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THOMAS F. MCFARLAND

July 20, 2005

By UPS overnight

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings

JUL 21 2005

Part of
Public Record



Re: Docket No. AB-6 (Sub-No. 429X), *BNSF Railway Company - Abandonment
Exemption - in Ramsey County, MN*

Docket No. AB-882 (Sub-No. 1X), *Minnesota Commercial Railway Company -
Discontinuance of Service Exemption - in Ramsey County, MN*

Dear Mr. Williams:

Enclosed please find an original and 10 copies of Verified Notice of Exemption Under 49 U.S.C. § 1152.50, for filing with the Board in the above referenced matter.

Also enclosed is a check in the amount of \$6,000 for the filing fee and a computer disk containing the filing in Word Perfect & .pdf formats.

FEE RECEIVED

JUL 21 2005

**SURFACE
TRANSPORTATION BOARD**

Very truly yours,

Tom McFarland

Thomas F. McFarland
*Attorney for Minnesota Commercial
Railway Company*

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FILED

JUL 21 2005

**SURF. CE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION -- IN
RAMSEY COUNTY, MN

)
) DOCKET NO. AB-6
) (SUB-NO. 429X)
)

MINNESOTA COMMERCIAL
RAILWAY COMPANY --
DISCONTINUANCE OF SERVICE
EXEMPTION -- IN RAMSEY COUNTY,
MN

)
) DOCKET NO. AB-882
) (SUB-NO. 1X)
)
)

FEE RECEIVED
JUL 21 2005
SURFACE
TRANSPORTATION BOARD

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. § 1152.50**

ENTERED
Office of Proceedings

JUL 21 2005

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Public Record

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

MINNESOTA COMMERCIAL RAILWAY COMPANY
14047 Petronella Drive, Suite 201
Libertyville, IL 60048-1500

By: SIDNEY L. STRICKLAND, JR.
SIDNEY L. STRICKLAND
AND ASSOCIATES, PLLC
3050 K Street, N.W., Suite 101
Washington, DC 20007-5108
(202) 295-4024

By: THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorney for BNSF
Railway Company

Attorney for Minnesota Commercial
Railway Company

DATE FILED: July 21, 2005

FILED
JUL 21 2005
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

BNSF RAILWAY COMPANY --	)	
ABANDONMENT EXEMPTION -- IN	)	DOCKET NO. AB-6
RAMSEY COUNTY, MN	)	(SUB-NO. 429X)
	)	
MINNESOTA COMMERCIAL	)	
RAILWAY COMPANY --	)	DOCKET NO. AB-882
DISCONTINUANCE OF SERVICE	)	(SUB-NO. 1X)
EXEMPTION -- IN RAMSEY COUNTY,	)	
MN	)	

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. § 1152.50**

Pursuant to 49 C.F.R. § 1152.50, BNSF RAILWAY COMPANY (BNSF) hereby provides notice of an exemption for its abandonment of an out-of-service rail line that extends between Milepost No. 7.19, a point approximately 100 feet north of Interstate Highway I-694 in White Bear Township, and Milepost No. 6.52, a point approximately 50 feet north of Beam Avenue in Maplewood, a distance of 0.67 miles in Ramsey County, Minnesota (the rail line) and MINNESOTA COMMERCIAL RAILWAY COMPANY (MNNR) hereby provides notice of an exemption for its discontinuance of rail service over that line pursuant to a lease from BNSF.

The rail line is depicted in a map that is attached to this Notice as Appendix 1.

Responses to 49 C.F.R. § 1152.50(d)(2):

1. *Proposed consummation date*

The proposed consummation date of this abandonment will be at least 50 days from the filing date of July 11, 2005, which will be August 30, 2005

- (8) *List of all United States Postal Zip Codes that the line proposed for abandonment traverses:*

The line traverses United States Postal Service Zip Code 55109

Maplewood, MN.

- (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 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 the property for other than rail purposes, this shall be disclosed.*

The properties proposed to be abandoned appear to be appropriate for use for other public purposes, particularly for use as a recreational trail.

4. *Federally granted right of way.*

To the best of Applicants' knowledge, the right of way does not consist of any federally granted lands. Any documentation in Applicants' possession shall be made available promptly to those requesting it.

5. *The level of labor protection.*

Applicants understand that, in exempting the proposed abandonment, the Board cannot relieve a carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. § 1152.50(c). Accordingly, Applicants anticipate that the Board will impose the conditions set forth in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979), for the benefit of any employee who may be adversely affected by the proposed abandonment.

6. *Certificate of compliance with the notice requirements of Sections 1152.50(d)(1) and 1105.11 and the newspaper publication requirements of Section 1105.12.*

The required certificate is set forth as Appendix 3 to this Notice of Exemption.

7. *Environmental and Historic Reports.*

A combined Environmental and Historic Report is attached to this Notice of Exemption as Appendix 4.

8. *Verification.*

The required verifications are set forth as Appendix 5 to this Notice of Exemption.

Respectfully submitted,

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

MINNESOTA COMMERCIAL RAILWAY COMPANY
14047 Petronella Drive, Suite 201
Libertyville, IL 60048-1500

Sidney L. Strickland
TM

By: SIDNEY L. STRICKLAND, JR.
SIDNEY L. STRICKLAND
AND ASSOCIATES, PLLC
3050 K Street, N.W., Suite 101
Washington, DC 20007-5108
(202) 295-4024

Attorney for BNSF
Railway Company

Thomas F. McFarland

By: THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorney for Minnesota Commercial
Railway Company

DATE FILED: July 21, 2005

[illegible]**Ver Not of Exemption / APPENDIX 1 (Pg 2 of 2)**

CERTIFICATION REQUIRED IN 49 C.F.R. § 1152.50(b)

In accordance with 49 C.F.R. § 1152.50(b), I hereby certify that, with respect to the line which is the subject of the Notice of Exemption filed in Docket Nos. AB-6 (Sub-No. 429X) and AB-882 (Sub-No. 1), no traffic has moved over the line for at least two years prior to the date hereof and any overhead traffic on the line can be rerouted over other lines and (2) no formal complaint filed by a user of rail service on the line (or state or local governmental agency acting on behalf of such a 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 prior to the date hereof. The foregoing certification is made on behalf of Minnesota Commercial Railway Company by the undersigned after due and careful investigation of the matters herein certified.

Thomas F. McFarland

THOMAS F. McFARLAND

SUBSCRIBED and SWORN
to before me this 8th day of
July, 2005.

Kathleen Lenihan
Notary Public

My commission expires: 1/29/2006



Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Ver Not of Exemption / APPENDIX 2 (Pg 1 of 2)

CERTIFICATION REQUIRED IN 49 C.F.R. § 1152.50(b)

In accordance with 49 C.F.R. § 1152.50(b), I hereby certify that, with respect to the line which is the subject of the Notice of Exemption filed in Docket Nos. AB-6 (Sub-No. 429X) and AB-882 (Sub-No. 1), no traffic has moved over the line for at least two years prior to the date hereof and any overhead traffic on the line can be rerouted over other lines and (2) no formal complaint filed by a user of rail service on the line (or state or local governmental agency acting on behalf of such a 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 prior to the date hereof. The foregoing certification is made on behalf of BNSF Railway Company by the undersigned after due and careful investigation of the matters herein certified.

