

Karl Morell & Associates

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



April 30, 2018

245606  
245607

BY HAND DELIVERY

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

ENTERED  
Office of Proceedings  
April 30, 2018  
Part of  
Public Record

**Re: Docket No. AB 6 (Sub-No. 496X), BNSF Railway Company –  
Abandonment Exemption – in the City of Des Moines, Polk County, Iowa**

**Docket No. AB 290 (Sub-No. 400X), Norfolk Southern Railway Company – Discontinuance of  
Service Exemption – in the City of Des Moines, Polk County, Iowa**

Dear Ms. Brown:

Enclosed for filing are the original and ten copies of the Joint Notice of Exemption under 49 C.F.R. § 1152.50 filed by BNSF Railway Company and Norfolk Southern Railway Company. Also enclosed are two checks covering the \$8,200 filing fee.

If you have any questions, please call me.

Sincerely,

Karl Morell

Enclosures

FILED  
April 30, 2018  
SURFACE  
TRANSPORTATION BOARD

FEE RECEIVED  
April 30, 2018  
SURFACE  
TRANSPORTATION BOARD

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**Docket No. AB 6 (Sub-No. 496X), *BNSF Railway Company – Abandonment Exemption – in the City of Des Moines, Polk County, Iowa***

**Docket No. AB 290 (Sub-No. 400X) *Norfolk Southern Railway Company – Discontinuance of Service Exemption – in the City of Des Moines, Polk County, Iowa***

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**JOINT NOTICE OF EXEMPTION**

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**Crystal M. Zorbaugh**  
Baker & Miller PLLC  
2401 Pennsylvania Ave, NW  
Suite 300  
Washington, DC 20037

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

**Attorney for Norfolk Southern  
Railway Company**

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

**Attorneys for BNSF Railway  
Company**

Dated: April 30, 2018

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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**Docket No. AB 6 (Sub-No. 496X), BNSF Railway Company – Abandonment Exemption – in  
the City of Des Moines, Polk County, Iowa**

**Docket No. AB 290 (Sub-No. 400X) Norfolk Southern Railway Company – Discontinuance of  
Service Exemption – in the City of Des Moines, Polk County, Iowa**

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**JOINT VERIFIED NOTICE OF EXEMPTION**

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BNSF Railway Company ("**BNSF**") and Norfolk Southern Railway Company ("NS") jointly file this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for BNSF to abandon and for NS to discontinue operations over approximately 0.45 miles of rail line located between Milepost 67.38 and Milepost 66.93 in the City of Des Moines, Polk County, Iowa.

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

The proposed consummation date is 50 days after the date of filing this Joint 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 applicants.***

BNSF Railway Company

Norfolk Southern Railway Company

(2) ***Whether applicants are common carriers by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.***

Both BNSF and NS are common carriers 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 0.45 miles of rail line located between Milepost 67.38 and Milepost 66.93 in the City of Des Moines, Polk County, Iowa (the “Line”).<sup>1</sup> NS seeks to use the class exemption to discontinue operations over the Line. No local or overhead freight rail traffic has traveled over the Line in over two years.

***Map.***

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

(7) ***Name, title and address of the representatives of applicants 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  
(202) 595-9045

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<sup>1</sup> In the Environmental and Historic Reports filed with the Board on October 11, 2017, BNSF incorrectly identified the ending milepost as 66.90. The correct ending milepost is 66.93. See Exhibit B.

Attorney for BNSF Railway Company

Crystal M. Zorbaugh  
Baker & Miller PLLC  
2401 Pennsylvania Ave., NW Suite 300  
Washington, D.C. 20037  
(202) 663-7820

Attorney for Norfolk Southern Railway Company

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

The Line traverses U.S. ZIP Code 50309.

- (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.

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

The interests of railroad employees who may be adversely affected by the proposed abandonment and discontinuance 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 October 11, 2017. Based on information in BNSF's 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 October 11, 2017.

Respectfully submitted,



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**Crystal M. Zorbaugh**  
Baker & Miller PLLC  
2401 Pennsylvania Ave, NW  
Suite 300  
Washington, DC 20037

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

**Karl Morell**

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

Dated: April 30, 2018

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS  
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

I, John Sims, being duly sworn depose and state that I am Manager, Network Strategy 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 67.38 and Milepost 66.93 in the City of Des Moines, Polk County, Iowa ("the Line") in over two years. Also, no overhead traffic has been handled on the Line in over two years. 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.

