

204770

THOMAS R OGOREUC
Attorney at Law

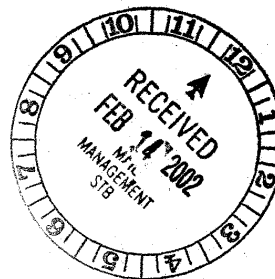
135 Jamison Lane
P.O. Box 68
Monroeville, PA 15146

Tel: 412-829-6893
Fax: 412-829-6607
E-Mail: trogoreuc@hotmail.com

February 12, 2002

Mr. Vernon A. Williams
Secretary of the Board
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

ENTERED
Office of the Secretary
FEB 14 2002
Part of
Public Record



Re: Docket No. AB-101 (Sub No. 15X)
Duluth, Missabe and Iron Range Railway Company
Exempt Abandonment of the Virginia Branch in St. Louis County, Minnesota

Dear Secretary Williams:

Enclosed for filing is an original and ten (10) copies of the Duluth, Missabe and Iron Range Railway Company's Verified Notice of Exemption - Docket No. AB-101 (Sub No. 15X). A check in the amount of \$2,600.00 is enclosed to cover the filing fee.

Please date stamp the second copy of this letter and return it to me in the enclosed self-addressed, stamped envelope.

Should you need to contact me for any reason, please call (412) 829-6893.

Very truly yours,

Thomas R. Ogoreuc

Counsel for
Duluth, Missabe and Iron Range Railway
Company

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FEB 14 2002

Enclosures

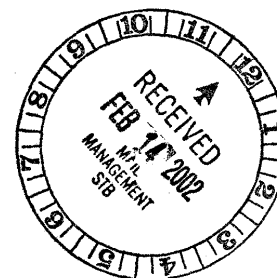
SURFACE
TRANSPORTATION BOARD

FILED

FEB 14 2002

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TRANSPORTATION BOARD

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Office of the Secretary

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BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-101 (Sub No. 15X)

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY
ABANDONMENT AND DISCONTINUANCE OF SERVICE OVER THE VIRGINIA
BRANCH IN ST. LOUIS COUNTY, MINNESOTA

VERIFIED NOTICE OF EXEMPTION

FILED

FEB 14 2002

SURFACE
TRANSPORTATION BOARD

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FEB 14 2002

SURFACE
TRANSPORTATION BOARD

THOMAS R. OGOREUC
135 Jamison Lane
Monroeville, PA 15146
(412) 829-6893

Counsel for
DULUTH, MISSABE AND IRON RANGE
RAILWAY COMPANY

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-101 (Sub No. 15X)

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY
ABANDONMENT AND DISCONTINUANCE OF SERVICE OVER THE VIRGINIA
BRANCH IN ST. LOUIS COUNTY, MINNESOTA

VERIFIED NOTICE OF EXEMPTION

Duluth, Missabe and Iron Range Railway Company, (hereinafter referred to as "Applicant" or "DM&IR") herewith gives its Verified Notice of Exemption of the abandonment and discontinuance of rail service over its line of railroad known as the Virginia Branch, extending from MP B5.5 to MP B6.1 in St. Louis County, Minnesota, a distance of 0.6 miles. A map indicating the exact location of the line to be abandoned is attached hereto as Exhibit A.

In accordance with 49 C.F.R. § 1152.50(d)(2), Applicant respectfully sets forth the following information in support of its Application.

The abandonment is to be consummated May 6, 2002.

It is herewith certified that no local or overhead traffic has been handled over the line for at least two (2) years. It is further certified that no formal complaint has been 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, and that no such complaint is pending with the Board or any U.S. District Court or has been decided in favor of any such complainant within the two-year period.

The information required by 49 C.F.R. §§ 1152.22(a)(1)-(4), (7) and (8), and (e)(4) is as follows:

§ 1152.22(a)(1): Applicant's Name.

Exact Name of Applicant.

The exact name of the Applicant is "Duluth, Missabe and Iron Range Railway Company."

§ 1152.22(a)(2): Jurisdiction.

Whether Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

Applicant is a common carrier by railroad subject to the ICC Termination Act.

§ 1152.22(a)(3): Relief sought.

Relief sought (abandonment of line or discontinuance of service).

The DM&IR seeks permission to abandon and discontinue service over its line of railroad known as the Virginia Branch extending from MP B5.5 to MP B6.1, in St. Louis County, Minnesota, a distance of 0.6 miles.

§ 1152.22(a)(4): Detailed map.

Detailed map of the subject line on a sheet not larger than 8 x 10 ½ inches, drawn to scale, and with the scale shown thereon. The map must show, in clear relief, the exact location of the rail line to be abandoned or over which service is to be discontinued and its relation to other rail lines in the area, highways, water routes, and population centers.

Attached as Exhibit A is a detailed map depicting the line to be abandoned.

§ 1152.22(a)(7): Correspondence.

Name, title, and address of representative of Applicant to whom correspondence should be sent.

Thomas R. Ogoreuc, Esq.
135 Jamison Lane
Monroeville, PA 15146

§ 1152.22(a)(8): ZIP Codes.

List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses.

The line proposed to be abandoned passes through U.S.P.S. ZIP 55792.

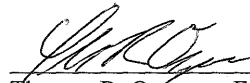
§ 1152.22(e)(4):

Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads or 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 right-of-way land on which the track lies is owned by the DM&IR. Since the entire 0.6 mile corridor is "landlocked" within a dense residential area, crossed by many existing city streets, it is unlikely the land could serve any need for transit, recreation or other public purpose.

The level of labor protection to be afforded is that provided in *Oregon Short Line Railroad Company – Abandonment Goshen*, 360 I.C.C. 91 (1979). There are no known employees who would be adversely affected by this abandonment.

