



W. Karl Hansen  
612.335.7088 **DIRECT**  
karl.hansen@stinsonleonard.com

241576

ENTERED  
Office of Proceedings  
September 26, 2016  
Part of  
Public Record

September 23, 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: *Soo Line Railroad - Abandonment of Trackage in Burleigh County, North Dakota*  
*STB Docket No. AB-57 (Sub-No. 64X)***

Dear Ms. Brown:

Please find enclosed for filing the unbound original, ten bound copies, and three compact discs containing electronic copies of Soo Line Railroad Company'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 26, 2016**  
**Surface Transportation Board**

**FILED**  
**September 26, 2016**  
**Surface Transportation Board**



BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C.

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SOO LINE RAILROAD COMPANY – )  
ABANDONMENT OF TRACKAGE )  
LOCATED IN BURLEIGH COUNTY, )  
NORTH DAKOTA )  
)

DOCKET NO. AB-57  
(SUB-NO. 64X)

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NOTICE OF EXEMPT ABANDONMENT OF TRACKAGE LOCATED BETWEEN  
MILEPOST 417.99 +/- AND MILEPOST 418.89 +/- WHICH TRAVERSES THROUGH  
UNITED STATES POSTAL SERVICE ZIP CODES 58501 AND 58504  
IN BURLEIGH COUNTY, NORTH DAKOTA

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

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

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SOO LINE RAILROAD COMPANY  
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 Soo Line Railroad Company

September 23, 2016



BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C.

---

SOO LINE RAILROAD COMPANY – )  
ABANDONMENT OF TRACKAGE )  
LOCATED IN BURLEIGH COUNTY, )  
NORTH DAKOTA )  
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DOCKET NO. AB-57  
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CLASS EXEMPTION FROM THE REQUIREMENTS  
OF 49 U.S.C. SECTION 10903

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Soo Line Railroad Company ("Soo Line") 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 Soo Line's abandonment of a 0.9 mile line of railroad between Milepost 417.99 +/- and Milepost 418.89 +/- (the "Line") which traverses through United States Postal Service ZIP Codes 58501 and 58504 in Burleigh County, North Dakota.

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, Soo Line 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 12, 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).

Soo Line 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.

Soo Line Railroad Company 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.

Soo Line 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).

Soo Line seeks authority to abandon a 0.9+/- mile line of railroad in Burleigh County, North Dakota.

(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.

W. Karl Hansen  
STINSON LEONARD STREET LLP  
150 South Fifth Street, Suite 2300  
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 Codes 58501 and 58504.

- (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. Soo Line 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.

Soo Line 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 Soo Line 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 September 2, 2016, pursuant to 49 C.F.R. Section 1105.7(b). Soo Line'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 Burleigh County, North Dakota on August 31, 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 23, 2016



