FLETCHER & SIPPEL LLC
ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. HEALEY
(312) 252-1505
thealey@fletcher-sippel.com

November 5, 2026

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Office of Chief Counsel
November 5, 2026
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Public Record

VIA E-FILING

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423

Re: ***Great Northwest Railroad, Inc. – Abandonment Exemption – In Clearwater County, ID*, AB-872X**

Request for Issuance of a Notice of Interim Trails Use

To the Chief of Case Administration:

BG & CM Railroad, Inc. ("BG & CM"), successor in interest to Great Northwest Railroad, Inc. ("GNR") in the rail line subject to the referenced abandonment, hereby petitions the Board for issuance of a Notice of Interim Trail Use ("NITU") for itself applicable to the entire railroad line (the "Line") that is the subject of the above-referenced abandonment petition for exemption proceeding. The Line extends from milepost 3.5 at or near Orofino to milepost 31.0 near Jaype, a total distance of 27.5 miles, in Clearwater County, ID. A map depicting the Line's right-of-way is attached.

In order to establish interim trail use and rail banking for the Line under section 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d), and 49 CFR § 1152.29, BG & CM states that it is willing (and able) to assume full responsibility for: (1) managing the Line's right-of-way; (2) any legal liability arising out of the transfer or use of the Line's right-of-way, and (3) the payment of any and all taxes that may be levied or assessed against the Line's right-of-way. BG & CM acknowledges that its proposed use of the right-of-way is subject to continuing to meet its responsibilities described above, and that its proposed trails use arrangement would be subject to possible future termination and full or partial rail service reactivation.

By way of background, the Line and additional regulated trackage was purchased by GNR, BG & CM's predecessor, from Camas Prairie RailNet, Inc. in 2004. *See Great Nw.*

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R.R., Inc.—Acquis. and Oper. Exemption—Camas Prairie RailNet, Inc., FD 34474 (STB served Mar. 19, 2004) ("*GNR Notice*"). GNR called the line from milepost 0.0 at Orofino to milepost 31.0 Jaype its "4th Subdivision." At the time of GNR's acquisition, the *GNR Notice* stated that "GNR states that no traffic has moved over the 4th Subdivision for over 2 years and that a majority of the line is out of service." GNR Notice, p 2, n. 3.

On July 14, 2004, GNR filed a petition for exemption to abandon the Line. *Great Nw. R.R., Inc.—Aban. Exemption—in Clearwater Cnty., ID*, AB 872X (STB served Nov. 1, 2004) ("*GNR Exemption*"), noting that discussions with possible customers for the Line had convinced GNR that an economic reinstatement of service would be economically infeasible. The Board granted GNR's petition for exemption, and imposed a variety of environmental and historic conditions, all of which, save for an historic preservation condition (which was later modified), were subsequently lifted. *GNR Exemption*, AB-872X (STB served Dec. 1, 2005). A notice of interim trail use was issued in favor of Clearwater County, ID, but it does not appear that any trail use agreement was reached. There is no record in the *GNR Exemption* docket that the remaining historic preservation condition was satisfied, and no notice of consummation was ever filed.

In early 2017, BG & CM filed for authority to acquire the Line from GNR. *BG & CM R.R., Inc.—Acquis. and Oper. Exemption—Rail Line of Great Nw. R.R., Inc.*, FD 36098 (STB served Mar. 1, 2017) ("*BG & CM Acquisition*"). At the time of BG & CM's acquisition, the Board observed that the Line had previously been authorized for abandonment (in *GNR Exemption*), but "the abandonment was never consummated due to an unfulfilled historic preservation condition, and the Line remains an active line of railroad." *BG & CM Acquisition*, p. 1, n 1.

After nearly a decade of efforts to identify viable customer opportunities on the Line, BG & CM has concluded, much as GNR had, that the Line has no realistic prospects for returning to profitability. Therefore, in order to preserve the rail corridor for future rail use, BG & CM now seeks to invoke trail use status for the Line, with the expectation that BG & CM's trails sponsorship may be temporary, until another organization is willing to step in to assume trails sponsorship in BG & CM's place.