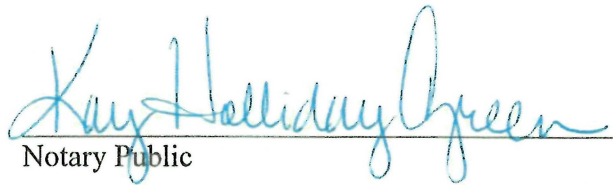


John Sims  
Manager, Network Strategy

SUBSCRIBED AND SWORN TO before me this 21<sup>st</sup> day of March, 2018.

My Commission Expires: 04.29.2021



  
Notary Public

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS  
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

**STATE OF VIRGINIA** )  
 ) **ss.**  
**CITY OF NORFOLK** )

I, John Friedmann, being duly sworn depose and state that I am Vice President Strategic Planning for Norfolk Southern Railway Company ("NS"), that I am authorized to make this verification and that I have read the foregoing Joint 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 67.38 and Milepost 66.93 in the City of Des Moines, Polk County, Iowa (the "Line") in over two years. Also, no overhead traffic has been handled on the Line in over two years. 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.

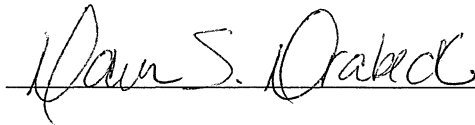
The foregoing certification is made on behalf of NS by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.



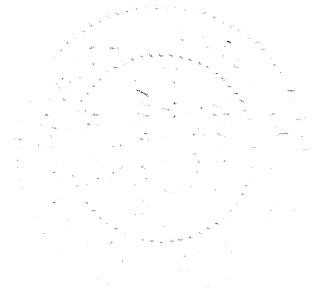
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SUBSCRIBED AND SWORN TO before me this 28<sup>th</sup> day of March, 2018.