Respectfully Submitted,



Thomas R. Ogoreuc, Esq.
135 Jamison Lane
Monroeville, PA 15146
(412) 829-6893

Counsel for
DULUTH, MISSABE AND IRON RANGE
RAILWAY COMPANY

CERTIFICATE OF SERVICE AND PUBLICATION

1. I hereby certify that I have served the following Notices and papers by first class mail with postage prepaid as follows:

A. Notice of Exemption to Abandon Service upon:

Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

Department of Defense
Military Traffic Command
Traffic Engineering Agency
Railroads for the National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

National Park Service
Recreation Resources Assistance Division
1849 C Street NW
Washington, D.C. 20240

Mike Dombek, Chief
USDA Forest Service
P.O. Box 96090
Washington, D.C. 20090-6090

as set forth in 49 C.F.R. § 1152.50(d)(1)(i)-(iv) by letter dated January 18, 2002, and mailed that date (copies attached hereto);

B. A copy of the Environmental and Historic Reports, along with a Transmittal

Letter pursuant to 49 C.F.R. § 1105.11, upon:

MN Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

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

Minnesota DNR, Division of Waters
1201 E. Highway 2
Grand Rapids, MN 55744

St. Louis County Commissioners
Duluth Courthouse
100 N. 5th Avenue West
Duluth, MN 55802

US Environmental Protection Agency
Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

US Fish and Wildlife Service
Region 3
1 Federal Drive
BHW Federal Building
Fort Snelling, MN 55111

US Army Corps of Engineers
St. Paul District
190 Fifth Street East
St. Paul, MN 55101-1638

William W. Schenk, Superintendent
National Park Service – Midwest Region
1709 Jackson Street
Omaha, NE 68102

MN State Historic Preservation Office
345 Kellogg Blvd. West
St. Paul, MN 55102-1906

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

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

Mr. Gilbert Mitchell
National Geodetic Survey, N/NGS1
1315 East-West Highway
Silver Spring, MD 20910

Elwyn Tinklenberg, Commissioner
MN Department of Transportation
395 John Ireland Blvd.
Mailstop 100
St. Paul, MN 55155-1899

by letter dated January 16, 2002, and mailed that date.

2. I further certify that I caused to be published a Legal Notice in the January 23, 2002 issue of the *Mesabi Daily News* as required in 49 C.F.R. § 1105.11 providing public notification of the Duluth, Missabe and Iron Range Railway Company's intent to file this Verified Notice of Exemption.


Thomas R. Ogoreuc, Esq.
135 Jamison Lane
Monroeville, PA 15146
(412) 829-6893

Counsel for
DULUTH, MISSABE AND IRON RANGE
RAILWAY COMPANY

70.05.3

THOMAS R OGOREUC
Attorney at Law

135 Jamison Lane
P.O. Box 68
Monroeville, PA 15146

Tel: 412-829-6893
Fax: 412-829-6607
E-Mail: trogoreuc@hotmail.com

January 18, 2002

MN Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

Re: Duluth, Missabe and Iron Range Railway Company's Notice of Exemption -
Proposed Rail Line Abandonment of the Virginia Branch in St. Louis County,
Minnesota
Docket No. AB 101 (Sub No. 15X)

Dear Sir or Madam:

The Duluth, Missabe and Iron Range Railway Company gives notice that on or about February 11, 2002, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 C.F.R. § 1152 Subpart F-*Exempt Abandonments* permitting the abandonment and discontinuance of service over trackage located in St. Louis County, Minnesota, known as the Virginia Branch, extending from Station MP B5.5 to MP B6.1, which traverses through United States Postal Service ZIP Code 55792. The proceeding will be docketed as No. AB 101 (Sub No. 15X).

Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Any questions regarding this matter may be addressed to the undersigned or the Surface Transportation Board, Washington, DC 20423.

Very truly yours,



Thomas R. Ogoreuc

*Counsel for
Duluth, Missabe and Iron Range
Railway Company*

Enclosure

70.053

THOMAS R OGOREUC
Attorney at Law

135 Jamison Lane
P.O. Box 68
Monroeville, PA 15146

Tel: 412-829-6893
Fax: 412-829-6607
E-Mail: trogoreuc@hotmail.com

January 18, 2002

Department of Defense
Military Traffic Management Command
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

Re: Duluth, Missabe and Iron Range Railway Company's Notice of Exemption - Proposed
Rail Line Abandonment of the Virginia Branch in St. Louis County, Minnesota
Docket No. AB 101 (Sub No. 15X)

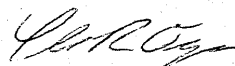
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Thomas R. Ogoreuc

*Counsel for
Duluth, Missabe and Iron Range
Railway Company*

Enclosure

70.05.3

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Tel: 412-829-6893
Fax: 412-829-6607
E-Mail: trogoreuc@hotmail.com

January 18, 2002

Mike Dombeck, Chief
USDA Forest Service
PO Box 96090
Washington, DC 20090-6090

Re: Duluth, Missabe and Iron Range Railway Company's Notice of Exemption -
Proposed Rail Line Abandonment of the Virginia Branch in St. Louis County,
Minnesota
Docket No. AB 101 (Sub No. 15X)

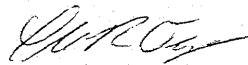
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*Counsel for
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January 18, 2002

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

Re: Duluth, Missabe and Iron Range Railway Company's Notice of Exemption -
Proposed Rail Line Abandonment of the Virginia Branch in St. Louis County,
Minnesota
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*Counsel for
Duluth, Missabe and Iron Range
Railway Company*

Enclosure

THOMAS R OGOREUC
Attorney at Law

File
70.05.3

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January 16, 2002

MN Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

Re: Duluth, Missabe and Iron Range Railway Company Proposed Rail Line
Abandonment of the Virginia Branch in St. Louis County, Minnesota
Docket No. AB 101 (Sub No. 15X)

Dear Sir or Madam:

On or about February 11, 2002, the Duluth, Missabe and Iron Range Railway Company (DM&IR) expects to be filing with the Surface Transportation Board a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in St. Louis County, Minnesota, known as the Virginia Branch, extending from Station MP B5.5 to MP B6.1. Attached is an Environmental Report and/or Historical Report describing the proposed action and any expected environmental and/or historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, telephone (202) 565-1526 and refer to the above *Docket No.* Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA with a copy to our representative would be appreciated within three (3) weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Thomas R. Ogoreuc, Esq. who may be contacted by telephone at (412) 829-6893 or by mail at 135 Jamison Lane, Monroeville, PA 15146.