BG & CM confirms for the Board that it has not filed a notice of abandonment consummation in the *GNR Exemption* docket, nor has it satisfied the outstanding historic preservation condition from that docket. Because this unfulfilled condition actively tolled the abandonment consummation deadline and prevented the permissive authority from lapsing, the Board retains jurisdiction over the Line. BG & CM submits that this preserved jurisdiction,

combined with the compelling interest in administrative efficiency, constitutes good cause for the Board to accept BG & CM's late-filed petition under 49 C.F.R. §§ 1152.29(b)(3) and (e)(1).

Specifically, requiring BG & CM to initiate a new, duplicative abandonment proceeding—including repeating the lengthy environmental and historic review processes for a line that has generated no traffic and would readily qualify for abandonment today under the two-year out-of-service standard—would result in an unnecessary waste of administrative time and expense. Conversely, accepting this late-filed request under the existing, open docket directly advances the Rail Transportation Policy by minimizing the need for federal regulatory control (49 U.S.C. § 10101(2)), reducing regulatory barriers to entry into and exit from the industry (49 U.S.C. § 10101(7)), and promoting the expeditious handling and resolution of proceedings (49 U.S.C. § 10101(15)), while accomplishing the exact same substantive result: preserving the corridor for future rail use.

While the exemption sought in *GNR Exemption* was issued to GNR and not BG & CM, BG & CM is nonetheless successor to GNR's permissive abandonment authority. Because BG & CM acquired the Line subject to GNR's unconsummated abandonment status, BG & CM has standing to act as the trail sponsor under that same docket. *See Trinidad Ry., Inc.—Aban. Exemption—in Las Animas Cnty., CO*, AB 573X, 5 S.T.B. 1121, 1123 (2001) ("[the purchaser] subsequently acquired the line subject to the conditions we had placed on the [prior railroad's] abandonment exemption."). The principle that an acquired line retains its regulatory status has been recognized by the Board in a variety of circumstances, such as where the line to be purchased is in discontinuance status, *see Fox Valley & Lake Superior Rail Sys., L.L.C.—Acquis. and Oper. Exemption—Lines of Wis. Cent. Ltd. in the State of Wis.*, FD 36504 (STB served Dec. 20, 2021), and where the acquisition of a rail-banked line would also convey the right to reactivate rail service, *see King Cnty., WA—Acquis. Exemption—BNSF Ry. Co.*, FD 35148 (STB served Sep. 18, 2009). Board precedent is also clear that an abandoning railroad may also be the trail sponsor on the rail line pursuant to a notice of interim trail use. *See Great Redwood Trail Agency—Aban. Exemption—in Mendocino, Trinity, & Humboldt Cntys., Cal.*, AB 1305X, slip op. at 6 (STB served Oct. 24, 2022).

All parties of record in this proceeding will be served with a copy of this request on the same date that it is being served on the Board.

Because BG & CM is a private entity, it has arranged separately to pay the applicable filing fee of $350 (see 49 C.F.R. § 1002.2(f)(27)(i)) via pay.gov.

Respectfully submitted,

/s/ Thomas J. Healey
Thomas J. Healey
Counsel for BG & CM Railroad, Inc.

TJH:th

Enclosure

cc: All parties of record

***Great Northwest Railroad, Inc. – Abandonment Exemption – In Clearwater County, ID*, AB-872X**

Legend

Headquarters

Cardiff

Hollywood

MP 31.0

Jaype

Jaype

Johnson

Best Corner

Slocum

Hansberg

Konkolville

Orofino

MP 3.5

Brunning

Blake

Rudo

HALEY

Pierce

Judge Town

Cooper

Johnsons Mill

Greer

Fraser

Google Earth

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