Richard A. Batie

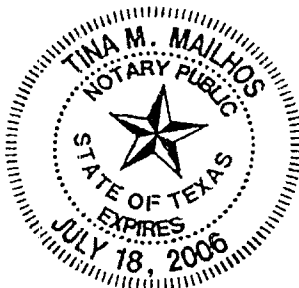
RICHARD BATIE

SUBSCRIBED and SWORN
to before me this 8 day of
July, 2005.

Tina M. Mailhos

Notary Public

My commission expires:



Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Ver Not of Exemption / APPENDIX 2 (Pg 2 of 2)

**CERTIFICATION OF COMPLIANCE WITH THE
NEWSPAPER PUBLICATION REQUIREMENTS
OF SECTION 49 C.F.R. § 1105.12**

The undersigned certifies that a "Notice of Intent to Abandon or to Discontinue Rail Service" was published in the form prescribed by the Board for out of service abandonment exemptions. The notice was published one time in the following newspaper of general circulation in Ramsey County, Minnesota.

Newspaper

Date

Saint Paul Pioneer Press

June 19, 2005

Thomas F. McFarland

THOMAS F. McFARLAND

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Ver Not of Exemption / APPENDIX 3 (Pg 1 of 2)

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA

COUNTY OF RAMSEY

NOTICE OF INTENT
TO ABANDON AND
DISCONTINUE SERVICE
OVER A RAIL LINE

BNSF Railway Company (BNSF) and Minnesota Commercial Railway Company (MNCRC) give notice that on or about July 1, 2005, they intend to file with the Surface Transportation Board, Washington, DC 20423, a Notice of Exemption under 49 C.F.R. 1152.50 from the prior approval requirements of 49 U.S.C. 10903 for BNSF to abandon its rail line that extends easterly from Milepost No. 7.15 at point approximately 100 feet north of Interstate Highway I-594, to Milepost No. 6.52, a point approximately 50 feet north of Beam Avenue, a total distance of approximately 0.67 miles, all located within the Cities of Maplewood and White Bear Lake, Ramsey County, Minnesota, and for discontinuance of service over that line by MNCRC pursuant to a lease from BNSF. There have been no shipments that originated or terminated on that rail line for more than two years. The rail line proposed for abandonment traverses through United States Postal Zip Code 55109 in Ramsey County. The proceeding has been docketed as STB Docket No. AB-6 (Sub-No. 429X) and Docket No. AB-882 (Sub-No. 1X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 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 SEA, Surface Transportation Board, Washington, DC 20423 or by calling SEA 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, N.W., Washington, DC 20423 (See 49 C.F.R. 1104.11(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 C.F.R. 1104.12(a)). Obligations regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112.

Julie Robbins

Being duly sworn on oath, says: that she is, and during all times herein state has been, Clerk of Northwest Publications, Inc., Publisher of the newspaper known as the Saint Paul Pioneer Press, a newspaper of general circulation within the City of St. Paul and the County of Ramsey.

That the notice hereto attached was cut from the columns of said newspaper and was printed and published therein on the following date(s):

19th day of June, 2005

Newspaper Ref/ Ad Number # 36645

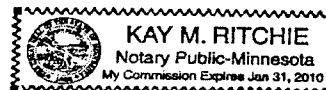
Julie Robbins

Subscribed and sworn to, before me this 21st day of June, 2005

Kay M. Ritchie
NOTARY PUBLIC

Washington County, Minnesota

My commission expires January 31, 2010



Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

APPENDIX 4

BEFORE THE
SURFACE TRANSPORTATION BOARD

BNSF RAILWAY COMPANY --	)	
ABANDONMENT EXEMPTION -- IN	)	DOCKET NO. AB-6
RAMSEY COUNTY, MN	)	(SUB-NO. 429X)
	)	
MINNESOTA COMMERCIAL	)	
RAILWAY COMPANY --	)	DOCKET NO. AB-882
DISCONTINUANCE OF SERVICE	)	(SUB-NO. 1X)
EXEMPTION -- IN RAMSEY COUNTY,	)	
MN		

DRAFT ENVIRONMENTAL AND HISTORIC REPORT

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

MINNESOTA COMMERCIAL RAILWAY COMPANY
14047 Petronella Drive, Suite 201
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Attorney for BNSF
Railway Company

By: THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorney for Minnesota Commercial
Railway Company

DATED: June 17, 2005

BEFORE THE
SURFACE TRANSPORTATION BOARD

BNSF RAILWAY COMPANY --	)	
ABANDONMENT EXEMPTION -- IN	)	DOCKET NO. AB-6
RAMSEY COUNTY, MN	)	(SUB-NO. 429X)
	)	
MINNESOTA COMMERCIAL	)	
RAILWAY COMPANY --	)	DOCKET NO. AB-882
DISCONTINUANCE OF SERVICE	)	(SUB-NO. 1X)
EXEMPTION -- IN RAMSEY COUNTY,	)	
MN		

DRAFT ENVIRONMENTAL AND HISTORIC REPORT

Pursuant to 49 C.F.R. § 1105.7 and § 1105.8, BNSF RAILWAY COMPANY (BNSF) and MINNESOTA COMMERCIAL RAILWAY COMPANY (MNNR) (referred to collectively as "Applicants") hereby file this Draft Environmental and Historic Report (Report). This Report constitutes Applicants' assessment of the environmental and historic effects of abandonment and discontinuance of rail service on the involved rail line. Persons who review this Report are entitled to provide comments to the Surface Transportation Board (STB), Section of Environmental Analysis (SEA), 1925 K Street, N.W., Suite 500, Washington, DC 20423. There is no information in the Applicants' files to indicate that the rail line covered by this Report contains federally granted right-of-way. *See* 49 C.F.R. § 1152.60(d). This Report has been prepared in conjunction with the prospective filing of a Notice for Exemption of abandonment and discontinuance of service on the involved rail line. STB regulations provide that the Notice of Exemption cannot be filed until at least 20 days after this Draft Report is submitted.

I.

DRAFT ENVIRONMENTAL REPORT

Applicants hereby submit the following information required by 49 C.F.R. § 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.

The proposed action is abandonment of, and discontinuance of rail service over, railroad right-of-way and trackage that extends southerly from Milepost No. 7.19, a point approximately 100 feet north of Interstate Highway I-694, to Milepost No. 6.52, a point approximately 50 feet north of Beam Avenue, a total distance of 0.67 miles, all located within the Cities of Maplewood and White Bear Lake, Ramsey County, Minnesota. That right-of-way and trackage will be referred to as "the rail line". Right-of-way and trackage that is not proposed for abandonment continues north from the identified point north of I-694. Right-of-way and trackage dead-ends at the identified point north of Beam Avenue. Attached to this Report as Appendix 1-A is a map of the rail line on which the line is shown in black. Attached to this Report as Appendix 1-B is a map which shows the rail line in relation to other rail lines in the area, on which the rail line has been shaded in yellow. Attached to this Report as Appendix 2 are several recent photographs of parts of the rail line.

