

244745

ENTERED  
Office of Proceedings  
November 20, 2017  
Part of  
Public Record

Karl Morell & Associates  
440 1<sup>st</sup> Street, NW, Suite 440  
Washington, DC 20001  
(202) 595-9045  
karlm@karlmorell.com



November 20, 2017

BY HAND DELIVERY

Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
Office of Proceedings  
395 E Street, SW  
Washington, DC 20423

**Re: STB Docket No. AB 6 (Sub-No. 497X), BNSF Railway Company –  
Abandonment Exemption – in Stearns County, MN**

Dear Ms. Brown:

Enclosed for filing are the original and ten copies of BNSF Railway Company's Notice of Exemption under 49 C.F.R. § 1152.50. Also enclosed is a check covering the \$4,100 filing fee.

If you have any questions, please call me.

Sincerely,

A handwritten signature in black ink that reads "Karl Morell".

Karl Morell

Enclosures

FILED  
November 20, 2017  
SURFACE  
TRANSPORTATION BOARD

FEE RECEIVED  
November 20, 2017  
SURFACE  
TRANSPORTATION BOARD

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**



---

**BNSF RAILWAY COMPANY                    )**  
**ABANDONMENT EXEMPTION                )**  
**IN STEARNS COUNTY, MINNESOTA        )**

**DOCKET NO. AB 6**  
**(SUB-NO. 497X)**

---

**NOTICE OF EXEMPTION**

---

**BNSF RAILWAY COMPANY**  
2650 Lou Menk Drive  
P.O. Box 96157  
Fort Worth, TX 76161-0057

**Jill Rugema**  
Assistant General Attorney  
BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, Texas 76131-2828  
(817) 352-3451

**Karl Morell**  
Karl Morell & Associates  
440 1<sup>st</sup> Street, N.W.  
Suite 440  
Washington, D.C. 20001  
(202) 595-9045

Dated: November 20, 2017

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

|                                     |   |                        |
|-------------------------------------|---|------------------------|
| <b>BNSF RAILWAY COMPANY</b>         | ) |                        |
| <b>ABANDONMENT EXEMPTION</b>        | ) | <b>DOCKET NO. AB 6</b> |
| <b>IN STEARNS COUNTY, MINNESOTA</b> | ) | <b>(SUB-NO. 497X)</b>  |

---

**NOTICE OF EXEMPTION**

---

BNSF Railway Company ("**BNSF**") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon 1.75 miles of rail line located between Milepost 0.0 and Milepost 1.75 in St. Cloud, Stearns County, Minnesota (the "**Line**").

**1.     *Proposed consummation date.***

The proposed consummation date is 50 days after the date of filing this Notice of Exemption.

**2.     *Certification required by 49 C.F.R. § 1152.50(b).***

The required certification is attached hereto as **Exhibit A**.

**3.     *Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7) and (8) and (e)(4).***

**(a)    *General.***

**(1)    *Exact name of applicant.***

BNSF Railway Company

- (2) ***Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.***

BNSF is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) ***Relief sought.***

BNSF seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon 1.75 miles of rail line located between Milepost 0.0 and Milepost 1.75 in St. Cloud, Stearns County, Minnesota. No local or overhead freight rail traffic has traveled over the Line since July 2015.

***Map.***

A map of the Line is attached as **Exhibit B**.

- (7) ***Name, title and address of representative of applicant to whom correspondence should be sent.***

Karl Morell  
Karl Morell & Associates  
440 1<sup>st</sup> Street, N.W.  
Suite 440  
Washington, D.C. 20001

- (8) ***List of all United States Postal Service ZIP codes that the line proposed for abandonment traverses.***

The Line traverses U.S. ZIP Code 56379.

- (e) ***Rural and community impact.***

- (4) ***Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title***

*or the use of property for other than rail purposes, this shall be disclosed.*

The Line may be suitable for alternative public use. There are a total of 18.60 acres on the Line of which 0.02 are reversionary.

**4. *The level of labor protection.***

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

**5. *Certification.***

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.12 are attached as **Exhibit C**.

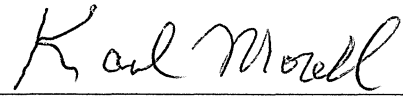
**6. *Environmental Report.***

The Environmental Report containing information required by 49 C.F.R. § 1105.7(e) was submitted to the Board on September 14, 2017. Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available promptly to those requesting it.

**7. *Historic Report.***

The Historic Report containing information required by 49 C.F.R. § 1105.8 was submitted to the Board on September 14, 2017.

