



W. Karl Hansen
612.335.7088 **DIRECT**
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ENTERED
Office of Proceedings
September 21, 2016
Part of
Public Record

September 20, 2016

Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

VIA OVERNIGHT DELIVERY

Re: Dakota, Minnesota & Eastern Railroad Corporation - Abandonment of Trackage in Scott County, Iowa
STB Docket No. AB-337 (Sub-No. 9X)

Dear Ms. Brown:

Please find enclosed for filing the unbound original, ten bound copies, and three compact discs containing electronic copies of Dakota, Minnesota & Eastern Railroad Corporation's Verified Notice of Class Exemption from the requirements of 49 U.S.C. § 10903 for the above-referenced rail line abandonment. I also enclose a check in the amount of \$4,000 as the filing fee pursuant to 49 C.F.R. § 1002.2.

Enclosed please find a duplicate copy of this letter and self-addressed stamped envelope to be stamped with the filing date and returned to the undersigned. Please contact me if you have any questions.

Sincerely,

Stinson Leonard Street LLP

W. Karl Hansen

Enclosures

FEE RECEIVED
September 21, 2016
SURFACE
TRANSPORTATION BOARD

FILED
September 21, 2016
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

DAKOTA, MINNESOTA & EASTERN)	
RAILROAD CORPORATION –)	
ABANDONMENT OF TRACKAGE)	DOCKET NO. AB-337
LOCATED IN SCOTT COUNTY, IOWA)	(SUB-NO. 9X)
)	

NOTICE OF EXEMPT ABANDONMENT OF TRACKAGE LOCATED BETWEEN
MILEPOST 7.52 +/- AND MILEPOST 9.47 +/- (ELDRIDGE LINE)
WHICH TRAVERSES THROUGH UNITED STATES POSTAL SERVICE
ZIP CODE 52748 IN SCOTT COUNTY, IOWA

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. SECTION 10502 AND 49 C.F.R. PART 1152

CLASS EXEMPTION FROM THE REQUIREMENTS
OF 49 U.S.C. SECTION 10903

DAKOTA, MINNESOTA & EASTERN
RAILROAD CORPORATION
d/b/a Canadian Pacific

STINSON LEONARD STREET LLP
W. Karl Hansen
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Tel. (612) 335-7088
Fax. (612) 335-1657

Attorneys for Dakota, Minnesota & Eastern
Railroad Corporation

September 20, 2016

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

DAKOTA, MINNESOTA & EASTERN)	
RAILROAD CORPORATION –)	
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VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. SECTION 10502 AND 49 C.F.R. PART 1152

CLASS EXEMPTION FROM THE REQUIREMENTS
OF 49 U.S.C. SECTION 10903

Dakota, Minnesota & Eastern Railroad Corporation (“DM&E”) d/b/a Canadian Pacific files this Verified Notice of Exemption pursuant to 49 U.S.C. § 10502 and the Board’s regulations at 49 C.F.R. Section 1152.50. This Verified Notice of Exemption is for DM&E’s abandonment of a 1.95 mile line of railroad between Milepost 7.52 +/- and Milepost 9.47 +/- (Eldridge Line) which traverses through United States Postal Service ZIP Code 52748 in Scott County, Iowa.

No local traffic has moved over the line for at least two years and all overhead traffic has been routed over other lines.

In accordance with the requirements of 49 C.F.R. Section 1152.50, DM&E submits the following:

1. WRITTEN NOTIFICATION OF FILING FOR ABANDONMENT EXEMPTION – 49 C.F.R. SECTION 1152.50(d)(1).

Said notification was served on the appropriate parties on September 8, 2016, at least ten (10) days prior to the filing date of this exemption. See Exhibit No. 2.

2. PROPOSED CONSUMMATION DATE - 49 C.F.R. SECTION 1152.50(d)(2).

DM&E intends to consummate the proposed abandonment of its trackage on or after the effective date of its abandonment authority.

3. CARRIER CERTIFICATION REGARDING LOCAL AND OVERHEAD TRAFFIC AND STATUS OF NO COMPLAINTS REQUIRED BY 49 C.F.R. SECTIONS 1152.50(b) and (d)(2).

The required Certification is attached as Exhibit No. 3.