The rail line is owned by BNSF and has been leased to MNNR for rail operation. Pursuant to 49 U.S.C. § 10903, rail carriers require authority from the Surface Transportation Board (STB) for abandonment of rail lines and discontinuance of service over rail lines. However, pursuant to 49 U.S.C. § 10502, the STB can exempt rail carriers from the requirement

of obtaining such authority in specified circumstances. Pursuant to 49 C.F.R. § 1152.50, the STB has adopted a class exemption for abandonment of, and discontinuance of rail service over, rail lines on which no shipments have been originated or terminated in the previous 2-year period. The rail line qualifies for that class exemption. Applicants intend to file a Notice of Exemption for abandonment of, and discontinuance of rail service over, the involved rail line. However, STB regulations require that applicants circulate a Draft Environmental and Historic Report at least 20 days before the filing of such a Notice in order to permit interested governmental agencies and individuals to comment on the perceived environmental and historic effects of the proposed abandonment and discontinuance. This document constitutes that required Draft Report.

No commodities have been transported over the involved rail line in more than two years. The involved rail line is being abandoned in conjunction with a public works project involving realignment of County Road D in Maplewood, Minnesota. BNSF, MNNR, Northern States Power Company, d.b.a. Xcel Energy, the City of Maplewood, Ramsey County and Ramsey County Regional Rail Authority propose to enter into a County Road D Realignment Agreement in conjunction with that project. Pursuant to that Agreement, as here pertinent, it is anticipated that the track materials in the line will be removed^{1/} and sold for salvage and the real estate will be railbanked and be used as a recreational trail pursuant to the National Trails System Act, 16 U.S.C. § 1247(d). Pursuant to that Act, the right-of-way may be subject to future reactivation for rail freight use.

^{1/} Track materials were previously removed on part of the rail line near its southern end (see the photographs in Appendix 2).

There is a bridge by which County Road D formerly passed under the rail line. The area under the bridge span has been filled in with soil making the bridge unusable. That bridge will be removed in conjunction with realignment of County Road D following the effectiveness of an exemption for abandonment of the rail line. That bridge is more than 50 years old. Information regarding that bridge and photographs of it are provided in the Draft Historical Report, *infra*.

There is also a bridge over the rail line at I-694. Eventually, that bridge also will be removed after abandonment of the rail line is authorized. That bridge is less than 50 years old. It is not encompassed in the subsequent Draft Historic Report.

Inasmuch as no shipments have been transported over the involved rail line for more than two years, there have been no rail operations on the line and virtually no track maintenance during that period. Abandonment of the line thus will not result in a change in operations and maintenance.

There is no reasonable alternative to the proposed abandonment and discontinuance inasmuch as a portion of the involved rail line is required to be removed in conjunction with realignment of County Road D, and the line is not used nor required for rail freight transportation.

(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.

Applicants believe that the proposed abandonment will have no direct effect on regional or local transportation systems and patterns inasmuch as the rail line has not been used for rail transportation for more than two years. The proposed abandonment will have a positive indirect effect on local transportation patterns inasmuch as removal of a portion of the rail line will

enable County Road D to be realigned for the benefit of the motorized traveling public.

(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.

Based on Applicants' review of a proposed County Road D Realignment Agreement, the proposed rail abandonment is known to be consistent with local and regional land use plans because the City of Maplewood and Ramsey County are parties to that Agreement, which contemplates abandonment of the rail line. This Draft Report is being sent to representatives of the City of Maplewood and Ramsey County for any comments they care to make. (See Appendix 3).

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

Applicants do not believe that the proposed rail abandonment would have any effect on prime agricultural land. The involved rail line is not located adjacent to land that is in agricultural cultivation. In accordance with the Board's regulation, Applicants are consulting on that subject by letter with the Natural Resources Conservation Service, formerly known as the U.S. Soil Conservation Service. (See Appendix 4).

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

Not applicable. The rail line is not located in a designated coastal zone.

(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. 10905 and explain why.

Based on Applicants' review of the proposed County Road D Realignment Agreement, the involved rail line is known to be suitable for alternative public use as a recreational trail in

light of the assembled nature of the right-of-way corridor.

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

The proposed abandonment of this out-of-service rail line will have no effect on transportation of energy resources.

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

The proposed abandonment will not result in an increase or a decrease in overall energy efficiency inasmuch as the rail line is not being operated at present and will not be operated following abandonment.

(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 Sec. 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Sec. 1105.7(e)(4)(iv) is required.

Not applicable. There would be no diversion from rail to truck transportation.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (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 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent 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 reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply. (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 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent 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. (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.

Not applicable.

(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.

Not applicable.

(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 a positive effect on public health and safety because it will permit County Road D to be realigned, thereby improving safety for the motorized traveling public.

(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. (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.

Not applicable.

(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.

Applicants believe that inasmuch as the rail line proposed for abandonment is located in a suburban area, it is unlikely that such abandonment would adversely affect endangered or threatened species or areas of critical habitat. In accordance with a Board regulation, Applicants are consulting on that matter by letter to the U.S. Fish & Wildlife Service. (See Appendix 5).

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

For the same reason, Applicants believe that the proposed abandonment would not affect wildlife sanctuaries or refuges, nor National or State parks or forests. The rail line is not located in close proximity to any of those locations.

(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.

Applicants believe that the proposed abandonment will be consistent with applicable Federal, State and local water quality standards. In accordance with a Board regulation, Applicants are consulting on that subject with Minnesota water quality officials. (See Appendix 6).

(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.

Applicants believe that the proposed abandonment does not require a permit under Section 404 of the Clean Water Act. Applicants believe that the proposed abandonment will not adversely affect any designated wetlands or 100-year flood plains. Attached to this Report as Appendix 7 are copies of a National Wetlands Inventory Map and a Delineated Wetland Boundaries Map of the area of the involved rail line. In accordance with a Board regulation,

Applicants are consulting on that subject with the U.S. Army Corps of Engineers. (See Appendix 8).

(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.)

Applicants believe that the proposed abandonment does not require a permit under Section 402 of the Clean Water Act. In accordance with a Board regulation, Applicants are consulting on that subject by letter to the U.S. Environmental Protection Agency. (See Appendix 9).

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Not applicable.

II.

DRAFT HISTORIC REPORT

Applicants hereby submit the following information required by 49 U.S.C. § 1105.8(d):

(1) 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;

The required topographic map is attached to this Report as Appendix 10.

(2) 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 to be abandoned is 150 feet wide and 0.67 miles in length. It extends through relatively flat suburban terrain.

(3) 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;

A series of photographs of the bridge at County Road D is attached to this Report as Appendix 11. That is the only structure on the rail line that is at least 50 years old.

(4) 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;

The exact date of construction of the County Road D bridge is not known, but that bridge is thought to be at least 50 years old.