Very truly yours,

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Thomas R. Ogoreuc

*Counsel for
Duluth, Missabe and Iron Range
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January 16, 2002

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

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*Counsel for
Duluth, Missabe and Iron Range
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January 16, 2002

Minnesota DNR, Division of Waters
1201 E. Highway 2
Grand Rapids, MN 55744

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January 16, 2002

St. Louis County Commissioners
Duluth Courthouse
100 N. 5th Avenue West
Duluth, MN 55802

Re: Duluth, Missabe and Iron Range Railway Company Proposed Rail Line
Abandonment of the Virginia Branch in St. Louis County, Minnesota
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Thomas R. Ogoreuc

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Railway Company*

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January 16, 2002

US Environmental Protection Agency
Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

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*Counsel for
Duluth, Missabe and Iron Range
Railway Company*

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Attorney at Law

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Fax: 412-829-6607
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January 16, 2002

US Fish and Wildlife Service
Region 3
1 Federal Drive
BHW Fedral Building
Fort Snelling, MN 55111

Re: Duluth, Missabe and Iron Range Railway Company Proposed Rail Line
Abandonment of the Virginia Branch in St. Louis County, Minnesota
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Thomas R. Ogoreuc

*Counsel for
Duluth, Missabe and Iron Range
Railway Company*

Enclosure

THOMAS R OGOREUC
Attorney at Law

135 Jamison Lane
P.O. Box 68
Monroeville, PA 15146

Tel: 412-829-6893
Fax: 412-829-6607
E-Mail: trogoreuc@hotmail.com

January 16, 2002

US Army Corps of Engineers
St. Paul District
190 Fifth Street East
St. Paul, MN 55101-1638

Re: Duluth, Missabe and Iron Range Railway Company Proposed Rail Line
Abandonment of the Virginia Branch in St. Louis County, Minnesota
Docket No. AB 101 (Sub No. 15X)

Dear Sir or Madam:

On or about February 11, 2002, the Duluth, Missabe and Iron Range Railway Company (DM&IR) expects to be filing with the Surface Transportation Board a Notice of Exemption permitting the abandonment and discontinuance of service over trackage located in St. Louis County, Minnesota, known as the Virginia Branch, extending from Station MP B5.5 to MP B6.1. Attached is an Environmental Report and/or Historical Report describing the proposed action and any expected environmental and/or historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, telephone (202) 565-1526 and refer to the above *Docket No.* Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA with a copy to our representative would be appreciated within three (3) weeks.

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January 16, 2002

William W. Schenk, Superintendent
National Park Service – Midwest Region
1709 Jackson Street
Omaha, NE 68102

Re: Duluth, Missabe and Iron Range Railway Company Proposed Rail Line
Abandonment of the Virginia Branch in St. Louis County, Minnesota
Docket No. AB 101 (Sub No. 15X)

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January 16, 2002

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

Re: Duluth, Missabe and Iron Range Railway Company Proposed Rail Line
Abandonment of the Virginia Branch in St. Louis County, Minnesota
Docket No. AB 101(Sub No. 15X)

Dear Sir or Madam:

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January 16, 2002

Mr. Gilbert Mitchell
National Geodetic Survey, N/NGS1
1315 East-West Highway
Silver Spring, MD 20910

Re: Duluth, Missabe and Iron Range Railway Company Proposed Rail Line
Abandonment of the Virginia Branch in St. Louis County, Minnesota
Docket No. AB 101 (Sub No. 15X)

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January 16, 2002

Elwyn Tinklenberg, Commissioner
MN Department of Transportation
395 John Ireland Blvd.
Mailstop 100
St. Paul, MN 55155-1899

Re: Duluth, Missabe and Iron Range Railway Company Proposed Rail Line
Abandonment of the Virginia Branch in St. Louis County, Minnesota
Docket No. AB 101 (Sub No. 15X)

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January 16, 2002

MN State Historic Preservation Office
345 Kellogg Blvd. West
St. Paul, MN 55102-1906

Re: Duluth, Missabe and Iron Range Railway Company Proposed Rail Line
Abandonment of the Virginia Branch in St. Louis County, Minnesota
Docket No. AB 101 (Sub No. 15X)

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January 16, 2002

MN Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

Re: Duluth, Missabe and Iron Range Railway Company Proposed Rail Line
Abandonment of the Virginia Branch in St. Louis County, Minnesota
Docket No. AB 101 (Sub No. 15X)

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ENVIRONMENTAL REPORT
DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY
PROPOSED RAIL LINE ABANDONMENT

* * * * *

Abandonment of Virginia Branch
From MP B5.5 to MP B6.1

**ENVIRONMENTAL REPORT ON ABANDONMENT OF DULUTH, MISSABE AND
IRON RANGE RAILWAY COMPANY'S VIRGINIA BRANCH FROM MP B5.5 TO MP
B6.1 IN ST. LOUIS COUNTY, MINNESOTA**

§ 1105.7(d): Documentation.

Any written responses received from agencies that were contacted in preparing the Environmental Report shall be attached to the report. Oral responses from such agencies shall be briefly summarized in the report and the names, titles and telephone numbers of the persons contacted shall be supplied. A copy of, or appropriate citation to, any reference materials relied upon shall also be provided.

All written responses received prior to the filing of the Application for Abandonment and Discontinuance have been attached to the report. Oral responses, citations to reference materials and persons contacted are contained in the section of the report to which they apply.

§ 1105.7(e)(1): Proposed action and alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Abandon the DM&IR's Virginia Branch from MP B5.5 to MP B6.1. A map delineating the line proposed for abandonment is attached as Exhibit A. This section of track runs through a residential neighborhood and crosses city streets at nine different points. No rail customers remain on the line. Virginia Water and Light, a municipal electric and steam heat plant on this line, stopped receiving coal via rail on July 24, 1999. The

continued existence of this track creates a nuisance for the motoring public. Track materials only will be removed from the subject right-of-way following abandonment. There are no railroad bridges, buildings or other structures on or near the line.

§ 1105.7(e)(2): Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There will be no effect on other local or regional transportation systems or patterns.

§ 1105.7(e)(3): Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The City of Virginia has advised the DM&IR that it approves of the proposed abandonment. See attached letter.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

To the best of the DM&IR's knowledge, no prime agricultural land will be affected by the proposed abandonment. No response was received from the Natural Resources Conservation Service.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

The proposed abandonment is not within a designated coastal zone. See attached letter from Minnesota Pollution Control Agency (MPCA).

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The DM&IR will continue to own this 3000' right-of-way, which is 100' in width. Since it is landlocked within a residential area that is well-served by city streets, it is doubtful that any alternative public use is warranted.