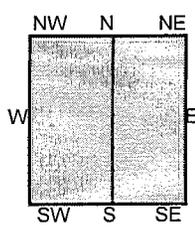
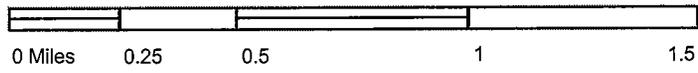
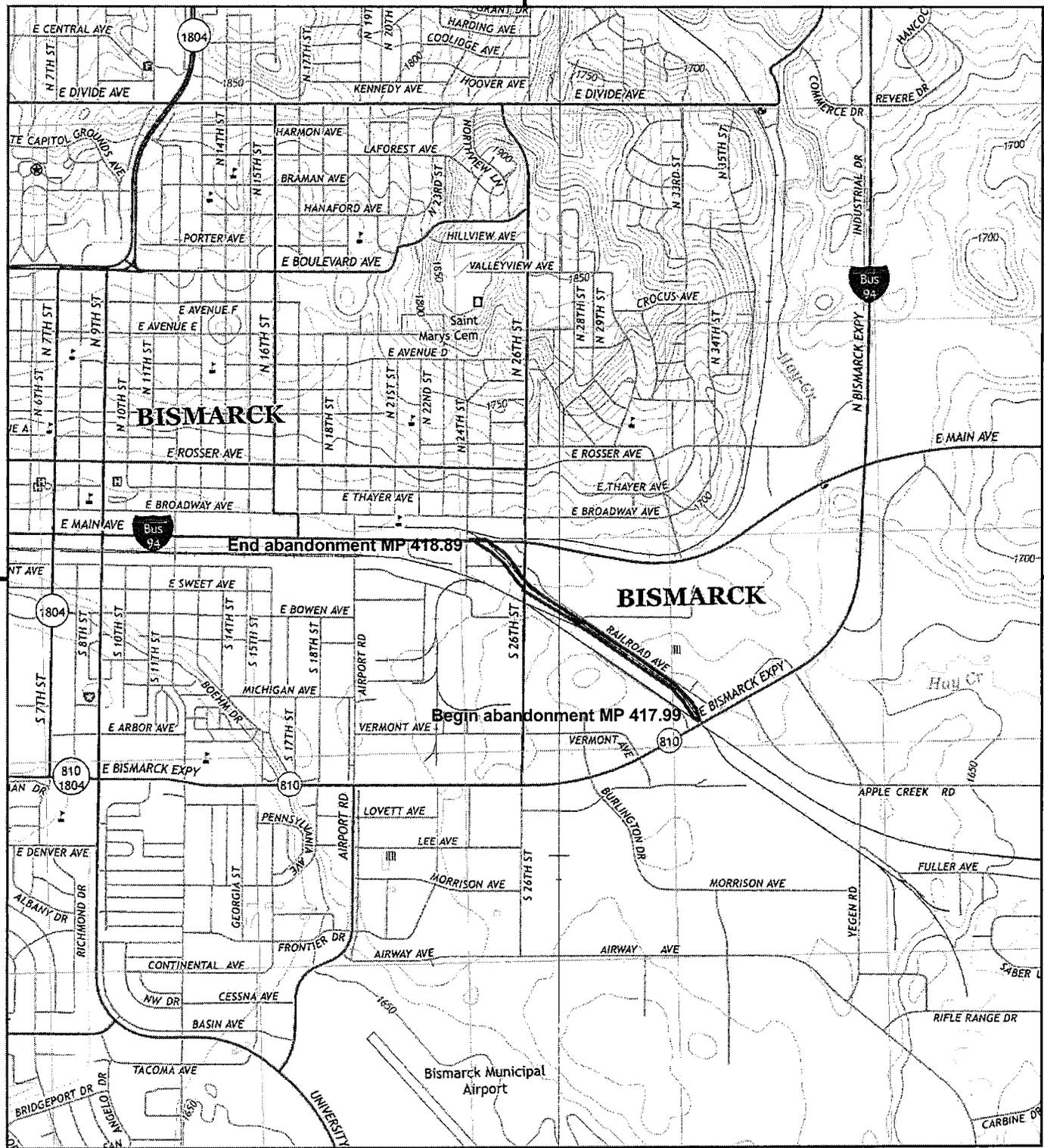
W. Karl Hansen  
STINSON LEONARD STREET LLP  
150 South Fifth Street, Suite 2300  
Minneapolis, Minnesota 55402  
Tel. (612) 335-7088  
Fax. (612) 335-1657

Attorneys for Soo Line Railroad Company

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)



TP, Bismarck, 2014, 7.5-minute  
 E, Menoken SW, 2014, 7.5-minute

Soo Line Railroad Company  
 Bismarck abandonment  
 STB Docket No. AB-57 (Sub-No. 64X)



Exhibit No. 2

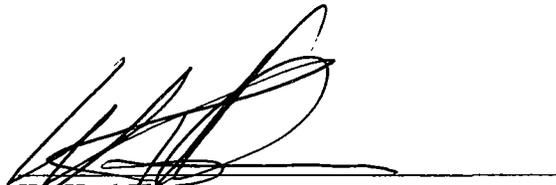
Certification of Proper Service of Written  
Notice of Intent to Abandon under the Exemption Process

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-57 (Sub-No. 64X) via first class U.S. Mail on September 12, 2016, as required by 49 C.F.R. Section 1152.50(d)(1), to the parties listed on the attached Service List.

Dated: September 23, 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 Soo Line Railroad Company

SERVICE LIST  
NOTICE OF INTENT TO FILE EXEMPT ABANDONMENT  
Soo Line Railroad Company – Abandonment of  
Trackage Located in Burleigh County, North Dakota  
STB Docket No. AB-57 (Sub-No. 64X)

NORTH DAKOTA PUBLIC SERVICE COMMISSION (OR EQUIVALENT AGENCY)

North Dakota Public Service Commission  
600 E. Boulevard Avenue, Dept. 408  
Bismarck, ND 58505-0480

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 Soo Line Railroad Company (“Soo Line”) dba Canadian Pacific, hereby certify that with respect to the trackage that is the subject of this Verified Notice of Exemption in Docket AB-57 (Sub-No. 64X), Soo Line 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 Soo Line Railroad Company 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 Soo Line Railroad Company 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

A handwritten signature in black ink, appearing to read "David Drach", written over a horizontal line.

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-57 (Sub-No. 64X) with a transmittal letter conforming to the requirements of 49 C.F.R. § 1105.11 via first class U.S. Mail, on September 2, 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 23, 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

SERVICE LIST  
ENVIRONMENTAL AND HISTORIC REPORTS  
Soo Line Railroad Company – Abandonment of  
Trackage Located in Burleigh County, North Dakota  
STB Docket No. AB-57 (Sub-No. 64X)

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

U.S. EPA, Region 8  
8OC-EISC  
1595 Wynkoop Street  
Denver, CO 80202-1129

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 – Mountain and Prairie Region

Anna Munoz, Assistant Regional Director  
U.S. Fish and Wildlife Service  
134 Union Boulevard, Suite 400  
Lakewood, CO 80228