(5) 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;

The involved rail line was originally part of the main line of BNSF's predecessor, Northern Pacific Railway Company, between St. Paul, MN and Duluth, MN. Much of that main line has been abandoned. The involved rail line is now a portion of a BNSF branch line between M&D Junction (White Bear Lake, MN) and Beam Avenue in Maplewood, MN. (See Appendix 1-B). MNNR acquired trackage rights to operate over the involved rail line in 1990. *See Minnesota Comm. Ry., Inc. - Trackage Exempt. - BN RR Co.*, 8 I.C.C.2d 31 (1990). MNNR leased the involved rail line and other rail lines in the area from BNSF in 1998. (*See Minnesota Comm. Ry. Co. - Lease & Oper. Exempt. - BNSF Ry. Co.*, 1998 STB LEXIS 96 (F.D. No. 33577, decision served April 10, 1998).

(6) 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;

Applicants do not have any such documents.

(7) 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 CFR 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 these

opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

Applicants believe that the bridge under the rail line at County Road D does not meet the criteria for listing on the National Register of Historic Places. The bridge is of ordinary construction and design. It has a span of only 25 feet and a width of 12 feet. The bridge is spanned with six steel girders, each with a depth of approximately 24 inches. The tracks are supported by transverse timber lagging spaced at roughly 12 inches on center. The bridge structure is supported at each end by concrete abutments and attached wingwalls. The height of the abutments and wingwalls could not be determined because of the depth of fill under the bridge.

Applicants believe that there is not a likelihood of archeological resources or any other previously unknown historic properties in the project area because the fill under the bridge was placed less than 50 years ago.

Applicants are consulting by letter to the Minnesota Historic Preservation Office (Appendix 12).

(8) 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 bridge under the rail line at County Road D has been largely filled in with soil (see photographs attached as Appendix 11). However, that fill is unlikely to affect the archeological recovery of resources inasmuch as that fill was placed less than 50 years ago.

Respectfully submitted,

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

MINNESOTA COMMERCIAL RAILWAY COMPANY
14047 Petronella Drive, Suite 201
Libertyville, IL 60048-1500

Sidney L. Strickland
TM

By: SIDNEY L. STRICKLAND
3050 K Street, N.W.
Suite 101
Washington, DC 20007
(202) 347-8667

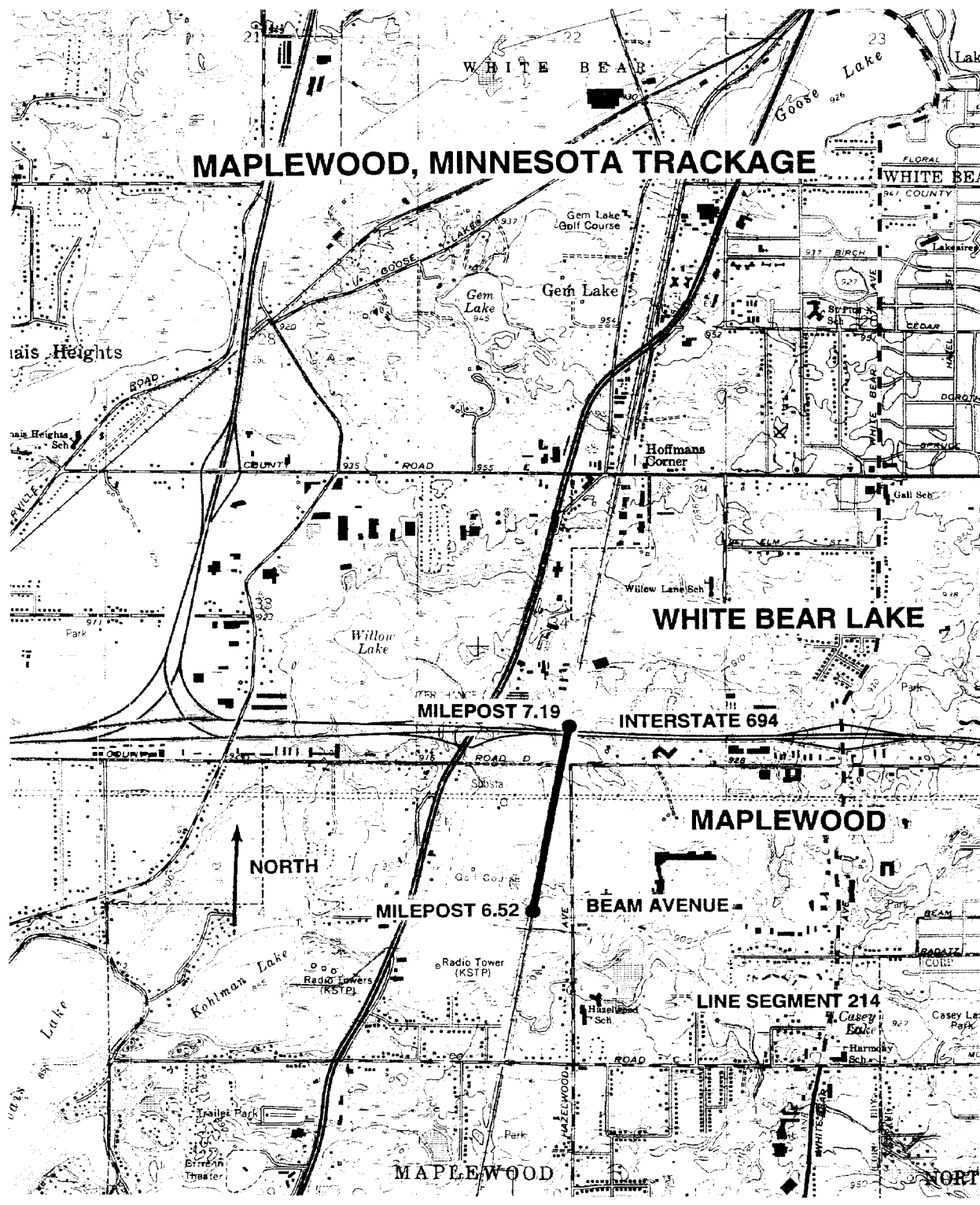
Attorney for BNSF
Railway Company

Thomas F. McFarland

By: THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorney for Minnesota Commercial
Railway Company

DATED: June 17, 2005



Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 1-A

City of Harrisburg

ENST Line

New Connection

Bald Eagle Pt. T

MNRR Line

Bald Eagle Pt. T

City of White Bear Lake

City of White Bear Lake

City of Roseville

ENST Line

Rokline On

Pt. B

Pt. W

Bald Line Jct.

Pt. C

M&D Junction

Pt. C

Pt. B

Barns Avenue

EXHIBIT A (Not to Scale)

Draft Env & Hist Rep / APPENDIX 1-B



Photo 1 Looking west from the south boundary of the subject property. Beam Avenue and the Freedom Station are visible.



Photo 2 Looking north from the south boundary of the subject property.

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 2 (Pg 1 of 3)



Photo 3 Looking north on the subject property. Housing complex is visible on the east side of the property.



Photo 4 Construction activities, occurring adjacent to the eastern boundary of the property.

