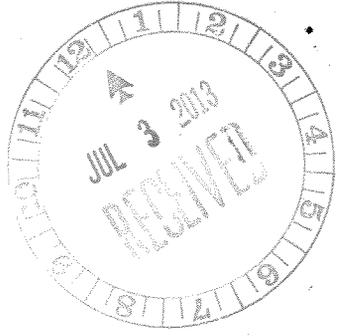


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LAW OFFICE  
**THOMAS F. MCFARLAND, P.C.**  
208 SOUTH LA SALLE STREET - SUITE 1890  
CHICAGO, ILLINOIS 60604-1112  
TELEPHONE (312) 236-0204  
FAX (312) 201-9695  
*mcfarland@aol.com*



THOMAS F. MCFARLAND

July 2, 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



Re: Finance Docket No. 35750, *Ramsey County Regional Railroad Authority -- Acquisition Exemption -- Right To Restore Rail Service Over A Railbanked Right-of-Way in Ramsey County, MN*

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.

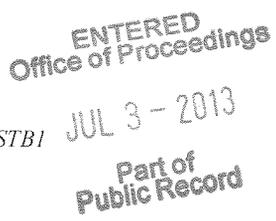
Also enclosed is a check in the amount of \$1,800 for the filing fee.

Very truly yours,

*Tom McFarland*

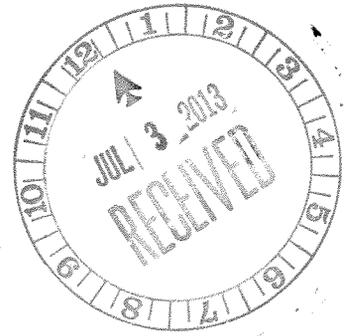
Thomas F. McFarland  
*Attorney for Applicant*

*TMcF:kl:enc:1605\ltrSTB1*



234504

BEFORE THE  
SURFACE TRANSPORTATION BOARD



RAMSEY COUNTY REGIONAL )  
RAILROAD AUTHORITY -- ) FINANCE DOCKET  
ACQUISITION EXEMPTION -- RIGHT ) NO. 35750  
TO RESTORE RAIL SERVICE OVER A )  
RAILBANKED RIGHT-OF-WAY IN )  
RAMSEY COUNTY, MN )

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

**FILED**  
JUL 3 - 2013  
SURFACE  
TRANSPORTATION BOARD

RAMSEY COUNTY (MN) REGIONAL  
RAILROAD AUTHORITY  
214 Fourth Street East  
St. Paul, MN 55101

ENTERED  
Office of Proceedings  
JUL 3 - 2013  
Part of  
Public Record

Applicant

**FEE RECEIVED**  
JUL 3 - 2013  
SURFACE  
TRANSPORTATION BOARD

PAUL B. ZISLA  
Office of the Ramsey County Attorney  
121 Seventh Place East  
Suite 4500  
St. Paul, MN 55101-5001

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

Attorneys for Applicant

DATE FILED: July 3, 2013

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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RAMSEY COUNTY REGIONAL	)	
RAILROAD AUTHORITY --	)	FINANCE DOCKET
ACQUISITION EXEMPTION -- RIGHT	)	NO. 35750
TO RESTORE RAIL SERVICE OVER A	)	
RAILBANKED RIGHT-OF-WAY IN	)	
RAMSEY COUNTY, MN	)	

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

---

Pursuant to 49 C.F.R. § 1150.31, *et seq.*, and 49 U.S.C. § 10502(a), RAMSEY COUNTRY (MN) REGIONAL RAILROAD AUTHORITY (RCRRA), a noncarrier, hereby provides verified notice of its class exemption from 49 U.S.C. § 10901 for its acquisition from the City of Maplewood, Minnesota (the City) of the right to restore rail service over a railbanked right-of-way in Ramsey County, Minnesota, i.e., between Milepost 7.19, a point approximately 100 feet north of Interstate Highway I-694 in White Bear Township, and Milepost 6.52, a point approximately 50 feet north of Beam Avenue in the City of Maplewood, a distance of .67 miles (the Right-of-Way).

**BACKGROUND**

By virtue of notices of class exemption from 49 U.S.C. § 10903 under 49 C.F.R. § 1152.50 *et seq.* served August 10, 2005, BNSF Railway Company (BNSF) was authorized to abandon the Right-of-Way (See STB Docket No. AB-6 [Sub-No. 429X], *BNSF Railway Co. -- Aband. Exempt. -- in Ramsey County, MN*), and Minnesota Commercial Railway Company (MNNR) was authorized to discontinue rail service over the Right-of-Way. (See STB Docket

No. AB-882 [Sub-No. 1X], *Minnesota Commercial Ry. Co. -- Discon. of Serv. Exempt. -- in Ramsey County, MN*).

