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SERVICE DATE – AUGUST 21, 2019

DO

FR-4915-01-P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 1288X]

Cedar River Railroad Company—Discontinuance of Service Exemption—in Freeborn County, Minn.

Cedar River Railroad Company (CEDR) has filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments and Discontinuances of Service to discontinue service over approximately 9.3 miles of railroad line between milepost 85.0 in London Township (at the southwestern quadrant of the intersection of County Road 107 and Township Road 264) and milepost 94.32 at Glenville, in Freeborn County, Minn. (the Line). The Line traverses U.S. Postal Service Zip Code 56036.

CEDR has certified that: (1) no local has moved over the Line for at least two years; (2) overhead traffic (to the extent there is any) can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is pending either with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 C.F.R. § 1105.12 (newspaper publication) and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

Any employee of CEDR adversely affected by the discontinuance of service shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch

Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91

(1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA)¹ to subsidize continued rail service has been received, this exemption will be effective on September 20, 2019,² unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues must be filed by August 30, 2019, and formal expressions of intent to file an OFA to subsidize continued rail service under 49 C.F.R. § 1152.27(c)(2)³ must be filed by September 3, 2019.⁴ Petitions for reconsideration must be filed by September 10, 2019, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with Board should be sent to CEDR's representative, Bradon J. Smith, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606.

¹ Persons interested in submitting an OFA to subsidize continued rail service must first file a formal expression of intent to file an offer, indicating the intent to file an OFA for subsidy and demonstrating that they are preliminarily financially responsible. See 49 C.F.R. § 1152.27(c)(2)(i).

² CEDR states that it intends to consummate the discontinuance on or after September 1, 2019, but it may not do so prior to the effective date of this exemption.

³ The filing fee for OFAs can be found at 49 C.F.R. § 1002.2(f)(25).

⁴ Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Because there will be an environmental review during abandonment, this discontinuance does not require environmental review.

If the verified notice contains false or misleading information, the exemption is void ab initio.

Board decisions and notices are available at www.stb.gov.

Decided: August 15, 2019.

By the Board, Allison C. Davis, Director, Office of Proceedings.