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 2 (Pg 2 of 3)

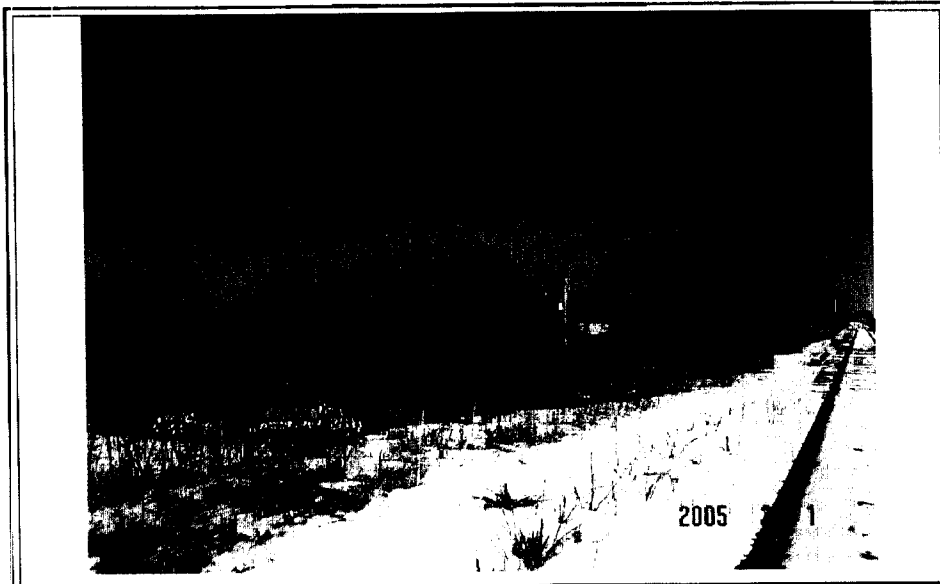


Photo 5 One pole mounted transformer on the western boundary of the subject property.

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 2 (Pg 3 of 3)

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THOMAS F. McFARLAND

June 17, 2005

Charles Ahl, P.E.
Director of Public Works/City Engineer
City of Maplewood
1902 East County Road B
Maplewood, MN 55109

Mark Burch
Director of Public Works
City of White Bear Lake
4200 Hoffman Road
White Bear Lake, MN 55110

Patrick J. Kelly, Esq.
David E. Ramberg, Esq.
Attorneys for the City of Maplewood
Kelly & Fawcett, P.A.
2350 US Bancorp Piper Jaffray Plaza
444 Cedar Street
St. Paul, MN 55101

David F. MacMillan
Ramsey County
50 West Kellogg Blvd.
Suite 560
St. Paul, MN 55102

Re: Docket No. AB-6 (Sub-No. 429X), *BNSF Railway Company - Abandonment
Exemption - in Ramsey County, MN*

Docket No. AB-882 (Sub-No. 1X), *Minnesota Commercial Railway Company -
Discontinuance of Service Exemption - in Ramsey County, MN*

Gentlemen:

On or about July 11, 2005, a Notice of Exemption is planned to be filed with the Surface Transportation Board for abandonment by BNSF Railway Company (BNSF) of its rail line that extends southerly from Milepost No. 7.19, a point approximately 100 feet north of Interstate Highway I-694, to Milepost No. 6.52, a point approximately 50 feet north of Beam Avenue, a total distance of 0.67 miles, all located within the Cities of Maplewood and White Bear Lake, Ramsey County, Minnesota, and for discontinuance of service over that line by Minnesota Commercial Railway Company (MNNR) pursuant to a lease from BNSF. There have been no shipments that originated or terminated on that rail line for more than two years.

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 3 (Pg 1 of 2)

THOMAS F. McFARLAND, P.C.

Messrs. Ahl, MacMillan, Kelly, Ramberg & Burch

June 17, 2005

Page 2

Enclosed is a draft Environmental and Historic Report prepared by the applicant rail carriers to describe the proposed action and its environmental and historic effects. The action is described in Item 1 of the Environmental Report. Map and photographs of the area appear as Appendices 1-A, 1-B and 2.

Pursuant to STB regulations, Applicants are required to consult with your agencies regarding the effect of the proposed action on local and regional land use plans (see Item 3(i) of the Environmental Report).

You are entitled to comment on the draft of statements made in the Draft Report. Any comments that you submit will be considered by the STB in evaluating the environmental and historic impacts of the proposed action.

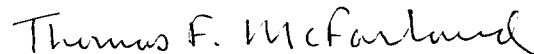
Your comments should be directed to:

Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

You should send a copy of your comments to me at the address shown on this letterhead. Because the applicable statutes and regulations impose stringent deadlines for processing exemptions for abandonment, any comments that you submit should be sent within 3 weeks of your receipt of this letter.

Should you have any questions, you can contact the STB's Section of Environmental Analysis at (202) 565-1552 or the undersigned at (312) 236-0204.

Very truly yours,



Thomas F. McFarland
*Attorney for Minnesota Commercial
Railway Company*

TMcF:kl:enc:wp8.0\1083\lrcadmpkdr1

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 3 (Pg 2 of 2)

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mcfarland@aol.com

THOMAS F. McFARLAND

June 17, 2005

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

Re: Docket No. AB-6 (Sub-No. 429X), *BNSF Railway Company - Abandonment
Exemption - in Ramsey County, MN*

Docket No. AB-882 (Sub-No. 1X), *Minnesota Commercial Railway Company -
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Pursuant to STB regulations, Applicants are required to consult with your agencies regarding the effect of the proposed action on any prime agricultural land (see Item 3(ii) of the Environmental Report).

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 4 (Pg 1 of 2)

THOMAS F. McFARLAND, P.C.

Natural Resources Conservation Service

June 17, 2005

Page 2

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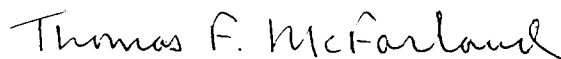
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Very truly yours,



Thomas F. McFarland
*Attorney for Minnesota Commercial
Railway Company*

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Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 4 (Pg 2 of 2)

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FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. McFARLAND

June 17, 2005

U.S. Fish & Wildlife Service - Region 3
One Federal Drive
BHW Federal Building
Fort Snelling
Twin Cities, MN 55111

Re: Docket No. AB-6 (Sub-No. 429X), *BNSF Railway Company - Abandonment
Exemption - in Ramsey County, MN*

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Pursuant to STB regulations, Applicants are required to consult with your agencies regarding the effect on whether the proposed action would be likely to adversely affect endangered or threatened species or areas designated as critical habitat (see Item 8(i) of the Environmental Report).

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 5 (Pg 1 of 2)

THOMAS F. McFARLAND, P.C.

U.S. Fish & Wildlife Service

June 17, 2005

Page 2

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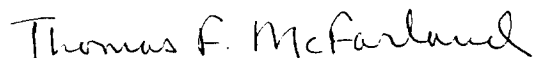
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Very truly yours,



Thomas F. McFarland
*Attorney for Minnesota Commercial
Railway Company*

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Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 5 (Pg 2 of 2)

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mcfarland@aol.com

THOMAS F. McFARLAND

June 17, 2005

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

Re: Docket No. AB-6 (Sub-No.429X), *BNSF Railway Company - Abandonment
Exemption - in Ramsey County, MN*

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Pursuant to STB regulations, Applicants are required to consult with your agencies regarding the effect on whether the proposed action is consistent with applicable Federal, State or local water quality standards (see Item 9(i) of the Environmental Report).

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 6 (Pg 1 of 2)

THOMAS F. McFARLAND, P.C.