4. INFORMATION REQUIRED BY 49 C.F.R. SECTIONS 1152.22(a)(1)-(4), (7) and (8) and (e)(4) (INCORPORATED BY REFERENCE IN 49 C.F.R. SECTION 1152.50(d)(2)):

- (a) SECTION 1152.22(a)(1) EXACT NAME OF APPLICANT.

Dakota, Minnesota & Eastern Railroad Corporation d/b/a Canadian Pacific.

- (b) SECTION 1152.22(a)(2) WHETHER THE APPLICANT IS A COMMON CARRIER BY RAILROAD SUBJECT TO 49 U.S.C. Subtitle IV, chapter 105.

DM&E is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

- (c) SECTION 1152.22(a)(3) RELIEF SOUGHT (ABANDONMENT OF LINE OR DISCONTINUANCE OF SERVICE).

DM&E seeks authority to abandon a 1.95+/- mile line of railroad in Scott County, Iowa.

- (d) SECTION 1152.22(a)(4) DETAILED MAP

See Exhibit No. 1.

- (e) SECTION 1152.22(a)(7) NAME, TITLE AND ADDRESS OF REPRESENTATIVE OF APPLICANT TO WHOM CORRESPONDENCE SHOULD BE SENT.

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Minneapolis, Minnesota 55402
Tel. (612) 335-7088
Fax. (612) 335-1657

- (f) SECTION 1152.22(a)(8) LIST OF ALL UNITED STATES POSTAL ZIP CODES THAT THE LINE PROPOSED FOR ABANDONMENT TRAVERSES:

United States Postal ZIP Code 52748.

- (g) SECTION 1152.22(e)(4) STATEMENT OF WHETHER THE PROPERTIES PROPOSED TO BE ABANDONED ARE SUITABLE 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 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 property proposed to be abandoned may be suitable for other public uses. DM&E is not currently aware of any restriction on 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.

5. SECTION 1152.50(d)(2) THE LEVEL OF LABOR PROTECTION.

DM&E understands that in granting an exemption for the proposed abandonment, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. Accordingly, while DM&E anticipates that no adverse effect to its employees will occur as the result of this abandonment, it understands that the Board will likely impose the conditions set forth in *Oregon Short Line Railroad Company - Abandonment – Goshen*, 360 I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

6. SECTION 1105.7(c) CERTIFICATE OF SERVICE OF ENVIRONMENTAL REPORT AND HISTORIC REPORT.

An Environmental Report and Historic Report was prepared in accordance with 49 C.F.R. Sections 1105.7 and 1105.8 and served on the Board and all relevant parties on August 29 2016, pursuant to 49 C.F.R. Section 1105.7(b). Applicant's certification pursuant to 49 C.F.R. Section 1105.7(c) is attached as Exhibit No. 4.

7. SECTION 1105.12 PUBLICATION OF NEWSPAPER NOTICE.

A notice in accordance with Section 1105.12 was published in a newspaper of general circulation in Scott County, Iowa on August 1, 2016. A copy of said notice with the required Certification are attached as Exhibit No. 5.

8. VERIFICATION.

The required Verification is attached as Exhibit No. 6.

