

234379

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 5, 2013

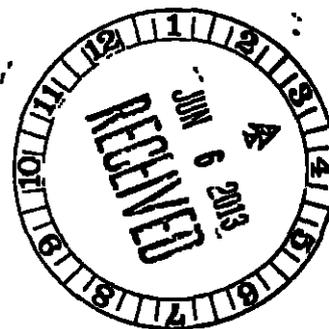
By UPS overnight mail

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

ENTERED  
Office of Proceedings

JUN 6 2013

Part of  
Public Record



Re Finance Docket No 35741, *American Surface Lines, LLC -- Acquisition and Operation Exemption -- Mikrut Properties, LLLP*

Dear Ms. Brown

Hereby transmitted is the original and 10 copies of a Verified Notice Of Exemption Under 49 C.F.R. § 1150.31 for filing with the Board in the above referenced matter

Also enclosed is a check in the amount of \$1,800 for the filing fee

Very truly yours,

*Tom McFarland*

Thomas F. McFarland  
*Attorney for Applicant*

*TMel mg.enc wp8 (61588)trsTB1*

**FEE RECEIVED**

JUN 6 - 2013

**SURFACE  
TRANSPORTATION BOARD**

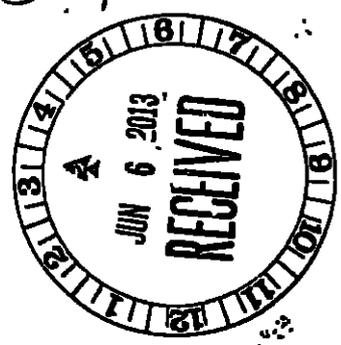
**FILED**

JUN 6 - 2013

**SURFACE  
TRANSPORTATION BOARD**

234379

BEFORE THE  
SURFACE TRANSPORTATION BOARD



AMERICAN SURFACE LINES, LLC -- )  
ACQUISITION AND OPERATION ) FINANCE DOCKET  
EXEMPTION -- MIKRUT PROPERTIES, ) NO 35741  
LLLP )

VERIFIED NOTICE OF EXEMPTION  
UNDER 49 C.F.R. § 1150.31

ENTERED  
Office of Proceedings  
JUN 6 2013  
Part of  
Public Record

**FILED**  
JUN 6 - 2013  
SURFACE  
TRANSPORTATION BOARD

AMERICAN SURFACE LINES, LLC  
1355 Grandview Court  
Minnesota City, MN 55959

Applicant

**FEE RECEIVED**  
JUN 6 - 2013  
SURFACE  
TRANSPORTATION BOARD

THOMAS F. McFARLAND  
THOMAS F McFARLAND, P C  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204  
(312) 201-9695 (fax)  
mcfarland@aol.com

Attorney for Applicant

DATE FILED: June 6, 2013

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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AMERICAN SURFACE LINES, LLC --     )  
ACQUISITION AND OPERATION        ) FINANCE DOCKET  
EXEMPTION -- MIKRUT PROPERTIES,   ) NO. 35741  
LLLP                                    )

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**VERIFIED NOTICE OF EXEMPTION  
UNDER 49 C.F.R. § 1150.31**

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Pursuant to 49 C.F.R. § 1150.31, *et seq.* and 49 U.S.C. § 10502(a), AMERICAN SURFACE LINES, LLC (ASL), a noncarrier, hereby provides notice of its class exemption from 49 U.S.C. § 10901 for its acquisition by assignment from MIKRUT PROPERTIES, LLLP (MP) and operation of seven tracks having total length of approximately 7,215 track feet (1.37 miles) extending from point of connection with the main line of Soo Line Railroad Company, d b a Canadian Pacific Railroad Company (CP) at or near Pelzer Street to a transloading site owned and operated by MP, and two nearby tracks each approximately 500 feet in length (1,000 track feet, 0.19 miles) extending from point of connection with the main line of Union Pacific Railroad Company (UP) at or near 3<sup>rd</sup> Street to a transloading site also owned and operated by MP, for a total of approximately 8,215 track feet (1.56 miles) in Winona, Winona County, Minnesota (the Rail Lines).

The Rail Lines are shaded in yellow in prints that are attached to this Notice as Appendix 1 (tracks connected to CP main line) and Appendix 2 (tracks connected to UP main line)

The Rail Lines have been operated as private tracks. The tracks that are connected to CP's main line have been operated pursuant to an Agreement for Private Siding between CP and

MP dated May 22, 2012. MP is assigning that Agreement to ASL. ASL will terminate that Agreement and operate the tracks as common carrier tracks. The tracks that are connected to UP's main line have been operated pursuant to a Lease by MP from UP dated May 20, 2011. MP is assigning that Lease to ACL. UP has consented to that assignment in writing.