§ 1105.7(e)(4): Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

The proposed abandonment will have no effect on the transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

The proposed abandonment will have no effect on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

The proposed action will increase overall energy efficiency as the DM&IR will no longer have to transport crews to the City of Virginia to perform maintenance on these tracks.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) an average of 50 rail carloads per mile per year for any Part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in § 1105.7(e)(4)(iii) need not be supplied if the more detailed information in § 1105.7(e)(4)(iv) is required.

The proposed abandonment will not cause diversions from rail to motor carriage.

§ 1105.7(e)(5): Air.

(i) If the proposed action will result in either:

- (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
- (B) an increase in rail yard activity of at least 100% (measured by carload activity), or
- (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or re-institute service over a previously abandoned line, only the eight train a day provision in § (5)(i)(A) will apply.

The proposed abandonment will result in no such increases.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

- (A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or
- (B) an increase in rail yard activity of at least 20% (measured by carload activity), or

- (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

No nonattainment area is affected. See attached letter from MPCA.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment does not involve the transportation of ozone depleting materials.

§ 1105.7(e)(6): Noise.

If any of the thresholds identified in Item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) an incremental increase in noise levels of three decibels Ldn or more; or
- (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds

are surpassed.

The proposed abandonment will have no effect on noise levels.

§ 1105.7(e)(7): Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed abandonment will have no effect on public health and safety.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

The proposed abandonment does not involve the transportation of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste sites or hazardous waste spill sites along the subject right-of-way.

§ 1105.7(e)(8): Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The proposed abandonment will have no effect on endangered or threatened species or

areas designated as a critical habitat. See attached letter.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The proposed abandonment will have no effect on wildlife sanctuaries or refuges, national or state parks or forests.

§ 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The proposed abandonment is consistent with applicable federal, state and local water quality standards. See attached letter from MPCA.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

No permits are required under Section 404 of the Clean Water Act for the proposed abandonment. No designated wetlands or 100-year floodplains will be effected.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

No permits are required for the proposed abandonment under Section 402 of the Clean Water Act.

§ 1105.7(e)(10): Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Contractor would be required to minimize disturbance of right-of-way soils when removing rail, ties and other material. All track structure materials would be removed from the site and contractor would compact any disturbed soil upon completion of material removal. Such action would minimize potential for suspended solids in stormwater runoff. After abandonment, the need for vegetation control along the right-of-way would no longer exist, thus causing better establishment of shrubs and root systems and reducing solids in water runoff.

§ 1105.7(e)(11): Additional Information for Rail Constructions.

The following additional information should be included for rail construction proposals (including connecting track construction):

(i) Describe the proposed route(s) by State, county, and subdivision, including a plan view, at a scale not to exceed 1:24,000 (7½ minute U.S.G.S. quadrangle map), clearly showing the relationship to the existing transportation network (including the location of all highway and road crossings) and the right-of-way according to ownership and land use requirements.

Not applicable.

(ii) Describe any alternative routes considered, and a no-build alternative (or why this would not be applicable), and explain why they were not selected.

Not Applicable.

(iii) Describe the construction plans, including the effect on the human environment, labor force requirements, the location of borrow pits, if any, and earthwork estimates.

Not applicable.

(iv) Describe in detail the rail operations to be conducted upon the line, including estimates of freight (carloads and tonnage) to be transported, the anticipated daily and annual number of train movements, number of cars per train, types of cars, motive power requirements, proposed speeds, labor force, and proposed maintenance-of-way practices.

Not applicable.

(v) Describe the effects, including indirect or down-line impacts, of the new or diverted traffic over the line if the thresholds governing energy, noise and air impacts in §§ 1105.7(e)(4), (5), or (6) are met.

Not applicable.

(vi) Describe the effects, including impacts on essential public services (e.g., fire, police, ambulance, neighborhood schools), public roads, and adjoining properties, in communities to be traversed by the line.

Not applicable.

(vii) Discuss societal impacts, including expected change in employment during and after construction.

Not applicable.

This is not a rail construction proposal; therefore, § 1105.7(e)(11) is not applicable.

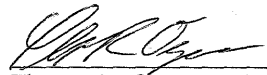
§ 1105.7(f): Additional Information.

The Board may require applicants to submit additional information regarding the environmental or energy effects of the proposed action.

§ 1105.7(g): Waiver.

The Board may waive or modify, in whole or in part, the provisions of this section where a railroad applicant shows that the information requested is not necessary for the Board to evaluate the environmental impacts of the proposed action.

Respectfully Submitted,



Thomas R. Ogoreuc, Esq.
135 Jamison Lane
Monroeville, PA 15146
(412) 829-6893

Counsel for
DULUTH, MISSABE AND IRON RANGE
RAILWAY COMPANY

HISTORIC REPORT
DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY
PROPOSED RAIL LINE ABANDONMENT

* * * * *

Abandonment of Virginia Branch
From MP B5.5 to MP B6.1

**HISTORIC REPORT ON ABANDONMENT OF DULUTH, MISSABE AND IRON
RANGE RAILWAY COMPANY'S VIRGINIA BRANCH FROM MP B5.5 TO MP B6.1**

§ 1105.7(e)(1): Proposed action and alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Abandon DM&IR's Virginia Branch from MP B5.5 to MP B6.1. A map delineating the line proposed for abandonment is attached as Exhibit A. Track materials only will be removed from the subject right-of-way following abandonment.

§ 1105.8(d)(1): Topographic map.

A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

Attached are a portion of U.S.G.S. Quadrangle Maps, Virginia, Minnesota, illustrating the location of the proposed abandonment (Exhibit A). No buildings are involved in the abandonment.

§ 1105.8(d)(2): Description of right-of-way.

A written description of the right-of-way including approximate widths (to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

The right-of-way is comprised of 3000' of switching track that passes through a residential area of Virginia, Minnesota. The surrounding land is flat. The right-of-way

extends 50' on each side of the tracks.

§ 1105.8(d)(3): Photographs.

Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.

No structures are involved.

§ 1105.8(d)(4): Construction dates.

The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

No structures are involved.

§ 1105.8(d)(5): Narrative history.

A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

In the past 30 years, this track has been used solely to deliver coal to the Virginia Water and Light Plant. No current DM&IR employee is aware of any prior use. The last shipment to the Virginia Water and Light Plant took place on July 24, 1999.

§ 1105.8(d)(6): Summary of documents.

A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

Not applicable. No such structures exist.

§ 1105.8(d)(7): Opinion of historical significance.

