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SERVICE DATE – NOVEMBER 26, 2013

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35741

AMERICAN SURFACE LINES, LLC—ACQUISITION AND OPERATION EXEMPTION—  
MIKRUT PROPERTIES, LLLP

Decided: November 25, 2013

On June 6, 2013, American Surface Lines, LLC (ASL), a noncarrier, filed a verified notice of exemption under 49 C.F.R. § 1150.31 to acquire by assignment from Mikrut Properties, LLLP (MP), and to operate as a common carrier, certain rail lines comprising a total distance of 1.56 miles in Winona, Winona County, Minn.

The lines are described as follows: (1) 1.37 miles (7,215 feet) of rail line, comprised of seven tracks, extending from point of connection with the main line of Soo Line Railroad Company, d/b/a Canadian Pacific Railroad Company at or near Pelzer Street to a transloading facility owned and operated by MP; and (2) 0.19 miles of rail line, comprised of two nearby tracks of approximately 500 feet each, extending from point of connection with the main line of Union Pacific Railroad Company at or near 3rd Street to a transloading facility also owned and operated by MP. Notice of the exemption was served and published in the Federal Register on June 21, 2013 (78 Fed. Reg. 37,660). The exemption became effective on July 6, 2013.

By letter filed on October 21, 2013, ASL seeks leave to partially withdraw the notice of exemption, stating that it intends to retain and consummate the exemption and to operate the 1.37 mile portion of the rail lines, but that it has not consummated, and has no intention of consummating, the exemption with respect to the 0.19-mile portion of the rail lines. No replies have been filed.

Although the exemption became effective on July 6, 2013, the authority granted through an exemption is permissive. ASL states that it has not consummated, and has no intention of consummating, the transaction with respect to the 0.19-mile portion of the rail lines. Under the circumstances, permission to partially withdraw the notice will be granted. See Keenesburg Direct R.R.—Acquis. & Operation Exemption—J D East, LLC, FD 35735 (STB served June 18, 2013). Accordingly, the notice served and published in the Federal Register on June 21, 2013, in this proceeding will be modified to that extent.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. ASL's request to withdraw the 0.19-mile portion of the rail lines from the June 6, 2013 notice of exemption is granted. The notice served and published in the Federal Register on June 21, 2013, in this proceeding is modified to that extent.
3. This decision is effective on its service date.

By the Board, Richard Armstrong, Acting Director, Office of Proceedings.