Dated: September 20, 2016



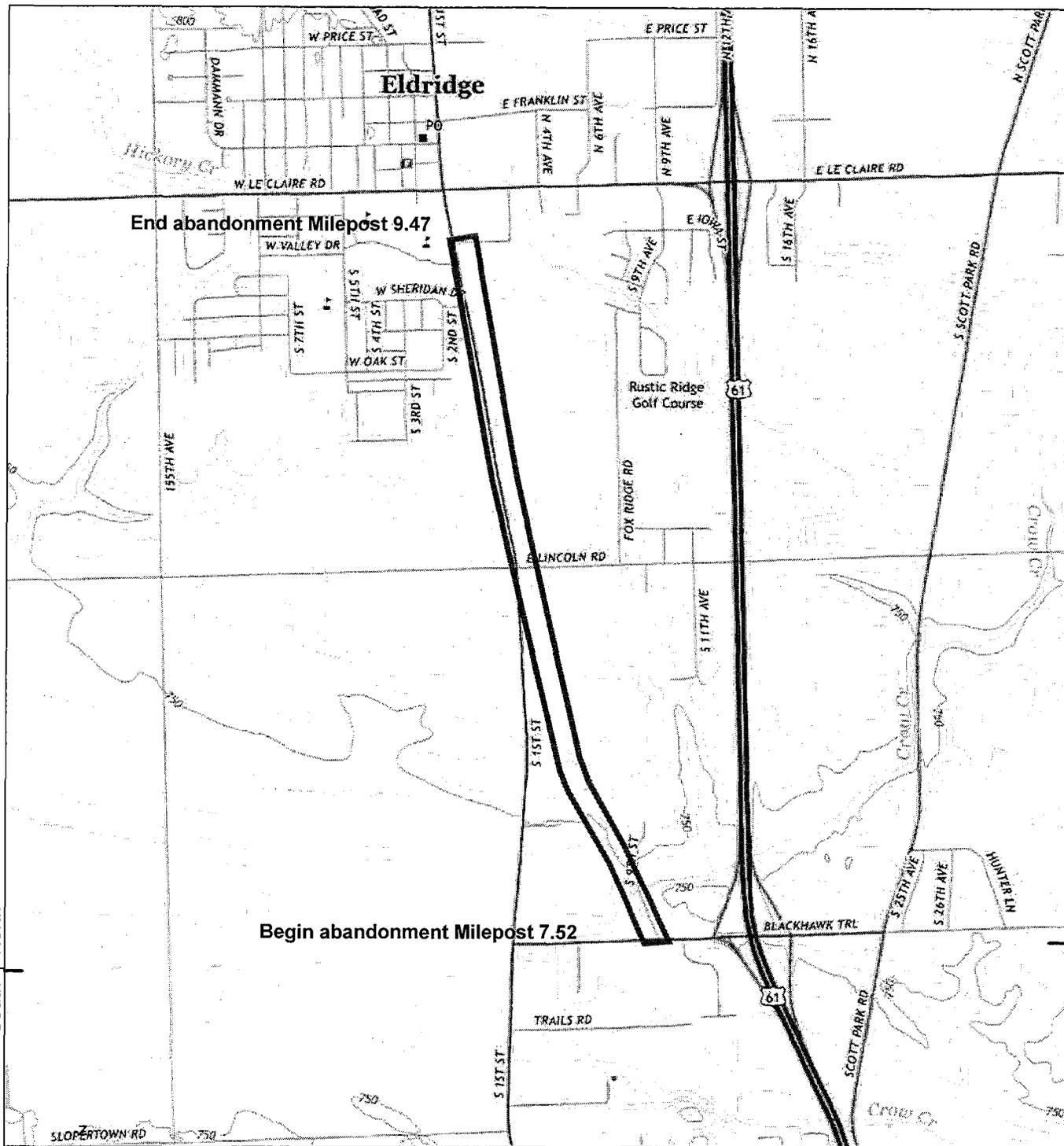
W. Karl Hansen
STINSON LEONARD STREET LLP
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Minneapolis, Minnesota 55402
Tel. (612) 335-7088
Fax. (612) 335-1657

Attorneys for Dakota, Minnesota & Eastern
Railroad Corporation

Exhibit No. 1

Detailed Exhibit Map for Verified Notice of Exemption

49 C.F.R. Sections 1152.50(d)(2) and 1152.22 (a)(4)



2013

0 Distance in Miles 1
 1: 24,000 (1"=2,000') NAD 1983 UTM Zone 15N

Dakota, Minnesota & Eastern Railroad Corp.
 Eldridge Line abandonment
 STB Docket No. AB-337 (Sub-No. 9X)



Unified maps show subdued modern topo features where corresponding maps of the same year were not published.

WeaverBoos
 HIG #1634422 completed: 06/20/2016

Zone	Topographic Map Name	Publisher	Map Size	Base Map	Aerial Photo Topo Updates		
					Photo Year	Inspected	Revised
North	Eldridge, IA	USGS	7 1/2' x 7 1/2'	2013	--	--	--
South	Davenport East, IA	USGS	7 1/2' x 7 1/2'	2013	--	--	--

Exhibit No. 2

Certification of Proper Service of Written
Notice of Intent to Abandon under the Exemption Process

49 C.F.R. Section 1152.50(d)(1)

CERTIFICATE OF COMPLIANCE WITH SERVICE REQUIREMENT FOR
NOTIFICATION OF INTENT TO FILE EXEMPTION ABANDONMENT

The undersigned hereby certifies that he served the Notice of Intent to File Verified Notice of Exemption for the proposed abandonment in Docket No. AB-337 (Sub-No. 9X) via first class U.S. Mail on September 8, 2016, as required by 49 C.F.R. Section 1152.50(d)(1), to the parties listed on the attached Service List.