Respectfully submitted,



---

**Karl Morell**

Karl Morell & Associates  
440 1<sup>st</sup> Street, N.W.  
Suite 440  
Washington, D.C. 20001  
(202) 595-9045

**Jill Rugema**

Assistant General Attorney  
BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, Texas 76131-2828  
(817) 352-3451

Dated: November 20, 2017

**CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

)

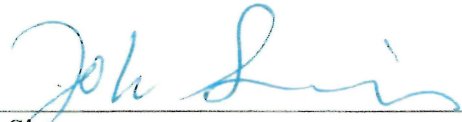
SS.

)

I, John Sims, being duly sworn depose and state that I am Manager, Performance & Strategies Support for BNSF Railway Company ("**BNSF**"), that I am authorized to make this verification and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information and belief.

I hereby certify that no local traffic has been handled to or from any customer over the rail line located between Milepost 0.0 and Milepost 1.75 in St. Cloud, Stearns County, Minnesota ("the Line") since July 2015. Also, no overhead traffic has been handled on the Line since prior to that time. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.



John Sims  
Manager, Performance & Strategies Support

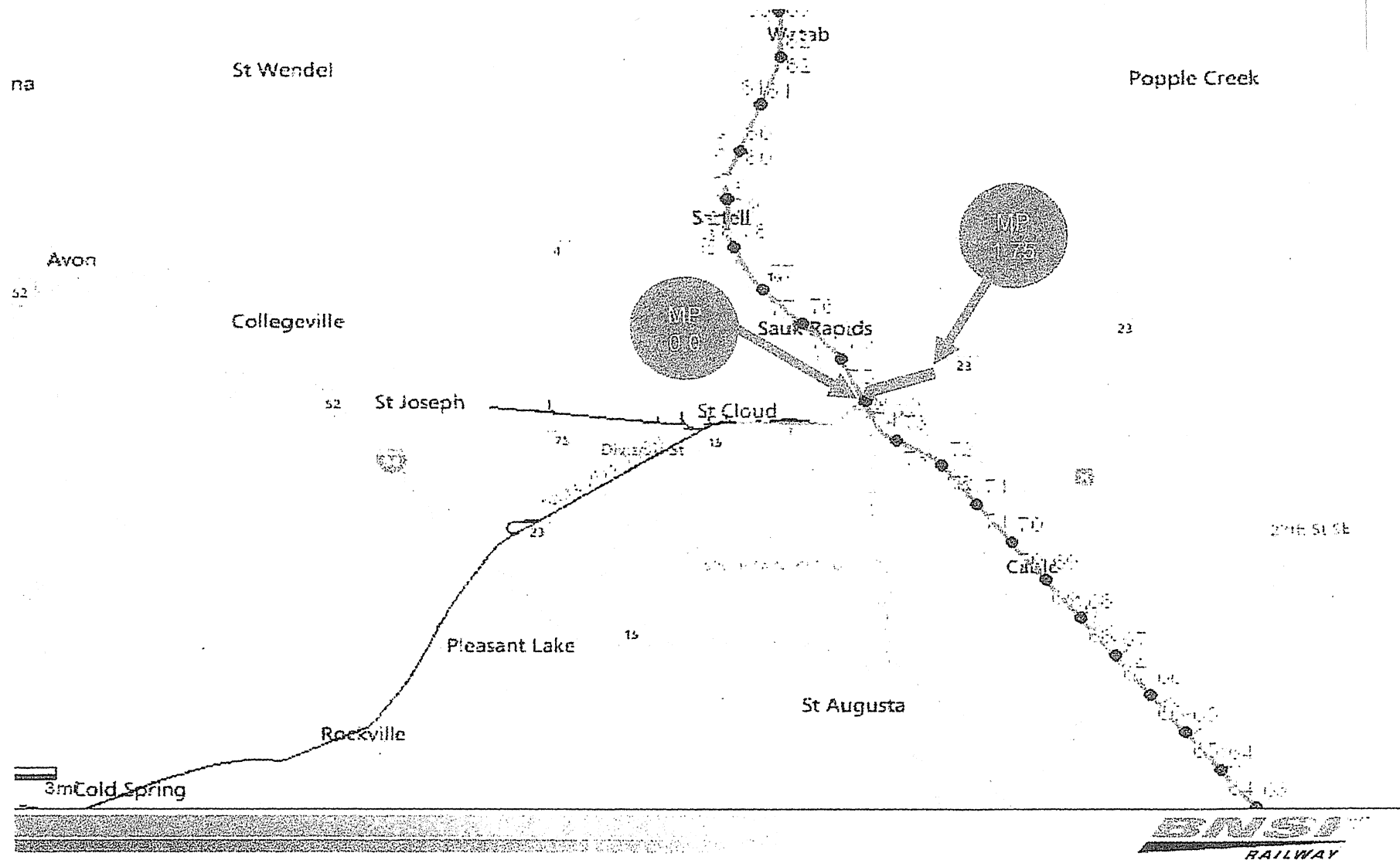
SUBSCRIBED AND SWORN TO before me this 7<sup>th</sup> day of November, 2017.