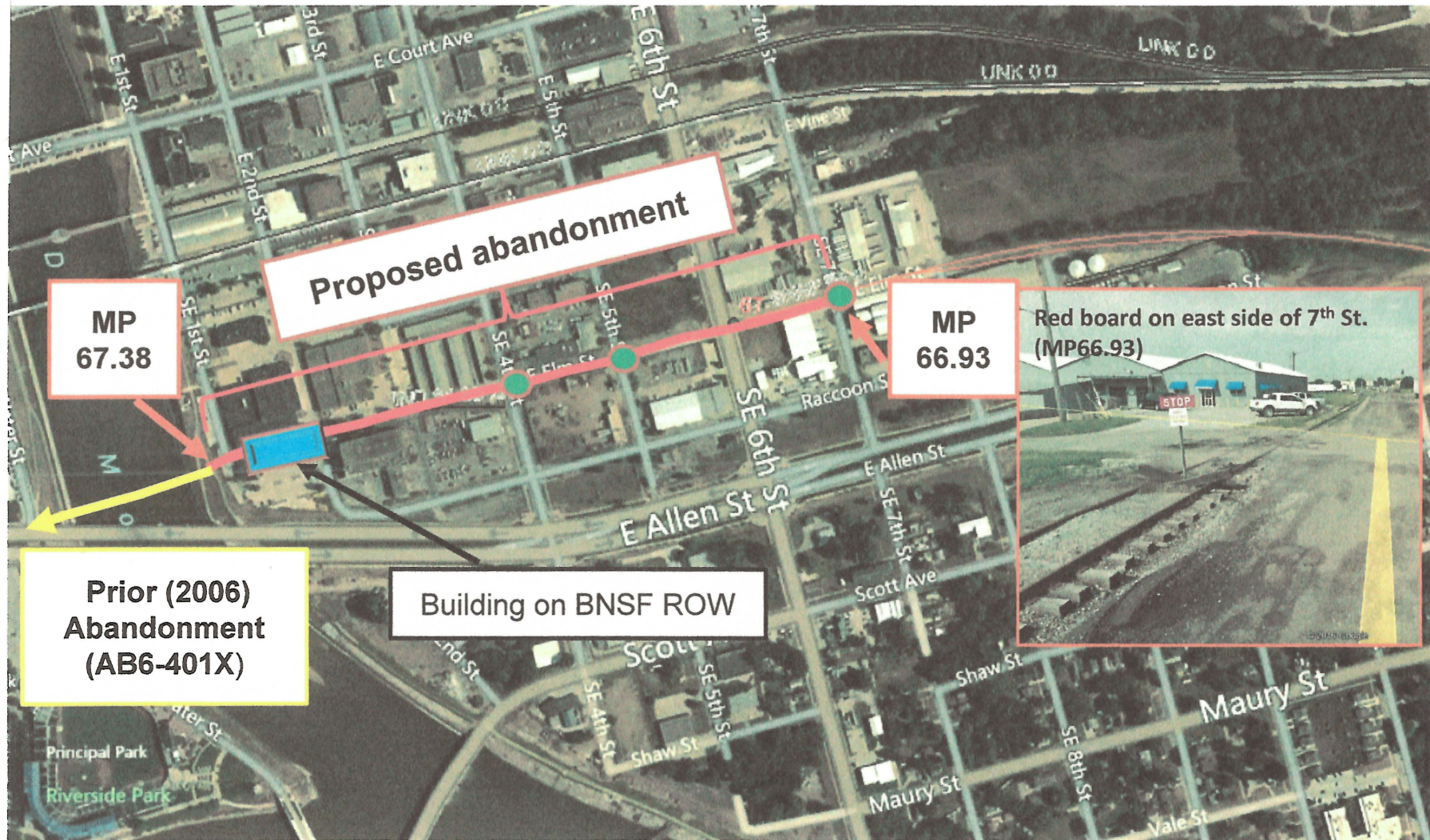
My Commission Expires: 11-30-18



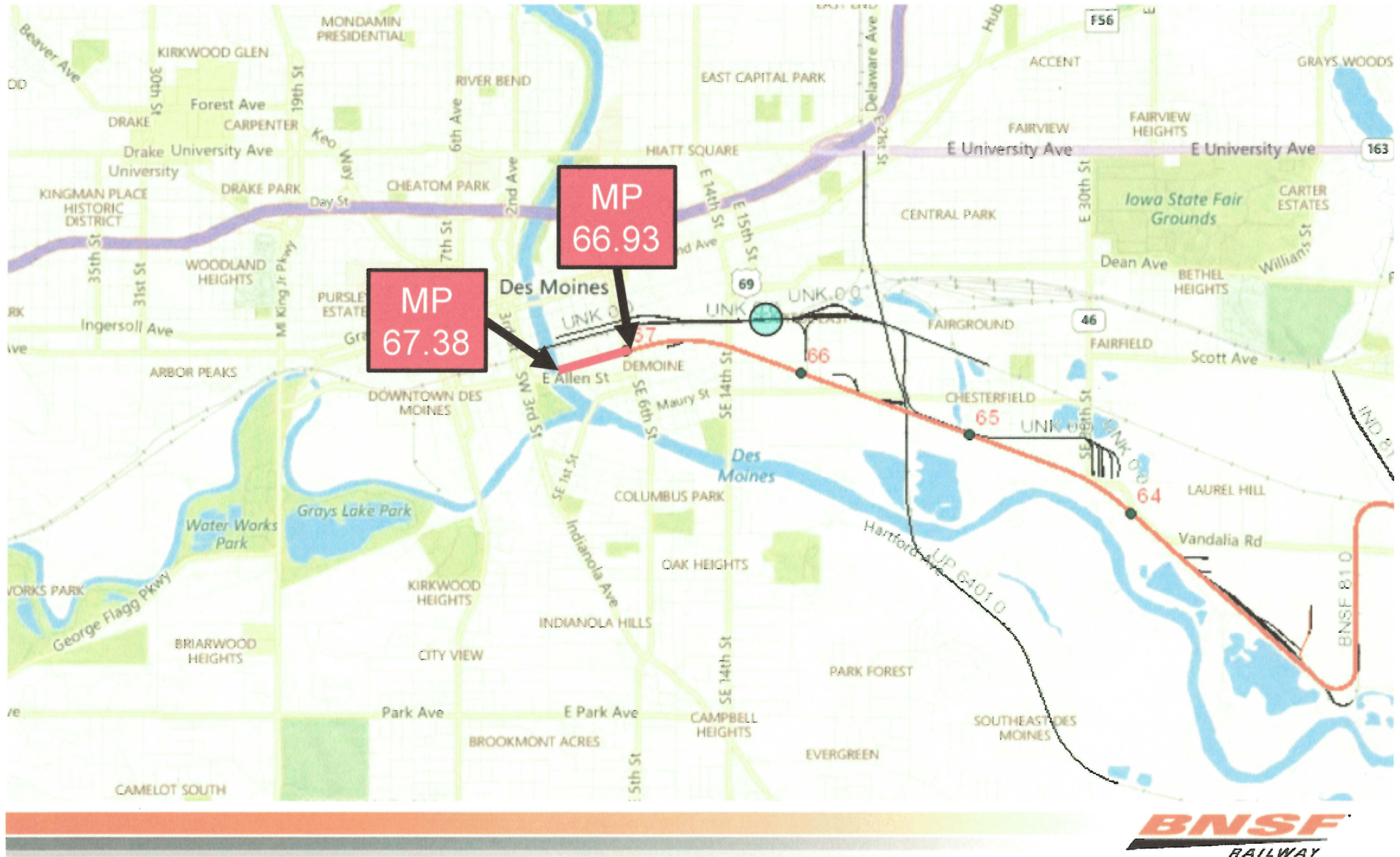