An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any

other previously unknown historic properties in the project area, and the basis for opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).

No buildings are involved in the proposed abandonment. To the best of the DM&IR's knowledge, there is nothing of historical value located along the line.

§ 1105.8(d)(8): Ground conditions.

A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

The DM&IR has no knowledge of prior disturbance in this area, nor of unusual ground conditions.

§ 1105.8(d)(9): Additional Information.

Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified non-railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).

§ 1105.8(e): Waiver.

Any of these requirements may be waived or modified when the information is not necessary to determine the presence of historic properties and the effect of the proposed action on them.

Respectfully Submitted,



Thomas R. Ogoreuc, Esq.
135 Jamison Lane
Monroeville, PA 15146
(412) 829-6893

Counsel for
DULUTH, MISSABE AND IRON RANGE
RAILWAY COMPANY

CITY OF VIRGINIA

327 FIRST STREET SOUTH • VIRGINIA, MINNESOTA 55792-2623

Office of the City Department Director

April 4, 2001

Mr. Al Vogel, Director
Office of Freight, Railroad & Waterways
925 Kelly Annex (MS 470)
395 John Ireland Blvd.
St. Paul, Minnesota 55155

DM & IR ENGINEERING	
APR 10 2001	
NOTED <i>DPOM</i>	REFERRED <i>LG</i>

Dear Mr. Vogel:

At a recent Council Meeting, the City of Virginia agreed to the removal of DM&IR railroad trackage within the City limits of Virginia. This would include the Sliver Spur and the main spur serving the Virginia Department of Public Utilities. Enclosed please find a copy of the action approving this removal. It has taken the City a long time to come to this very difficult decision – a decision that rested fully on balancing economic development with the ability to maintain railroad access to the Utilities' Power Plant.

I would suggest a meeting, at your convenience, of possibly the same group that met on August 30, 2000 at the City Hall in Virginia. The issues related to this trackage removal are numerous and a meeting would prove helpful to all parties involved in this venture.

Please contact me at your earliest convenience to confirm that a meeting can be scheduled with regard to the removal of the trackage.

Sincerely,



Terry Leoni

TL:sl
Enclosure

p.c. Mr. Dick Adams, DM&IR
Mr. Thomas Butorac, Virginia City Attorney
Mr. Craig Hartman, EVTAC
Mr. Dennis Hendricks, USX
Mr. Bill Hennis, Virginia City Engineer's Office
Mayor Carolyn Gentilini, Mayor of Virginia
Mr. Dave Moore, DM&IR
Mr. Gus Peterson, MN DOT
Virginia City Council
Virginia Public Utilities Commission

APR 16 01

☒	RNG	
☒	DMS	
☒	LG	
☒	CTC	
☒	TRD	
☒	PK	
☒	CLAIMS	

Equal Opportunity Employer

Moved by Thornton and supported to send up to six employees, as designated by the Safety Committee, to the Safety and Loss Control Workshop to be held in Grand Rapids on April 10, 2001. Motion carried.

Moved by Thornton and supported to adopt Resolution No. 01072, declaring the City of Virginia's commitment to the join in the "Minnesota Cities: Building Quality Communities" statewide educational effort in cooperation with our fellow members of the League of Minnesota Cities, and to designate Larry Cuffe, City Councillor, as the City's key contact for this effort. Resolution adopted unanimously.

Moved by Baribeau and supported to approve the Duluth, Missabe and Iron Range Railway's request to move forward in removing railroad trackage in the City of Virginia. Motion carried.

Moved by Baribeau and supported to support Marlyn Swanson in her endeavor to obtain possible funding for spay/neuter assistance and request that the Mesabi Humane Society provide the necessary information. Motion carried.

Moved by Cuffe and supported to receive and file the communication from the City of Shorewood requesting support of legislation to restrict the sale of phosphorus lawn fertilizers. Motion carried.

Moved by Baribeau and supported to send a letter opposing the proposed elimination of the grant program under the Fire Act. Motion carried.



Minnesota Pollution Control Agency

May 2, 2001

Mr. Richard E. Adams
Administrative Manager
Duluth Missabe and Iron Range Railway Company
500 Missabe Building
Duluth Minnesota 55802

RE: Proposal to Abandon and Dismantle Sections of Track in the Hibbing and Virginia Areas

Dear Mr. Adams:

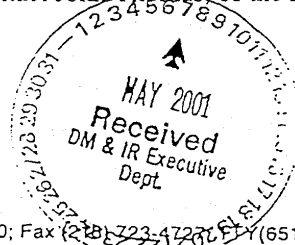
Thank you for contacting the Minnesota Pollution Control Agency (MPCA) regarding your proposal to abandon and dismantle three sections of railroad tracks in the Hibbing and Virginia areas. MPCA staff have reviewed the questions from your April 4, 2001, letter and have provided the following answers.

1. Is the Railroad required to obtain permits under Section 402 of the Clean Water Act to remove these tracks?

Section 402 of the Clean Water Act (CWA) pertains to National Pollutant Discharge Elimination System (NPDES) permits, which are required for the discharge of pollutants to state waters. One activity covered under NPDES permits is construction activities. Projects that disturb (i.e., clearing, grading, filling and excavating) five or more acres of land area are required to apply to the MPCA for coverage under a General NPDES Storm Water Permit for Construction Activity.

This permit specifically requires implementation of best management practice (BMP) measures to control erosion and sedimentation at the project site. BMPs are erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing and minimizing degradation of surface water.

The need for this permit is largely dependent upon the extent of land disturbing activity that will occur during the project. Please refer to the enclosed MPCA fact sheet *Commonly Asked Questions and Answers about the Storm Water Permit Program for Construction Activities*. For more information on this permit, please contact John Thomas, of the MPCA, at (218) 723-4928.



Mr. Richard Adams
Duluth Missabe and Iron Range Railway Company
May 2, 2001
Page 2

2. Is the removal of the tracks consistent with Federal, State and Local water quality standards?

Based on the information provided and the limited scope of the work proposed, MPCA staff do not anticipate significant impacts to water quality. However, any land disturbing activity that may coincide with track removal may have some potential to negatively affect water quality. Special attention should be given to minimize disturbance along those portions of line that are adjacent to lakes, streams and wetlands.

Appropriate management of the expended ties also needs to be considered. Any stockpiling of the ties should be temporary and be done only in upland areas located away from waters of the state. Please refer to the enclosed MPCA fact sheet *Treated Wood: Use Disposal and Alternatives for Businesses*.