Dated: September 24, 2016



W. Karl Hansen
STINSON LEONARD STREET LLP
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Tel. (612) 335-7088
Fax. (612) 335-1657

Attorneys for Dakota, Minnesota & Eastern
Railroad Corporation

SERVICE LIST
NOTICE OF INTENT TO FILE EXEMPT ABANDONMENT
Dakota, Minnesota & Eastern Railroad Corporation – Abandonment of
Trackage Located in Scott County, Iowa
STB Docket No. AB-337 (Sub-No. 9X)

IOWA PUBLIC SERVICE COMMISSION (OR EQUIVALENT AGENCY)

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

U.S. DEPARTMENT OF DEFENSE

Office of Special Assistant for Transportation Engineering
Surface Deployment and Distribution Command
Transportation Engineering Agency
Railroads for National Defense Program
709 Ward Drive, Building 1990
Scott AFB, IL 62225

NATIONAL PARK SERVICE, RECREATION RESOURCES ASSISTANCE DIVISION

National Center for Recreation and Conservation
U.S. Department of the Interior
National Park Service
1849 C Street N.W.
Org. Code 2220
Washington, DC 20240

U.S. DEPARTMENT OF AGRICULTURE, CHIEF OF THE FOREST SERVICE

Tom Tidwell, Chief
Forest Service
U. S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street, S.W.
Washington, DC 20024

Exhibit No. 3

Carrier Certification of Out-of-Service Status/Local
Traffic/Overhead Traffic/No Complaints

49 C.F.R. Section 1152.50(b)

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

I, David S. Drach, Director Real Estate U.S. for Dakota, Minnesota & Eastern Railroad Corporation (“DM&E”) dba Canadian Pacific, hereby certify that with respect to the trackage that is the subject of this Verified Notice of Exemption in Docket AB-337 (Sub-No. 9X), DM&E has had no movements over the subject trackage in at least two years. No local traffic has been handled to or from any customer for at least two (2) years prior to the date hereof and any overhead traffic routed over this line can be and has been rerouted over other lines. Further, I certify that no formal complaint has been filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line segment and that no such complaint is either pending with the Commission or any U.S. District Court or has been decided in favor of a complainant within the two-year period immediately preceding the filing of this Notice.

The foregoing Certification is made on behalf of Dakota, Minnesota & Eastern Railroad Corporation by the undersigned after due and careful investigation of the matters herein certified. I verify under penalty of perjury under the laws of the United States of America, that I have been authorized by Dakota, Minnesota & Eastern Railroad Corporation to verify and file with the Surface Transportation Board the foregoing statement; that I know the contents thereof and the facts asserted therein; that I declare that the foregoing is true and correct.

Dated: Sept. 9, 2016



Exhibit No. 4

Certification of Proper Service of
Environmental and Historic Reports

49 C.F.R. Section 1105.7(c)

CERTIFICATE OF COMPLIANCE WITH SERVICE REQUIREMENT FOR
ENVIRONMENTAL AND HISTORIC REPORTS

The undersigned hereby certifies that he served the Environmental and Historic Reports in Docket No. AB-337 (Sub-No. 9X) with a transmittal letter conforming to the requirements of 49 C.F.R. § 1105.11 via first class U.S. Mail, on August 29, 2016, as required by 49 C.F.R. § 1105.7(c) and 49 C.F.R. § 1105.8, to the parties listed on the attached Service List.

Dated: September 20, 2016



W. Karl Hansen
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SERVICE LIST
ENVIRONMENTAL AND HISTORIC REPORTS
Dakota, Minnesota & Eastern Railroad Corporation – Abandonment of
Trackage Located in Scott County, Iowa
STB Docket No. AB-337 (Sub-No. 9X)

Appropriate Regional Office(s) of the
U.S. Environmental Protection Agency

U.S. EPA Region 7
11201 Renner Blvd.
Lenexa, KS 66219

U.S. Fish and Wildlife Service

U.S. Fish and Wildlife Service
1849 C Street NW
Washington, DC 20240

U.S. Fish and Wildlife Service – Midwest Region

Tom Melius, Regional Director
U.S. Fish and Wildlife Service, Midwest Region
5600 American Blvd. West, Suite 990
Bloomington, MN 55437-1458

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers
St. Paul District
180 5th St. East, Suite 700
St. Paul, MN 55101-1678