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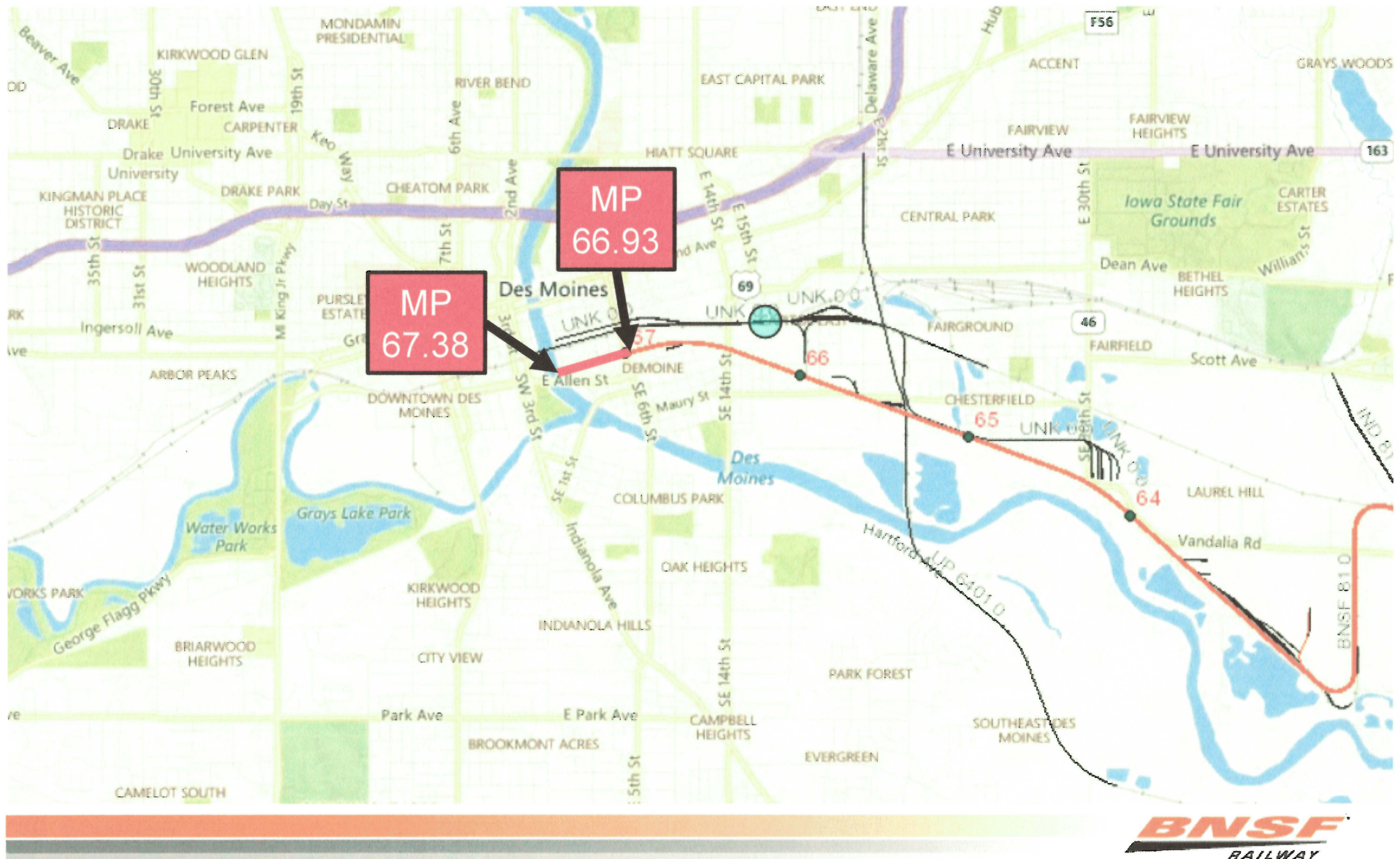
# Des Moines, IA Abandonment Map