3. Are any of these tracks in a non-attainment area or designated coastal zone?

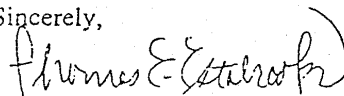
The area of the three branches of track is located outside of the designated coastal zone, as defined by Minnesota's Lake Superior Coastal Program. The boundary for the coastal zone is generally limited to those townships adjacent to Lake Superior.

Impaired waters (non-attainment areas) are listed on the CWA, Section 303(d) list for Minnesota. The project area is located within the St. Louis River watershed. MPCA staff did not identify any impaired waters in proximity to the Hibbing or Virginia area. Therefore, your project is not located within a non-attainment area.

Please note that the information contained in this letter does not exempt the Duluth Missabe and Iron Range Railway Company from the responsibility of complying with all applicable local, state and federal requirements, nor does it grant any right to violate personal or property rights.

Thank you again for contacting MPCA on this matter. If you have further questions on this matter, please contact me at (218) 725-7763.

Sincerely,


Thomas E. Estabrooks
Pollution Control Specialist, Intermediate
North District, Duluth Office

TEE:kmt

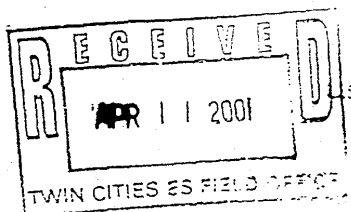
Enclosures

To: TCFO P66

DULUTH MISSABE AND IRON RANGE RAILWAY COMPANY
500 MISSABE BUILDING • DULUTH, MINNESOTA 55802

April 4, 2001

U. S. Fish and Wildlife Service
Federal Building, Fort Snelling
1 Federal Drive
Minneapolis, Minnesota 55111-4056



RECEIVED
APR 11 2001
U.S. FISH AND WILDLIFE SERVICE
Ecological Services

Dear Sirs:

The Duluth, Missabe and Iron Range Railway Company owns three short sections of track in the cities of Hibbing and Virginia, Minnesota, which it plans to abandon and dismantle. In all cases, this action is necessary because of diminished need, or no need, for rail service in the area. The tracks are:

- Hull-Rust Shortline in Hibbing - 1.6 miles of track
- Sliver Branch in Virginia - 2.3 miles of track
- Virginia Branch in Virginia - 2.0 miles of track

The DM&IR is required by the Surface Transportation Board to file environmental and historical reports as part of the approval procedure for these abandonments. There are questions in the reports which the DM&IR must answer, based on consultation with governmental agencies. The question that I ask your advice on, for all three locations, is the following:

Are these track removals likely to adversely affect endangered or threatened species or areas designated as critical habitat? If so, what might be the impact?

May I have your response to the above at your earliest convenience. Enclosed for your use are maps indicating the locations of the tracks involved in this action.

Your:

R. Nicholas Rowe
Admin

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
TWIN CITIES FIELD OFFICE (ES)

REA:amm
Enclosure

Because of the location and type of activity proposed, this project is not likely to adversely affect any federally listed or proposed threatened or endangered species or their critical habitat. This precludes the need for further action on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, if the project is modified or new information becomes available which indicates that listed species may be affected, consultation with this office should be reinitiated.

NAME: Aimee M. Roberson DATE: 4/27/01
~~R. Nicholas Rowe~~
Aimee M. Roberson

TITLE: Fish and Wildlife Biologist
TWIN CITIES FIELD OFFICE (ES)



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS
ARMY CORPS OF ENGINEERS CENTRE
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

REPLY TO
ATTENTION OF

April 19, 2001

Construction-Operations
Regulatory (01-03427-TWP)

Richard E. Adams
DM&IR Railway Company
500 Missabe Building
Duluth, Minnesota 55802



Dear Mr. Adams:

We have reviewed information about your project to abandon and dismantle three sections of track, including 1.6 miles of track at Hull-Rust Shortline in Hibbing, 2.3 miles of track at Sliver Branch, and 2.0 miles of track at Virginia Branch in Virginia. The project site is in St. Louis County, Minnesota.

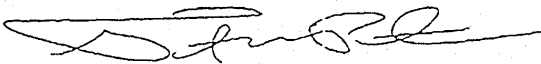
The work proposed at the location stated is not within the regulatory jurisdiction of the Corps of Engineers. No work will be done in a navigable water of the United States, and no dredged or fill material will be discharged in any water of the United States, including wetlands. Therefore, a Department of the Army permit is not required to do this work.

This letter is valid only for the project referenced above. If any change in design, location, or purpose is contemplated, contact this office to avoid doing work that may be in violation of Federal law. PLEASE NOTE THAT THIS CONFIRMATION LETTER DOES NOT ELIMINATE THE NEED FOR STATE, LOCAL, OR OTHER AUTHORIZATIONS, SUCH AS THOSE OF THE DEPARTMENT OF NATURAL RESOURCES OR COUNTY.

The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision.

If you have any questions, contact Tim Peterson in our Two Harbors office at (218) 834-6630. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,


for Robert J. Whiting
Chief, Regulatory Branch



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

January 29, 2002

FEB 01 '02

Ms. Victoria J. Rutson
Acting Chief, Section of
Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

ENG	
DMS	
LG	
CTC	
TRD	
PK	
CLAIMS	

Dear Ms. Rutson:

The area in question on a map that is part of the Environmental and Historic Reports for the proposed rail line abandonment of Duluth, Missabe and Iron Range Railway, Co. (DM&IR) for the Virginia Branch from Station MP B5.5 to Station MP B6.1, in St. Louis County, Minnesota, STB Docket No. AB-101 (Sub-No. 15X), has been reviewed within the scope of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, one geodetic station marker, designated X 20, has been identified that could be affected by the proposed abandonment; a data sheet for this marker is enclosed. If there are any planned activities which could disturb or destroy this marker, NGS requires not less than 90 days' notification in advance of such activities in order to plan for its relocation.

If further information is needed for this geodetic station marker, my address is NOAA, N/NGS2, Room 8813, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3191, fax: 301-713-4324, e-mail: Ed.McKay@noaa.gov.