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers  
Omaha District  
1616 Capitol Ave., Ste. 9000  
Omaha, NE 68102

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

Rikki Roehrich  
Program Specialist  
North Dakota Department of Commerce  
1600 East Century Avenue, Suite 2  
Bismarck, North Dakota 58502-2057

North Dakota Environmental Protection Agency

David Glatt  
Chief of Environmental Health Department  
North Dakota Dep't of Health  
Environmental Health Section  
918 East Divide Avenue  
Bismarck, ND 58501-1947

North Dakota Department of Transportation

Grant Levi, P.E.  
Director  
North Dakota Department of Transportation  
608 East Boulevard Avenue  
Bismarck, ND 58505-0700

North Dakota Game and Fish Department

Terry Steinwand, Director  
North Dakota Game and Fish Department  
100 N. Bismarck Expressway  
Bismarck, ND 58501-5095

North Dakota Parks and Recreation Department

Mark Zimmerman, Director  
North Dakota Parks and Recreation Department  
1600 E. Century Ave. Suite 3  
PO Box 5594  
Bismarck, ND 58506-5594

State Historical Preservation Officer

Margaret Puetz, President  
North Dakota State Historical Board  
612 East Boulevard Avenue  
Bismarck, ND 58505-0830

The U.S. Soil Conservation Service – State Office

Mary E. Podoll  
State Conservationist  
220 East Rosser Avenue  
PO Box 1458  
Bismarck, ND 58502-1458

State Coastal Zone Management Agency

N/A

Burleigh County Commission

Brian Bitner, Chairman  
Burleigh County Commission  
751 80th St SE  
Bismarck, ND 58501

City of Bismarck

Keith Hunke  
City Administrator  
221 N. Fifth St.  
Fourth Floor  
Bismarck, ND 58506

Exhibit No. 5

Certificate of Publication of  
Newspaper Notice

49 C.F.R. Section 1105.12

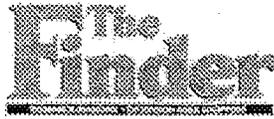
CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-57 (Sub-No. 64X) 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 23, 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



**Classified Advertising Invoice**

**Bismarck Tribune**  
PO BOX 4001  
LaCrosse, WI 54602-4001  
888-418-6474

STINSON LEONARD STREET LLP  
LAA TEAM (20 FLOOR)  
150 S 5TH ST  
SUITE 2300  
MINNEAPOLIS MN 55402

Customer: 60004875  
Phone: (612) 335-1874  
Date: 08/31/2016

**NOTICE OF INTENT TO ABANDON RAIL SERVICE**

Soo Line Railroad Company ("Soo Line") d/b/a Canadian Pacific gives notice that on or about September 23, 2016, 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 of a 0.9 mile line of railroad between railroad milepost 417.99 +/- and railroad milepost 418.89 +/- in Bismarck, North Dakota, which traverses through United States Postal Service ZIP Codes 58501 and 58504 in Burleigh County, North Dakota. The proceeding will be docketed as No. AB-57 (Sub-No. 64X).

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) 245-0291.

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 Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' 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 Public Assistance, Governmental Affairs, and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: W. Karl Hansen at Stinson Leonard Street LLP, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402, 612-335-1500.

Please use

Amt Due

384.00

384.00

Date	Order #	Type	Order Amt
08/31/16	20861111	INV	384.00

Amount Paid

paid in full

PLEASE DETACH AND RETURN TO:

Lee Enterprises no longer accepts credit card payments sent the coupon above to send a credit card payment to remittance. You may also send the coupon to a secure fax at 608-791-82

Date	Date	Times Run	Description
08/31/16	08/31/16	1	Abandon Rail Service Bismarck Tribune PO: Notice of Intent

**Affidavit of Publication**  
State of North Dakota ) SS County of Burleigh  
Before me, a Notary Public for the State of North Dakota personally appeared CK who being duly sworn, deposes and says that he (she) is the Clerk of Bismarck Tribune Co., and that the publication(s) were made through the Bismarck Tribune on the following dates: 8/31 Signed Carmen Huntz sworn and subscribed to before me this 2nd day of September 2016  
Morgan Doll  
Notary Public in and for the State of North Dakota

**MORGAN DOLL**  
Notary Public  
State of North Dakota  
My Commission Expires Jan. 26, 2017

Please return invoice or put order number on check. Thank You.

Remarks

**Bismarck Tribune**  
[www.bismarcktribune.com](http://www.bismarcktribune.com)  
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LaCrosse, WI 54602-4001

Terms: PAYMENT IS DUE UPON RECEIPT OF INVOICE

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

**VERIFICATION**

I, David S. Drach, Director Real Estate U.S. for Soo Line Railroad Company (“Soo Line”) dba Canadian Pacific, hereby verify that I have carefully examined all of the statements concerning the operations of Soo Line 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 Soo Line Railroad Company 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 Soo Line Railroad Company 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 "D S Drach", written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.