ASL will use the Rail Lines to serve numerous shippers of frac sand by transloading that commodity from truck to rail and by transporting that commodity to point of connection with CP and UP.

**INFORMATION REQUIRED BY 49 C.F.R. § 1150.33**

*(a) The full name and address of the applicant.*

Applicant is American Surface Lines, LLC, 1355 Grandview Court, Minnesota City, MN 55959.

*b) The name, address, and telephone number of the representative of the applicant who should receive correspondence.*

Applicant's representative is Thomas F. McFarland, Thomas F. McFarland, P.C. 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112. ph (312) 236-0204, fax (312) 201-9695, mcfarland@aol.com

*(c) A statement that an agreement has been reached or details about when an agreement will be reached:*

Agreements have been reached for MP to assign agreements covering the Rail Lines to ASL.

*(d) The operator of the property.*

The operator of the property will be ASL.

*(e) A brief summary of the proposed transaction, including:*

*(1) The name and address of the railroad transferring the subject operating authority,*

The entity transferring the Rail Lines is Mikrut Properties, L.L.P., P O. Box 485,  
Winona, MN 55987.

*(2) The proposed time schedule for consummation of the transaction,*

The transaction will be consummated no sooner than 30 days after filing of this notice  
with the Board

*(3) The mile-posts of the subject property, including any branch lines, and*

The Rail Lines extend from point of connection with the main line of Soo Line  
Railroad Company, d.b.a Canadian Pacific Railroad Company (CP) at or near Pelzer  
Street to a transloading site owned and operated by MP, and two nearby tracks each  
approximately 500 feet in length (1,000 track feet, 0.19 miles) extending from point of  
connection with the main line of Union Pacific Railroad Company (UP) at or near 3<sup>rd</sup>  
Street to a transloading site also owned and operated by MP, for a total of approximately  
8,215 track feet (1.56 miles) all located in Winona, Winona County, Minnesota. The Rail  
Lines do not have milepost numbers

*(4) The total route miles being acquired,*

A total of approximately 8,215 track feet (1.56 miles) of rail line will be acquired and  
operated

*(f) A map that clearly indicates the area to be served, including origins, termini, stations,  
cities, counties, and States, and*

The required maps are attached as Appendices 1 and 2.

*(g) A certificate that applicant's projected revenues do not exceed those that would  
qualify it as a Class III carrier.*

Attached to this notice as Appendix 3 is a verification that ASL's projected revenues do not exceed those that would qualify it as a Class III rail carrier

**VERIFICATION**

The verification attached to this notice as Appendix 3 includes a verification of all facts contained in this notice.

**REVENUES LESS THAN \$5 MILLION PER YEAR**

The verification attached as Appendix 3 includes a verification that the projected revenues of ASL will not exceed \$5 million per year.

**ENVIRONMENTAL AND HISTORIC CONSIDERATIONS**

Pursuant to 49 C.F.R. § 1105.6(c)(2), no environmental documentation or report is required for the proposed transaction. Pursuant to 49 C.F.R. § 1105.8(b)(2), no historic documentation or report is required for the proposed transaction.

**LABOR PROTECTION**

Pursuant to 49 U.S.C. § 10901(c), no labor protection is required for the proposed transaction.

**CAPTION SUMMARY**

Attached to this notice as Appendix 4 is a caption summary required by 49 C.F.R. § 1150.34.

**LAND GRANT RIGHT-OF-WAY**

Applicant is not aware of any land grant right-of-way in the Rail Line.

**NO INTERCHANGE COMMITMENTS**

There are no interchange commitments between MP and ASL.

**CONCLUSION**

WHEREFORE, the Board should publish notice of the exemption in the *Federal Register* within 16 days of its filing.

