33(h), BPLI hereby certifies that the transactional documents governing the present transaction do not include any provisions that may limit or preclude future interchange with a third-party connecting carrier.

Under 49 C.F.R. § 1105.6(c)(2), this transaction is exempt from environmental reporting requirements because it will not exceed the thresholds of 49 C.F.R. § 1105.7(e)(4) or (5).

Under 49 C.F.R. § 1105.8(b)(1), the proposed transaction—which is intended for the purpose of rail common carrier operations—is exempt from historic preservation reporting requirements. BLPI would require separate Surface Transportation Board approval to discontinue service over the Line, and there are no plans to dispose of or alter properties subject to Board jurisdiction that are fifty years old or older.

Respectfully Submitted



John K. Fiorilla

Dyer & Peterson P.C.

605 Main Street Suite 104

Riverton, N.J 08077-1440

609-792-6851

Jfiorilla@dyerpeterperson.com

Attorney for BLPI RR L.L.C.

VERIFICATION

I, Brett Bennett hereby state that I am the President and Chief Executive Officer of the Bennett Lumber Products, Inc. and its subsidiary BLPI RR LLC. And that I am authorized to execute, verify and file this Verified Notice of Exemption. I have knowledge of the matters contained herein and the statements made herein are true and correct to the best of my knowledge, information and belief.

A handwritten signature in black ink, appearing to read "Brett T. Bennett", written over a horizontal line.

Brett T Bennett

President and CEO

June 14 2023

Exhibit A

Palouse River & Coulee City Railroad, L.L.C.

Contract Type:

Sale Agreement

City/County/State: Latah County, ID

Seller:

Palouse River and Coulee City Railroad, L.L.C.

Subdivision/Branch: WIM Industrial Lead

Buyer:

Bennett Lumber Products, Inc.

Mile Posts:

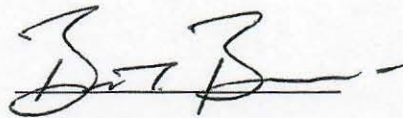
3.32-47.06



EXHIBIT B:

CERTIFICATION OF COMPLIANCE (§ 1150.33(g))

I, Brett Bennett hereby certify that the projected annual rail revenues of BLPI RR LLC as a result of the transaction proposed herein will not result in the creation of a Class II or Class I rail carrier under the provisions of 49 C.F.R. § 1201(1-1)

A handwritten signature in black ink, appearing to read "Brett T Bennett", with a horizontal line drawn through the middle of the signature.

Brett T Bennett

President and CEO

June 14 2023

EXHIBIT C:
CAPTION SUMMARY (§ 1150.34)
BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO
36706

BLPI RR L.L.C.
ACQUISITION EXEMPTION
PALOUSE RIVER & COULEE CITY RAILROAD L.L.C.

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1150.31 *ET SEQ.*

BLPI RR L.L.C., a non-carrier has filed a Verified Notice of Exemption to acquire and operate approximately 43.74 route miles railroad currently owned by the Palouse River & Coulee City Railroad L.L.C. extending between Mile post 3.32 at the Washington/Idaho state line and Mile Post 47.06 at Bovill, Idaho.

Comments must be filed with the Board and served on BLPI RR's
representative:

John K. Fiorilla,
Dyer & Peterson, PC
605 Main Street Suite 104
Riverton, N.J. 08077-1440
(609) 792-6851
Jfiorilla@dyerpetererson.com

This notice is filed under 49 C.F.R. 1150.31. If the Notice contains false or misleading information, the exemption is void *ab initio*. The filing of a petition to revoke will not automatically stay the transaction.