Sincerely,

Edward J. McKay

Edward J. McKay
Chief, Spatial Reference
System Division

Enclosure

cc: T. Ogorenc, for DM&IR
N/NGS1x1 - D. Hoyle



Printed on Recycled Paper



The NGS Data Sheet

See file dsdata.txt for more information about the datasheet.

DATABASE = Sybase ,PROGRAM = datasheet, VERSION = 6.58

1 National Geodetic Survey, Retrieval Date = JANUARY 29, 2002

SJ0599 *****

SJ0599 DESIGNATION - X 20

SJ0599 PID - SJ0599

SJ0599 STATE/COUNTY- MN/ST LOUIS

SJ0599 USGS QUAD - VIRGINIA (1985)

SJ0599

SJ0599 *CURRENT SURVEY CONTROL

SJ0599

SJ0599* NAD 83(1986)- 47 30 47. (N) 092 32 17. (W) SCALED

SJ0599* NAVD 88 - 439.807 (meters) 1442.93 (feet) ADJUSTED

SJ0599

SJ0599 GEOID HEIGHT- -30.15 (meters) GEOID99

SJ0599 DYNAMIC HT - 439.852 (meters) 1443.08 (feet) COMP

SJ0599 MODELED GRAV- 980,700.0 (mgal) NAVD 88

SJ0599

SJ0599 VERT ORDER - FIRST CLASS II

SJ0599

SJ0599.The horizontal coordinates were scaled from a topographic map and have

SJ0599.an estimated accuracy of +/- 6 seconds.

SJ0599

SJ0599.The orthometric height was determined by differential leveling

SJ0599.and adjusted by the National Geodetic Survey in June 1991.

SJ0599.WARNING-Repeat measurements at this control monument indicate possible

SJ0599.vertical movement.

SJ0599

SJ0599.The geoid height was determined by GEOID99.

SJ0599

SJ0599.The dynamic height is computed by dividing the NAVD 88

SJ0599.geopotential number by the normal gravity value computed on the

SJ0599.Geodetic Reference System of 1980 (GRS 80) ellipsoid at 45

SJ0599.degrees latitude (g = 980.6199 gals.).

SJ0599

SJ0599.The modeled gravity was interpolated from observed gravity values.

SJ0599

SJ0599; North East Units Estimated Accuracy

SJ0599;SPC MN N - 212,780. 842,330. MT (+/- 180 meters Scaled)

SJ0599

SJ0599 SUPERSEDED SURVEY CONTROL

SJ0599

SJ0599 NGVD 29 - 439.567 (m) 1442.15 (f) ADJ UNCH 1 2

SJ0599

SJ0599.Superseded values are not recommended for survey control.

SJ0599.NGS no longer adjusts projects to the NAD 27 or NGVD 29 datums.

SJ0599.See file dsdata.txt to determine how the superseded data were derived.

SJ0599

SJ0599_MARKER: DB = BENCH MARK DISK

SJ0599_SETTING: 7 = SET IN TOP OF CONCRETE MONUMENT

SJ0599_STAMPING: X-20 1933

SJ0599_PROJECTION: FLUSH

SJ0599_STABILITY: C = MAY HOLD, BUT OF TYPE COMMONLY SUBJECT TO

SJ0599+STABILITY: SURFACE MOTION

SJ0599

SJ0599 HISTORY - Date Condition Report By

SJ0599 HISTORY - 1933 MONUMENTED CGS

SJ0599 HISTORY - 1973 GOOD MNNDT

SJ0599 HISTORY - 1978 GOOD NGS

SJ0599

SJ0599

STATION DESCRIPTION

SJ0599

SJ0599'DESCRIBED BY MN DEPT OF TRANSP 1973

SJ0599'IN VIRGINIA.

SJ0599'FROM THE JUNCTION OF TRUNK HIGHWAYS 53, 135 AND OLD 169 (0.1 MILE WEST

SJ0599'OF VIRGINIA), GO EAST, SOUTH AND EAST ON TRUNK HIGHWAY 135 FOR 1.6

SJ0599'MILES TO 5TH AVENUE WEST. THENCE SOUTH ON 5TH AVENUE WEST FOR 0.7

SJ0599'MILES AND MARK ON THE LEFT. THE MARK IS 75 FEET NORTH OF NORTH CURB

SJ0599'OF MEDIAN (11TH STREET SOUTH AND 5TH AVENUE WEST), 3 FEET WEST OF WEST

SJ0599'CURB OF 5TH AVENUE WEST (NORTH BOUND LANE), 38 FEET SOUTH OF LIGHT

SJ0599'POLE IN MEDIAN STRIP, 55 FEET SOUTHWEST OF SOUTHWEST RAIL OF RAILROAD,

SJ0599'AND 47 FEET SOUTHWEST OF RAILROAD CROSSING SIGN. THE MARK IS SET IN A

SJ0599'CONCRETE POST THAT IS FLUSH WITH THE GROUND AND IS 1 FOOT ABOVE 5TH

SJ0599'AVENUE WEST. CORNER OF NW 1/4, SEC 17, T 58N, R 17W.

SJ0599

STATION RECOVERY (1978)

SJ0599

SJ0599

SJ0599'RECOVERY NOTE BY NATIONAL GEODETIC SURVEY 1978

SJ0599'IN VIRGINIA, IN THE PARK DIVIDING FIFTH AVENUE WEST, 95 FT. NORTH

SJ0599'OF THE NORTH CURB OF ELEVENTH STREET, 86 FT. SOUTH OF THE CENTER

SJ0599'OF A RAILROAD CROSSING, 4.5 FT. EAST OF THE CENTERLINE OF THE PARK.

SJ0599'THE MARK IS 1 FT ABOVE FIFTH AVENUE.

*** retrieval complete.

Elapsed Time = 00:00:02



Planning...Success

ARROWHEAD REGIONAL DEVELOPMENT COMMISSION

April 25, 2001

Richard Adams
500 Missabe Building
Duluth, MN 55802

221 West First Street
Duluth, Minnesota 55802
218-722-5545 / 800-232-0707
FAX 218-529-7592
www.ardc.org

Dear Richard Adams,

Thank you for contacting the Arrowhead Regional Development Commission regarding the removal of three railroad lines in Northeast Minnesota. As the Regional Planning Agency, we appreciate the opportunity to respond. However, to get an official response regarding specific language included in land use plans you will need to contact the individual cities that are involved. The addresses and contact names are listed below:

Joe Lopak
City of Hibbing
401 East 21st Street
Hibbing, MN 55746

Terry Leoni
City of Virginia
327 First Street South
Virginia, MN 55792

ARDC does feel, from a regional perspective, that a couple of items could be addressed regarding the removal of these tracks.