# Des Moines, IA – Abandonment Map



# Des Moines, IA – Abandonment Map



## Des Moines, IA Abandonment Map



## 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. 496X) and discontinuance of service in Docket No. AB 290 (Sub-No. 400X) was mailed via first class mail on February 22, 2018, to the following parties:

#### State Public Service Commission

Iowa DOT, Office of Rail Transportation  
800 Lincoln Way  
Ames, IA 50010

#### 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  
National Park Service  
Recreation Resources Assistance Division  
1849 C Street, NW  
Washington, DC 20240-0001

Sue Masica, Regional Director  
National Park Service  
12795 Alameda Parkway  
Denver, CO 80225

#### 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: April 30, 2018



Karl Morell

## CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 496X) and the discontinuance of service in Docket No. AB 290 (Sub-No. 400X) was published on April 27, 2018, in the Des Moines Register, a newspaper of general circulation in Polk County, Iowa as required by 49 C.F.R. § 1105.12.

Dated: April 30, 2018

A handwritten signature in cursive script that reads "Karl Morell". The signature is written in black ink and is positioned above a horizontal line.

Karl Morell

**CERTIFICATE OF SERVICE  
ENVIRONMENTAL AND HISTORIC REPORTS**

The undersigned hereby certifies that, in Docket No. AB 6 (Sub-No. 496X) 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 October 12, 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 October 12, 2017 to the following agencies:

Kathleen Vanderpool  
Deputy City Attorney  
Second Floor  
400 E Court Ave  
Des Moines, IA 50309

Joe Griffin  
Iowa Department of Natural Resources  
502 E. 9<sup>th</sup> Street  
Des Moines, IA 50319

David Lynch  
General Counsel  
Iowa Utilities Board  
Des Moines, IA 50319-0069

US EPA Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219

Veronica Starcevich  
U.S. Fish and Wildlife Service  
Illinois and Iowa ES Field Office  
1511 47<sup>th</sup> Avenue  
Moline, IL 61265

U.S. National Park Service  
Attn: Cam Sholly, Regional Director  
601 Riverfront Drive  
Omaha, NE 68102-4226

Michael Ludwig, AICP  
Planning Administrator  
City of Des Moines  
602 Robert D Ray Drive, 1<sup>st</sup> Floor  
Des Moines, IA 50309

Iowa Historic Preservation Office  
State Historical Building – 3<sup>rd</sup> Floor East  
600 E. Locust St.  
Des Moines, IA 50319

Department of the Army  
Rock Island District, Corps of Engineers  
P.O. Box 2004 Clock Tower Building  
Rock Island, Illinois 61204-2004  
Regulatory File No. CEMVR-OD-P 2017-0770

Iowa Department of Public Health, Bureau  
of Environmental Health Services  
321 E. 12 Street  
Des Moines, IA 50319-0075

U.S. Department of the Interior  
Bureau of Land Management Eastern States  
Office  
20 M Street SE, Suite 950  
Washington, DC 20003

Polk County Planning and Development  
5885 NE 14<sup>th</sup> Street  
Des Moines, IA 50313

Karl Morell

Dated: April 30, 2018

Karl Morell