My Commission Expires: 04.29.2021



  
Notary Public

# St. Cloud, MN Proposed Abandonment



## EXHIBIT C

### CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 497X) was mailed via first class mail on October 26, 2017, to the following parties:

#### State Public Service Commission

Minnesota Department of Transportation  
395 John Ireland Blvd.  
St. Paul, MN 55155-1800

#### Military Traffic Management Command

Military Surface Deployment and Distribution Command Transportation  
Engineering Agency  
ATTN: SDTE-SA (Railroads for National Defense)  
1 Soldier Way, Building 1900W  
Scott AFB, IL 62225-5006

#### National Park Service

|                                          |                               |
|------------------------------------------|-------------------------------|
| U.S. Department of the Interior          | Cam Sholly, Regional Director |
| National Park Service                    | National Park Service         |
| Recreation Resources Assistance Division | 601 Riverfront Drive          |
| 1849 C Street, NW                        | Omaha, NE 68102-4226          |
| Washington, DC 20240-0001                |                               |

#### U.S. Department of Agriculture

U.S. Department of Agriculture  
Chief of the Forest Service  
4th Floor N.W., Yates Building  
201 14<sup>th</sup> Street, SW  
Washington, DC 20250

Dated: November 20, 2017



---

Karl Morell

## CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 497X) was published on November 2, 2017, in the St. Cloud Times, a newspaper of general circulation in Stearns County, Minnesota as required by 49 C.F.R. § 1105.12.

Dated: November 20, 2017

A handwritten signature in cursive script that reads "Karl Morell".

---

Karl Morell

**CERTIFICATE OF SERVICE  
ENVIRONMENTAL AND HISTORIC REPORTS**

The undersigned hereby certifies that, in Docket No. AB 6 (Sub-No. 497X) the transmittal letter required by 49 C.F.R § 1105.11, was mailed to all agencies listed in 49 C.F.R. § 1105.7(b), as well as the additional agencies listed below via first class mail on September 14, 2017.

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 1105.8, the undersigned hereby certifies that copies of the Environmental and Historic Reports were mailed via first class mail on September 14, 2017 to the following agencies:

Bureau of Land Management  
Eastern States Office  
20 M Street SE, Suite 950  
Washington, DC 20003

Minnesota Department of Natural Resources  
500 Lafayette Road  
St. Paul, MN 55155-4040

Simon Monroe  
The National Geodetic Survey  
1315 East-West Highway  
Silver Spring, MD 20910-3282

US EPA Region 5  
Metcalf Building  
Office of Strategic Environmental Analysis  
77 West Jackson Boulevard,  
Mailcode: B-19J  
Chicago, IL 60604

U.S. Fish and Wildlife Service  
One Federal Drive  
BHW Federal Building  
Fort Snelling, MN 55111-4056

U.S. National Park Service  
Attn: Cam Sholly, Regional Director  
601 Riverfront Drive  
Omaha, NE 668102-4226

Natural Resources Conservation Service  
USDA  
375 Jackson Street, Suite 600  
St. Paul, MN 55101-1854

Sarah J. Beimers, Manager  
Government Programs and Compliance  
Minnesota Historical Society  
345 Kellogg Boulevard West  
Saint Paul, MN 55102

Department of the Army  
St. Paul District, Corps of Engineers  
180 Fifth Street East, Suite 700  
St. Paul, MN 55101-1678  
Regulatory File No. 2017-02526-LMG

Minnesota Department of Administration  
200 Administration Building  
50 Sherburne Avenue  
St. Paul, MN 55155

Minnesota Department of Natural  
Resources, Division of Waters  
1568 Highway 2  
Two Harbors, MN 55616

Karl Morell

---

Dated: November 20, 2017

Karl Morell