Minnesota Pollution Control Agency

June 17, 2005

Page 2

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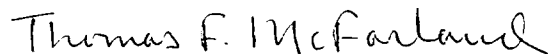
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Very truly yours,

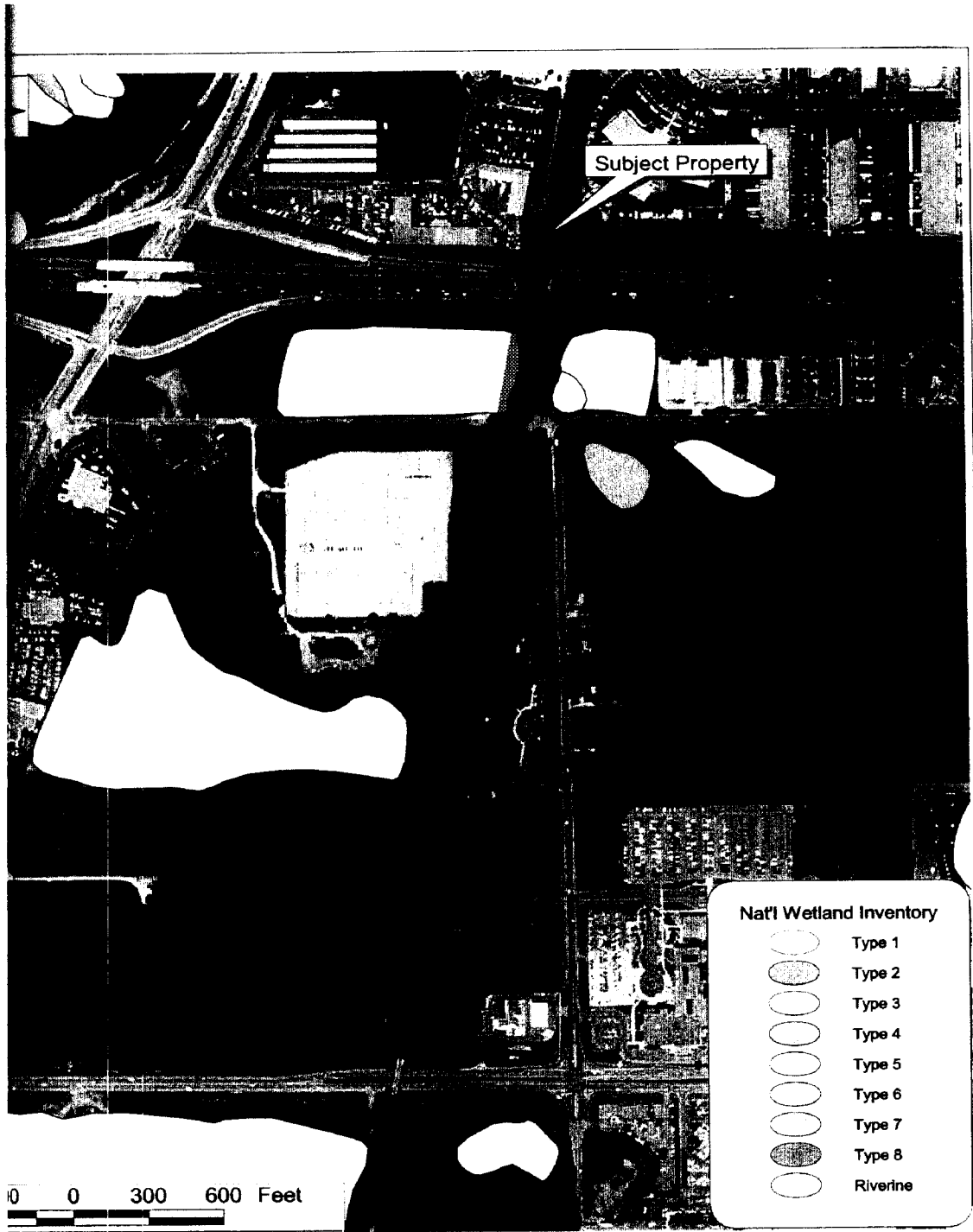


Thomas F. McFarland
*Attorney for Minnesota Commercial
Railway Company*

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Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 6 (Pg 2 of 2)



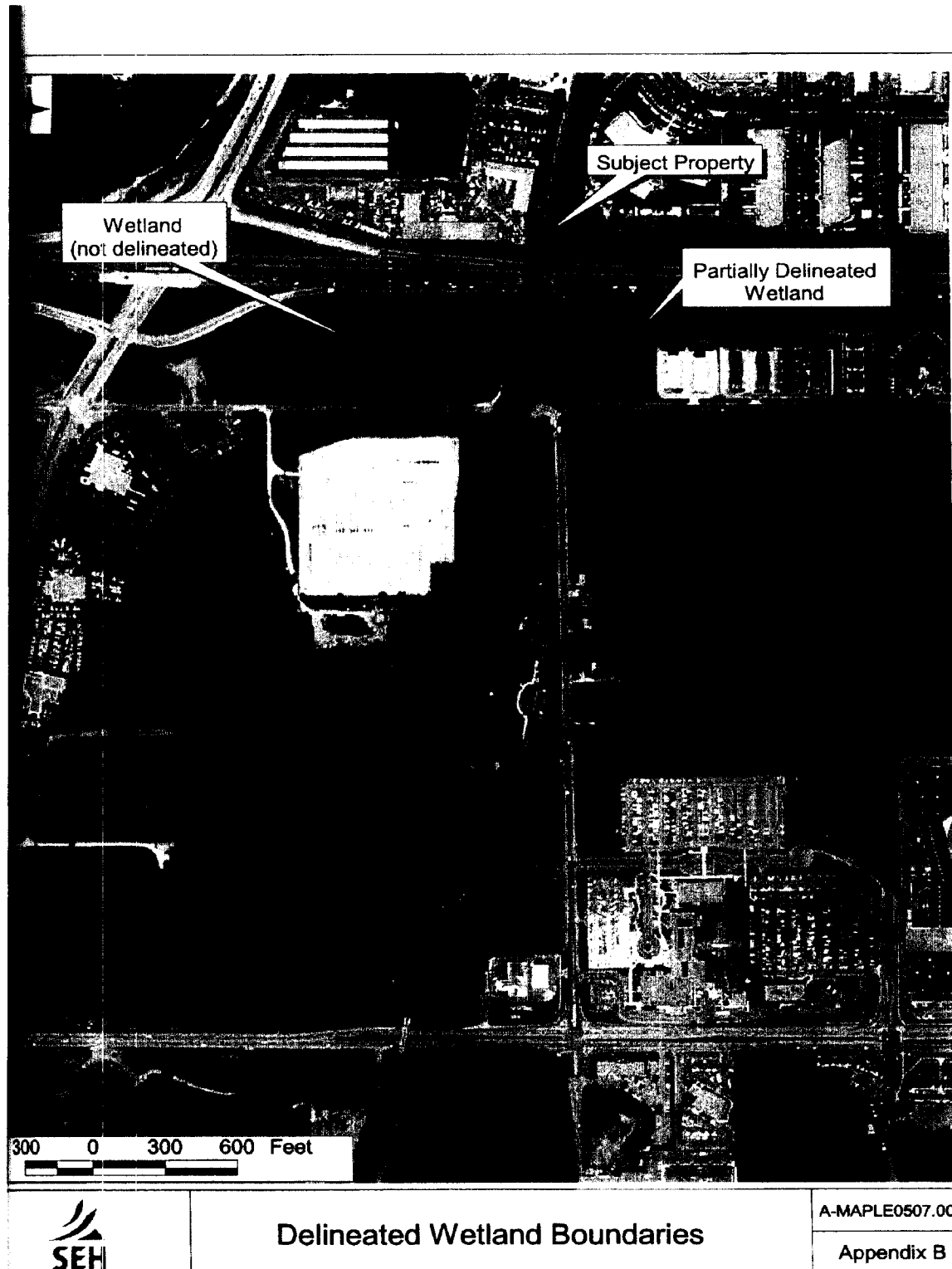
National Wetlands Inventory Map

A-MAPLE0507.00

Appendix B

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 7 (Pg 1 of 2)



Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 7 (Pg 2 of 2)

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FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. McFARLAND

June 17, 2005

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

Re: Docket No. AB-6 (Sub-No. 429X), *BNSF Railway Company - Abandonment
Exemption - in Ramsey County, MN*

Docket No. AB-882 (Sub-No. 1X), *Minnesota Commercial Railway Company –
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Pursuant to STB regulations, Applicants are required to consult with your agencies regarding the effect on whether the proposed action requires permits under section 404 of the Clean Water Act (see Item 9(ii) of the Environmental Report).

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 8 (Pg 1 of 2)

THOMAS F. McFARLAND, P.C.

U.S. Army Corps of Engineers

June 17, 2005

Page 2

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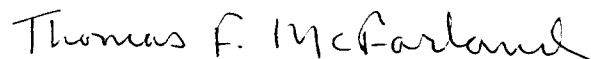
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Very truly yours,



Thomas F. McFarland
*Attorney for Minnesota Commercial
Railway Company*

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Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 8 (Pg 2 of 2)

LAW OFFICE
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CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. McFARLAND

June 17, 2005

U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

Re: Docket No. AB-6 (Sub-No. 429X), *BNSF Railway Company - Abandonment
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Pursuant to STB regulations, Applicants are required to consult with your agencies regarding the effect on whether the proposed action requires permits under section 402 of the Clean Water Act (see Item 9(iii) of the Environmental Report).

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 9 (Pg 1 of 2)

THOMAS F. McFARLAND, P.C.

U.S. Environmental Protection Agency
June 17, 2005
Page 2

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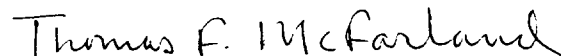
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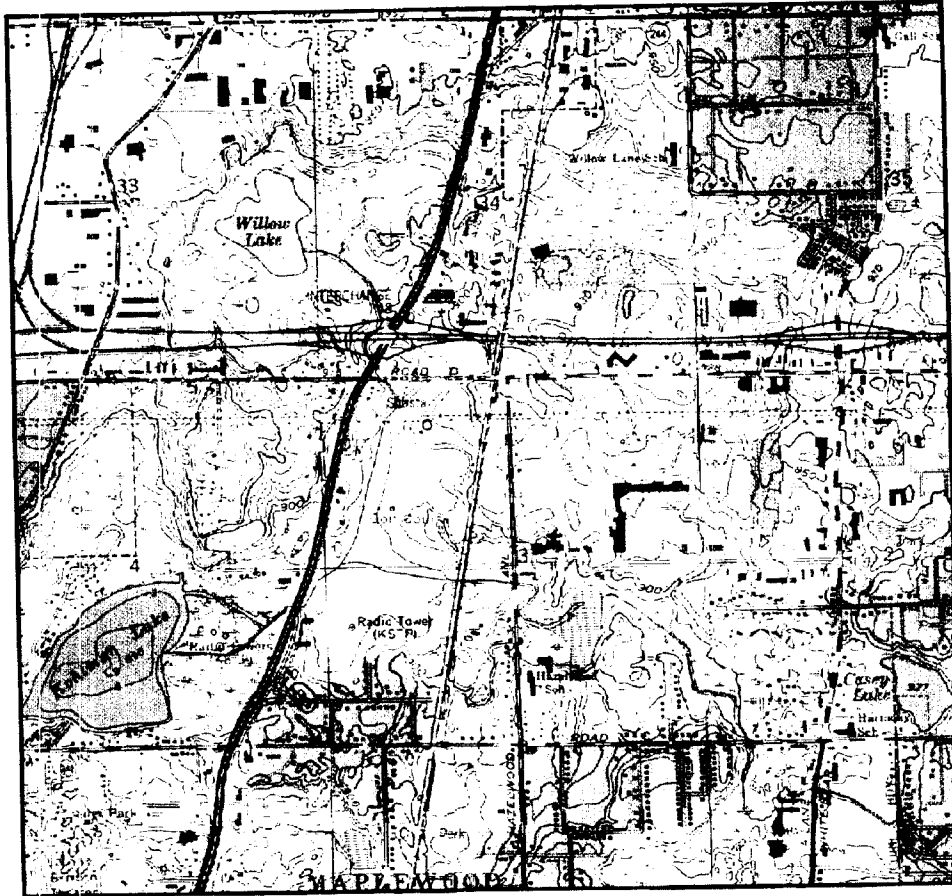


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*Attorney for Minnesota Commercial
Railway Company*

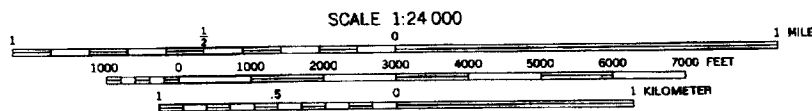
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Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 9 (Pg 2 of 2)



UNITED STATES GEOLOGICAL SURVEY 7.5 MINUTE SERIES TOPOGRAPHIC MAP



Historical
Information
Gatherers, Inc.