1. Industrial Access

With the recent economic difficulties on the Iron Range, it is important that the industrial areas of Hibbing and Virginia remain as attractive as possible. Part of that attractiveness may be the opportunity to ship via rail. Assurances should be made that the removal of track will not hurt economic development efforts by the cities of Hibbing and Virginia.

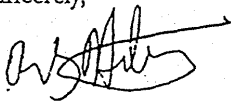
2. Transportation Corridors

As development occurs in Northeast Minnesota, opportunities for the development of transportation corridors get fewer. With the removal of railroads around the nation, some opportunity for corridor development is occurring. Often times the development is in the form of trails, but other uses include utility lines. Use of the railroad corridor in the future regarding transportation and utilities could be considered. One item of particular interest is the Mesabi Trail system. Proposed to cross the entire Iron Range, this trail has connections to both Hibbing and Virginia. When conducting the *Northeast Minnesota Bikeways Plan*, ARDC learned many citizens are concerned that they do not have safe access to the trail system from their homes when walking or on bicycle. It may be possible that the rail corridors being considered for removal could provide safe access to the trail. An address for the Mesabi Trail Administrator is on the following page:

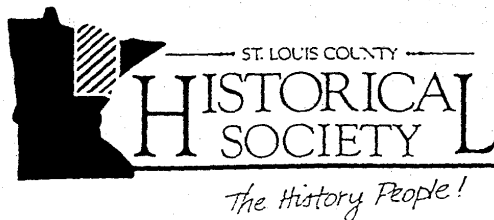
Bob Manzoline
St. Louis and Lake Counties Regional Rail Authority
Northland Office Bldg.
307 First St. South
Virginia, MN 55792

Again, thank you for giving ARDC the opportunity to respond in this matter. We look forward to working with you on projects in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andy Hubley', with a stylized flourish extending from the end.

Andy Hubley



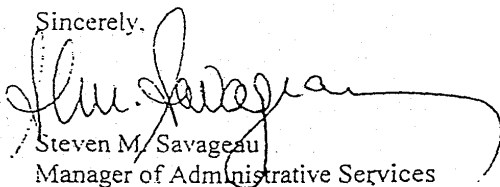
April 9, 2001

Richard E. Adams
Administrative Manager
DM&IR Railway Company
500 Missabe Building
Duluth, MN 55802

Dear Mr. Adams,

I received your request to review DM&IR Railway Company's plans to abandon sections of track near Hibbing and Virginia. I am forwarding your request to Patricia Maus, Manager of the Northeast Minnesota Historical Center and our Curator of Manuscripts, to do the review. You may contact Pat directly at (218)726-8526 or pmaus@d.umn.edu if you have any questions of her. Otherwise, feel free to contact me at (218)733-7586 or history@chartermi.net.

Sincerely,



Steven M. Savageau
Manager of Administrative Services

cc: Pat Maus



MINNESOTA HISTORICAL SOCIETY

May 14, 2001

Mr. Richard E. Adams
Missabe and Iron Range Railway Co.
500 Missabe Building
Duluth, MN 55802

Re: Missabe and Iron Range Railway Company
Hull-Rust Shortline track abandonment, Hibbing, St. Louis County
Silver Branch track abandonment, Virginia, St. Louis County
Virginia Branch track abandonment, Virginia, St. Louis County
SHPO Numbers: 2001-2243, 2001-2244, & 2001-2245

Dear Mr. Adams:

Thank you for the opportunity to review and comment on the above projects. They have been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (36CFR800).

Your proposal indicates the abandonment of 3 rail lines. We need the following information:

1. Photographs and construction dates of any buildings or structures (including bridges) along the corridor (within or outside the right-of-way), which were built by the railroad or used by the railroad.
2. A brief history (including construction dates and railroad company historic names) of each line.

Contact us at 651-296-5462 with questions or concerns.

Sincerely,

 Dennis A. Gimmestad
Government Programs & Compliance Officer

Affidavit of Publication

STATE OF MINNESOTA)

)ss

COUNTY OF ST. LOUIS)

Eileen Rioux, being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as Mesabi Daily News, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed **Duluth, Missabe and Iron Range Railway Company - Legal Notice** which is attached was cut from the columns of said newspaper, and was printed and published one time; it was published on **Wednesday, the 23rd day of January, 2002**; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice.

*abcdefghijklmnopqrstuvwxyz

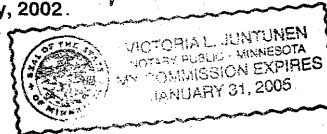
BY: Eileen Rioux

Victoria L. Juntunen

Subscribed and sworn to before me on

this **23rd** day of **January, 2002**.

Notary Public



*Alphabet should be in the same size and kind of type as the notice.

RATE INFORMATION

(1) Lowest classified rate paid by commercial users for comparable space

(2) Maximum rate allowed by law for the above matter

(3) Rate actually charged for the above matter

LEGAL NOTICE

The Duluth, Missabe and Iron Range Railway Company gives notice that on or about February 11, 2002, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments permitting the abandonment and discontinuance of service over trackage located in St. Louis County, Minnesota, known as the Virginia Branch, extending from MP B5.5 to MP B6.1, which traverses through United States Postal Service ZIP Code 55792. The proceeding will be docketed as No. AB 101 (Sub No. 15X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-927-6211.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, NW, Washington, DC 20423 [See 49 CFR 1104.2(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Service at 202-565-1594. Copies of any comments or requests for conditions should be served on the applicant's representative: Thomas R. Ogorek, Esq., 135 Jamison Lane, Monroeville, PA 15146, 412-629-6893.

\$ \$11.55
(Line, word, or inch rate)

\$ \$11.55
(Line, word, or inch rate)

\$ \$8.35
(Line, word, or inch rate)

SCALE
1 inch = approx. 1600 feet

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY
VIRGINIA BRANCH



ROAD CLASSIFICATION

Heavy-duty	4 LANE, 6 LANE	Light-duty	2 LANE, 4 LANE
Medium-duty	4 LANE, 6 LANE	Unimproved dirt	2 LANE, 4 LANE

U.S. Route State Route

