

SERVICE DATE – OCTOBER 27, 2026

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 497 (Sub-No. 8X)

MINNESOTA NORTHERN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN
NORMAN AND POLK COUNTIES, MINN.

Decided: October 27, 2026

Minnesota Northern Railroad, Inc. (MNN) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 11.14 miles of rail extending from milepost 40.20 at approximately the north end of the Marsh River Bridge south of Shelly to milepost 51.34 at approximately the north side of Golf Course Lane, north of Climax, in Norman and Polk Counties, Minn. (the Line). Notice of the exemption was served and published in the Federal Register on July 20, 2026 (91 Fed. Reg. 45,313).

By decision served August 18, 2026 (August Decision), a notice of interim trail use (NITU) was issued authorizing the Norman County Highway Department (Norman County) to negotiate an interim trail use/rail banking agreement with MNN.¹ The August Decision also provided that the notice served and published in the Federal Register on July 20, 2026 is subject to a salvage condition. August Decision, slip op. at 2, AB 497 (Sub-No. 8X) (STB served Aug. 18, 2026). On August 24, 2026, MNN filed a letter stating that the Polk County Highway Department (Polk County) also sought a NITU and had sent a letter to MNN “confirming its interest in trails negotiations.” (MNN Letter 1, Aug. 24, 2026.) MNN indicated that it is “amenable to negotiating a trail use agreement with Polk County” and requested that the Board issue an order reflecting that both Polk County and Norman County are included in the NITU issued in the August Decision. (Id.)

On September 18, 2026, Polk County filed a letter requesting issuance of a public use condition and a NITU. On September 22, 2026, MNN filed a letter reconfirming that it is open to negotiating a trail use agreement with Polk County and asking the Board to update the NITU to include Polk County.

As noted in the notice served and published in the Federal Register on July 20, 2026, any requests for public use conditions under 49 C.F.R. § 1152.28 were due by August 10, 2026. See

¹ Norman County filed a request for a NITU and a public use condition on August 14, 2026. Although the request for a public use condition was denied as untimely, the August Decision granted the NITU request, which “appear[ed] to support the same or similar goal Norman County sought with the public use condition.” August Decision, slip op. at 2 n.1, AB 497 (Sub-No. 8X) (STB served Aug. 18, 2026).

49 C.F.R. § 1152.28(a)(3). Accordingly, the late-filed request for a public use condition will be denied.² With respect to Polk County's NITU request, MNN has expressed that it is amenable to trail use negotiations with Polk County and asks the Board to amend the existing NITU to include both Polk County and Norman County. (See MNN Letter 1, Aug. 24, 2026; MNN Letter 1, Sept. 22, 2026.) Although Polk County's NITU request was filed late, pursuant to the Board's regulations at 49 C.F.R. § 1152.29(e)(1), the "Board routinely grants late-filed requests for the issuance of a notice of interim trail use if the abandonment has not been consummated and the railroad indicates a willingness to negotiate." Ala. & Fla. Ry.—Aban. Exemption—in Geneva, Coffee, & Covington Cntys., Ala., AB 1073 (Sub-No. 1X), slip op. at 2 n.2 (STB served Mar. 24, 2022). Polk County's request for a NITU complies with the requirements of 49 C.F.R. § 1152.29, and MNN has notified the Board that it is willing to negotiate with Polk County toward an agreement for interim trail use. Therefore, an additional NITU covering Polk County will be issued for the Line.³ The parties may negotiate an agreement during the one-year period prescribed below. If an interim trail use/rail banking agreement is reached (and thus, interim trail use/rail banking is established), the parties shall jointly notify the Board within 10 days that an agreement has been reached. 49 C.F.R. § 1152.29(d)(2) & (h). If no agreement is reached within one year, MNN may fully abandon the Line, subject to any outstanding conditions. See 49 C.F.R. § 1152.29(d)(1). Use of the right-of-way for trail purposes is subject to possible future reconstruction and reactivation of the right-of-way for rail service.

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Polk County's request is granted in part, as described above.
2. The notice served and published in the Federal Register on July 20, 2026, is modified to the extent necessary to implement interim trail use/rail banking as set forth below to permit Polk County to negotiate with MNN for trail use for the Line for a period of one year from the service date of this decision and notice, until October 27, 2027.⁴

² Although the request for a public use condition will be denied, Polk County's request for a NITU—which appears to support the same or similar goal Polk County sought with the public use condition—will be granted, as discussed herein.

³ The NITU issued for Norman County remains in effect as provided in the August Decision.

⁴ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with the salvage condition in ordering paragraph 2 of the August Decision is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement. See August Decision, slip op. at 2, AB 497 (Sub-No. 8X) (STB served Aug. 18, 2026).

3. If an interim trail use/rail banking agreement is reached, it must require the trail sponsor to assume, for the term of the agreement, full responsibility for: (i) managing the right-of-way; (ii) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability); and (iii) the payment of any and all taxes that may be levied or assessed against the right-of-way.

4. Interim trail use/rail banking is subject to possible future reconstruction and reactivation of the right-of-way for rail service and to the trail sponsor's continuing to meet its responsibilities for the right-of-way described in paragraph 3 above.

5. If an interim trail use agreement is reached (and thus, interim trail use is established), the parties shall jointly notify the Board within 10 days that an agreement has been reached. See 49 C.F.R. § 1152.29(d)(2) and (h).

6. If interim trail use is implemented, and subsequently the trail sponsor intends to terminate trail use on all or any portion of the right-of-way covered by the interim trail use agreement, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

7. If an agreement for interim trail use/rail banking is reached for the Line by October 27, 2027, interim trail use may be implemented. If no agreement is reached, MNN may fully abandon the Line, subject to any outstanding conditions.

8. This decision is effective on its service date.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.