U.S. Army Corps of Engineers – Regional Office

U.S. Army Corps of Engineers
Rock Island District
CEMVR-OC
Clock Tower Building
P.O. Box 2004
Rock Island, IL 61204-2004

The National Park Service

Jon Jarvis, Director
National Park Service
1849 C Street NW
Washington, DC 20240

The National Park Service – Midwest Region

Cam Sholly, Regional Director
National Park Service - Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

The U.S. Soil Conservation Service

Jason Weller, Chief
USDA Natural Resources Conservation Service
1400 Independence Ave. SW
Room 5105-A
Washington, DC 20250

The National Geodetic Survey (as designated agent for the National Geodetic Survey and the U.S. Geological Survey)

Juliana P. Blackwell, Director
National Oceanic and Atmospheric Administration
Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282

Simon Monroe
Geodetic Survey, SSMC3 #9202
1315 East-West Highway
Silver Spring, MD 20910-3282

State Clearinghouse

Iowa State Clearinghouse
Office of the Governor
State Capitol
1007 East Grand Avenue
Des Moines, IA 50319

Iowa Department of Transportation

Kris Klop, Crossing Surface Program Manager
Rail Transportation Office
Iowa Department of Transportation
800 Lincoln Way
Ames, IA 50010

Iowa Department of Natural Resources

Cal Lundberg, Section Supervisor
Iowa Department of Natural Resources
502 East 9th Street
Des Moines, IA 50319-0034

Iowa Department of Natural Resources – Field Office

Deborah Quade, Supervisor
Iowa Department of Natural Resources
Washington Field Office #6, Southeast Iowa
1023 West Madison Street
Washington, IA 52353-1623

Iowa Environmental Protection Agency

Air Quality Bureau
Department of Natural Resources – Environmental Services Division
7900 Hickman Road, Suite 1
Windsor Heights, IA 50324

State Historical Preservation Officer

Mary Cownie, Director
State Historical Society of Iowa
600 East Locust Street
Des Moines, IA 50319

State Archaeologist

John F. Doershuk, Ph.D.
Office of the State Archaeologist
700 South Clinton Street
The University of Iowa
Iowa City, IA 52242

The U.S. Soil Conservation Service – State Office

Kurt Simon
State Conservationist
210 Walnut Street, Room 693
Federal Building
Des Moines, IA 50309

Scott County Board of Supervisors

Jim Hancock, Chair
Scott County Board of Supervisors
Administrative Center
600 W. 4th St.
Davenport, Iowa 52801-1030

County Administrator

Mahesh C. Sharma
Scott County Administrator
600 W. 4th Street
Davenport, IA 52801 - 1030

City of Eldridge

John, R. Dowd, Administrator
City of Eldridge
P.O. Box 375
Eldridge, IA 52748

Exhibit No. 5

Certificate of Publication of
Newspaper Notice

49 C.F.R. Section 1105.12

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-337 (Sub-No. 9X) was advertised in a newspaper of general circulation in all counties through which the line which is the subject of this Notice runs, as required by 49 C.F.R. Section 1105.12. Copies of the Affidavit of Publication and Notice are attached.

Dated: September 29, 2016



W. Karl Hansen
STINSON LEONARD STREET LLP
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Tel. (612) 335-7088
Fax. (612) 335-1657

Exhibit No. 6
Verification Regarding
Facts of Verified Notice of Exemption

VERIFICATION

I, David S. Drach, Director Real Estate U.S. for Dakota, Minnesota & Eastern Railroad Corporation (“DM&E”) dba Canadian Pacific, hereby verify that I have carefully examined all of the statements concerning the operations of DM&E in the Verified Notice of Exemption, including the map attached as Exhibit No. 1 to the Notice; that I have knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of my knowledge, information, and belief.

The foregoing is made on behalf of Dakota, Minnesota & Eastern Railroad Corporation by the undersigned after due and careful investigation of the matters herein certified. I verify under penalty of perjury under the laws of the United States of America, that I have been authorized by Dakota, Minnesota & Eastern Railroad Corporation to verify and file with the Surface Transportation Board the foregoing statement; that I know the contents thereof and the facts asserted therein; that I declare that the foregoing is true and correct.

Date: Sept. 9, 2016

A handwritten signature in black ink, appearing to read "David S. Drach", written over a horizontal line. The signature is stylized and cursive.