Respectfully submitted,

AMERICAN SURFACE LINES, LLC  
1355 Grandview Court  
Minncsota City, MN 55959

Applicant

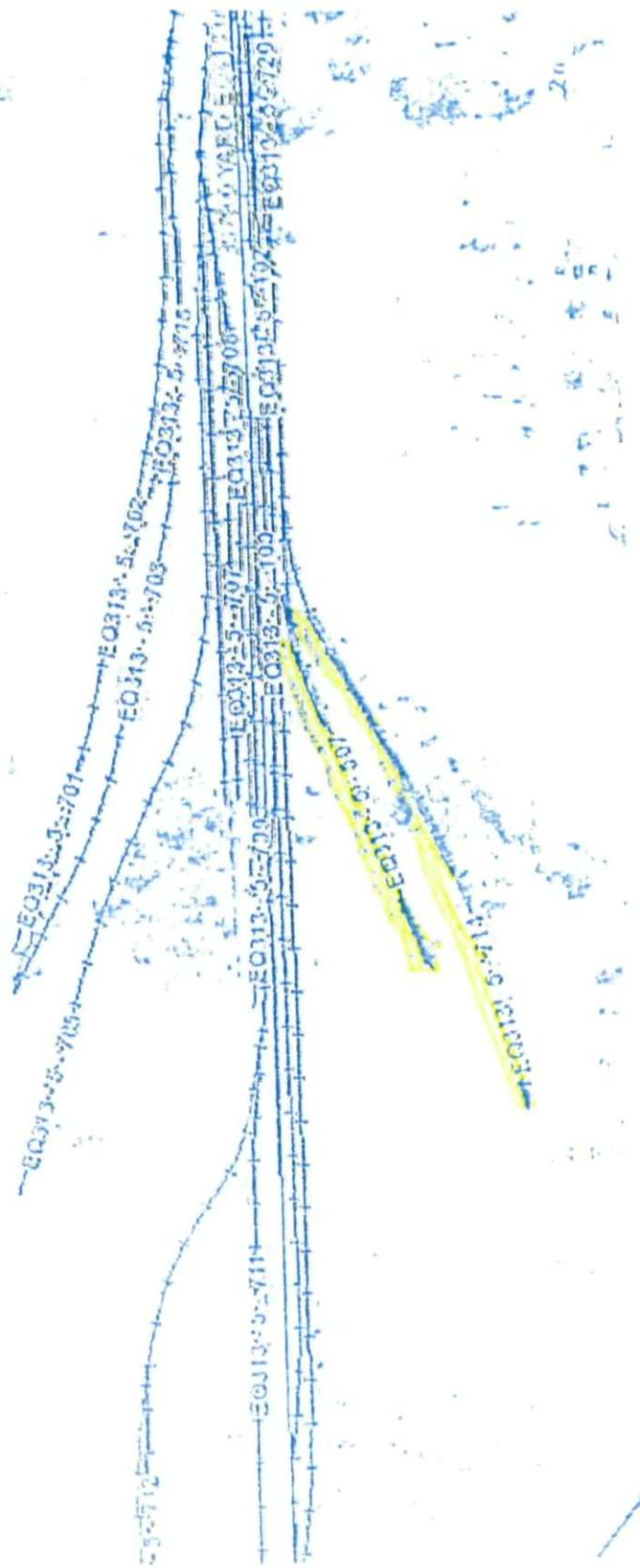
*Thomas F. McFarland*

THOMAS F. McFARLAND  
THOMAS F. McFARLAND, P C  
208 South LaSalle Street, Suite 1890  
Chicago, IL 60604-1112  
(312) 236-0204 (ph)  
(312) 201-9695 (fax)  
mcfarland@aol.com

Attorney for Applicant

DATE FILED June 6, 2013







**CAPTION SUMMARY**

**SURFACE TRANSPORTATION BOARD  
NOTICE OF EXEMPTION**

(Finance Docket No 35741)

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

American Surface Lines, LLC (ASL), a noncarrier, has filed a notice of its class exemption from 49 U.S.C. § 10901 for its acquisition by assignment from Mikrut Properties, LLLP and operation of seven tracks having total length of approximately 7,215 track feet (1.37 miles) extending from point of connection with the main line of Soo Line Railroad Company, d b a. Canadian Pacific Railroad Company (CP) at or near Pelzer Street to a transloading site owned and operated by MP, and two nearby tracks each approximately 500 feet in length (1,000 track feet, 0.19 miles) extending from point of connection with the main line of Union Pacific Railroad Company (UP) at or near 3<sup>rd</sup> Street to a transloading site also owned and operated by MP, for a total of approximately 8,215 track feet (1.56 miles) in Winona, Winona County, Minnesota (the Rail Line). The Rail Line does not have milepost numbers. The transaction was to be consummated no sooner than 30 days after the filing of the notice of exemption.

Any comments must be filed with the Board and must be served on applicant's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, ph (312) 236-0204, fax (312) 201-9695, mcfarland@aol.com

This notice of exemption is filed under 49 C.F.R. § 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. § 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

(SEAL)

By the Board

Dated \_\_\_\_\_