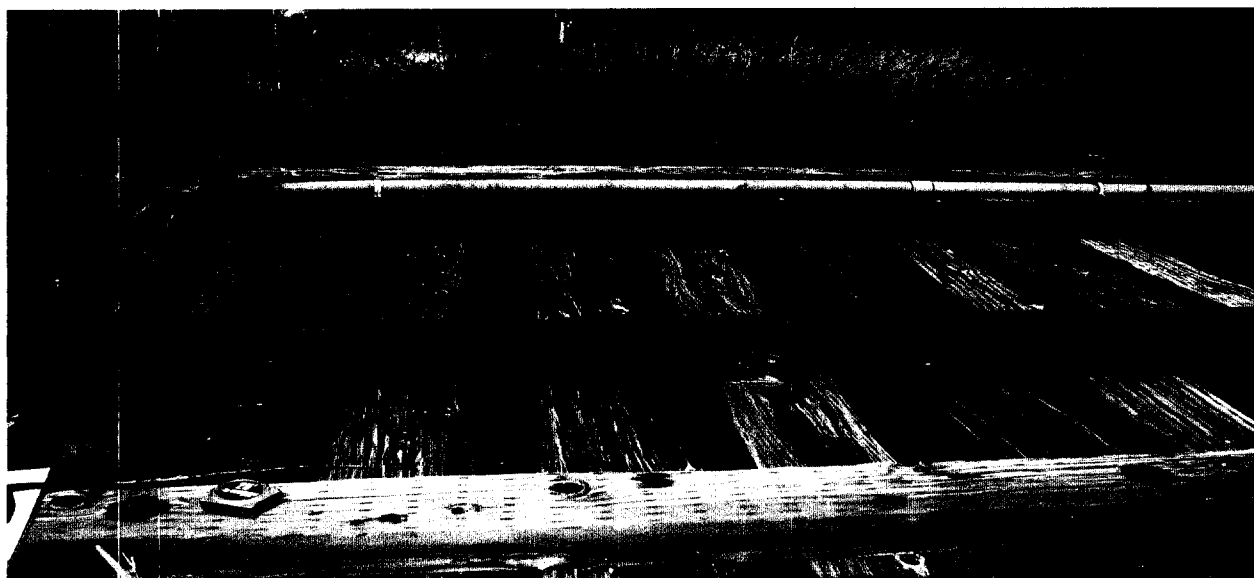
QUADRANGLE LOCATION

WHITE BEAR LAKE WEST, MINN.

1967
REVISED 1993

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 10



Top of bridge looking west



Top of bridge looking south

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 11 (Pg 1 of 2)



View from top of bridge looking west



View of filled bridge from west

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. McFARLAND

June 17, 2005

Minnesota Historical Preservation Office
Minnesota Historical Society
345 Kellogg Blvd. West
St. Paul, MN 55102-1906

Re: Docket No. AB-6 (Sub-No. 429X), *BNSF Railway Company - Abandonment
Exemption - in Ramsey County, MN*

Docket No. AB-882 (Sub-No. 1X), *Minnesota Commercial Railway Company -
Discontinuance of Service Exemption - in Ramsey County, MN*

Dear Sir or Madam:

On or about July 11, 2005, a Notice of Exemption is planned to be filed with the Surface Transportation Board for abandonment by BNSF Railway Company (BNSF) of its rail line that extends southerly from Milepost No. 7.19, a point approximately 100 feet north of Interstate Highway I-694, to Milepost No. 6.52, a point approximately 50 feet north of Beam Avenue, a total distance of 0.67 miles, all located within the Cities of Maplewood and White Bear Lake, Ramsey County, Minnesota, and for discontinuance of service over that line by Minnesota Commercial Railway Company (MNNR) pursuant to a lease from BNSF. There have been no shipments that originated or terminated on that rail line for more than two years.

Enclosed is a draft Environmental and Historic Report prepared by the applicant rail carriers to describe the proposed action and its environmental and historic effects. The action is described in Item 1 of the Environmental Report. Map and photographs of the area appear as Appendices 1-A, 1-B and 2.

Pursuant to STB regulations, Applicants are required to consult with your agencies regarding the effect of the proposed action on whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area (see Items 3 and 7 of the Historic Report).

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 12 (Pg 1 of 2)

THOMAS F. McFARLAND, P.C.

Minnesota Historical Preservation Office

June 17, 2005

Page 2

You are entitled to comment on the draft of statements made in the Draft Report. Any comments that you submit will be considered by the STB in evaluating the environmental and historic impacts of the proposed action.

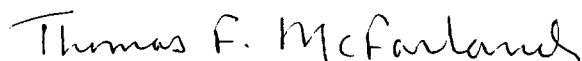
Your comments should be directed to:

Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

You should send a copy of your comments to me at the address shown on this letterhead. Because the applicable statutes and regulations impose stringent deadlines for processing exemptions for abandonment, any comments that you submit should be sent within 3 weeks of your receipt of this letter.

Should you have any questions, you can contact the STB's Section of Environmental Analysis at (202) 565-1552 or the undersigned at (312) 236-0204.

Very truly yours,



Thomas F. McFarland
*Attorney for Minnesota Commercial
Railway Company*

TMcF:kl:enc:wp8.0\1083\lrmhpol

Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Draft Env & Hist Rep / APPENDIX 12 (Pg 2 of 2)

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2005, I served the foregoing document, Draft Environmental And Historic Report, by first-class, U.S. mail, postage prepaid, on the following:

Ms. Victoria Rutson
Surface Transportation Board
Section of Environmental Assessment
1925 K Street, N.W.
Washington, DC 20423

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

Minnesota Historical Preservation Office
Minnesota Historical Society
345 Kellogg Blvd. West
St. Paul, MN 55102-1906

U.S. Fish & Wildlife Service - Region 3
One Federal Drive
BHW Federal Building
Fort Snelling
Twin Cities, MN 55111

Minnesota State Clearinghouse
c/o Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

David F. MacMillan
Ramsey County
50 West Kellogg Blvd., Suite 560
St. Paul, MN 55102

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

National Oceanic & Atmospheric Admin.
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

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

U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

Charles Ahl, P.E.
Director of Public Works/City Engr.
City of Maplewood
1902 East County Road B
Maplewood, MN 55109

Patrick J. Kelly, Esq.
David Ramberg, Esq.
City of Maplewood Attorneys
2350 US Bancorp Piper Jaffray Plaza
444 Cedar Street
St. Paul, MN 55101

National Park Service
1849 C Street, N.W.
Washington, DC 20240

City of White Bear Lake
4701 Highway 61
White Bear Lake, MN 55110

Thomas F. McFarland

Thomas F. McFarland

VERIFICATION

THOMAS F. McFARLAND, being duly sworn, states that he represents Minnesota Commercial Railway Company; that he is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket Nos. AB-6 (Sub-No. 429X) and AB-882 (Sub-No. 1X); that he has examined all of the statements in the Notice of Exemption; that he has knowledge of the facts and matters relied upon in the Notice of Exemption; and all representations set forth therein are true and correct.

Thomas F. McFarland

THOMAS F. McFARLAND

SUBSCRIBED and SWORN
to before me this 8th day of
July 2005.

Kathleen Lenihan

Notary Public

My commission expires: 1/29/2006



Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

VERIFICATION

RICHARD BATIE, being duly sworn, states that he represents BNSF Railway Company; that he is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket Nos. AB-6 (Sub-No. 429X) and AB-882 (Sub-No. 1X); that he has examined all of the statements in the Notice of Exemption; that he has knowledge of the facts and matters relied upon in the Notice of Exemption; and all representations set forth therein are true and correct.

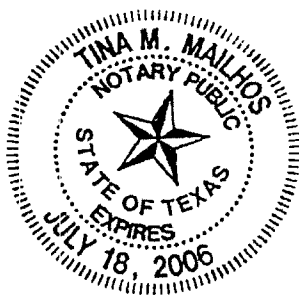
Richard A. Batie

RICHARD BATIE

SUBSCRIBED and SWORN
to before me this 8 day of
July 2005.

Tina M. Mailhos
Notary Public

My commission expires:



Docket Nos. AB-6 (Sub-No. 429X)
AB-882 (Sub-No. 1X)

Ver Not of Exemption / APPENDIX 5 (Pg 2 of 2)