Authority for MNRR to discontinue service over the Right-of-Way became effective on September 9, 2005. However, in a decision and notice of interim trail use (NITU) served solely in STB Docket No. AB-6 (Sub-No. 429X), *supra*, on September 8, 2005, the Board delayed the effectiveness of BNSF's abandonment of the Right-of-Way pending negotiations during a 180-day period between BNSF and the City for railbanking and interim recreational trail use of the Right-of-Way. The decision and NITU provided that any railbanking and interim recreational trail use of the Right-of-Way would be subject to future restoration of rail service over the Right-of-Way.

In September, 2005, BNSF and the City reached an agreement for railbanking and interim recreational trail use of the Right-of-Way. Included in that agreement was a provision that in exchange for payment of value, BNSF would convey to the City BNSF's right to restore rail service over the Right-of-Way. Accordingly, in a Quitclaim Deed dated September 26, 2005, by which BNSF conveyed the Right-of-Way to the City for railbanking and interim recreational trail use, BNSF also conveyed to the City BNSF's right to restore rail service over the Right-of-Way.

Acquisition by a noncarrier of the right to restore rail service over a railbanked right-of-way requires an exemption from 49 U.S.C. § 10901 under 49 C.F.R. § 1150.31, *et seq.* See *R.J. Corman R. Co. - West Ohio Line -- Acq. & Oper. Exempt. -- Certain Lines of the N&W Ry. Co.*, ICC Finance Docket No. 32294, decision served August 20, 1993 (not printed), cited with approval in *N&W -- Aban. -- St. Marys and Minister in Auglaize County, OH*, 9 I.C.C.2d 1015 (1993), at 1019; *see, also, Browns Grayville & Poseyville Ry Co. -- Acq. & Oper. Exempt. --*

*Owensville Terminal Co.*, STB Finance Docket No. 34750, decision served September 20, 2005 (not printed).

Not having been aware of that requirement in 2005, the City failed to obtain such an exemption. When that requirement was brought to the City's attention, the City filed a Notice of Exemption for its acquisition of the right to restore rail service over the Right-of-Way. The Board issued a notice in regard to that exemption in STB Finance Docket No. 35450, *City of Maplewood, Minnesota -- Acquisition Exemption -- Right to Restore Rail Service Over a Railbanked Right-of-Way in Ramsey County, MN*, decision served December 23, 2010.

The City and RCRRA now desire that the right to restore rail service over the Right-of-Way be conveyed by the City to RCRRA. This Verified Notice of Exemption invokes the class exemption for that conveyance.

---

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

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

Applicant is Ramsey County (MN) Regional Railroad Authority, 214 Fourth Street East, St. Paul, MN 55101.

*(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, (312) 236-0204, (312) 201-9695 fax, mcfarland@aol.com.

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

An agreement between RCRRA and the City has been reached for the RCRRA's acquisition of the City's right to restore rail service over the Right-of-Way.

*(d) The operator of the property;*

RCRRA or an operator contracted with by RCRRA would operate the rail line if rail service were to be restored.

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

*(1) The name and address of the railroad transferring the subject property to the Class III rail carrier applicant,*

The entity transferring the right to restore rail service over the Right-of-Way is the City of Maplewood, Minnesota, 1830 County Road B East, Maplewood, MN 55109.

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

The transaction will be consummated no earlier than 30 days after the filing of this Verified Notice of Exemption with the Board.

*(3) The mileposts of the subject property, including any branch lines, and*

The Right-of-Way extends between Milepost 7.19, a point approximately 100 feet north of Interstate Highway I-694 in White Bear Township, and Milepost 6.52, a point approximately 50 feet north of Beam Avenue in the City of Maplewood, a distance of .67 miles in Ramsey County, Minnesota.

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

The right to restore rail service over .67 miles of Right-of-Way is being acquired.

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

The required map is attached as Appendix 1.

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

The required certificate is attached as a part of Appendix 2.

*(h) Transactions imposing interchange commitments.*

Not applicable.

#### **VERIFICATION**

A verification of an authorized representative of RCRRA is attached as Appendix 2.

#### **ENVIRONMENTAL AND HISTORIC REPORT**

The proposed acquisition does not require environmental or historic reporting or assessment. *See* 49 C.F.R. § 1105.6(c)(2)(i) and 49 C.F.R. § 1105.8(b)(1).

#### **LABOR PROTECTION**

By virtue of 49 U.S.C. § 10901(c), labor protection conditions do not apply to this transaction.

#### **CAPTION SUMMARY**

The caption summary required by 49 C.F.R. § 1150.34 is attached as Appendix 3.

#### **ANNUAL REVENUES LESS THAN \$5 MILLION**

A certification that the annual revenues that would result from the transaction would be less than \$5 million is attached as a part of Appendix 2.

#### **CONCLUSION AND REQUESTED RELIEF**

WHEREFORE, within 16 days of the filing of the Verified Notice, the Director of the Board's Office of Proceedings should publish a notice in the Federal Register of the filing of this Notice. *See* 49 C.F.R. § 1150.32(b).

Respectfully submitted,

RAMSEY COUNTY (MN) REGIONAL  
RAILROAD AUTHORITY  
214 Fourth Street East  
St. Paul, MN 55101

Applicant

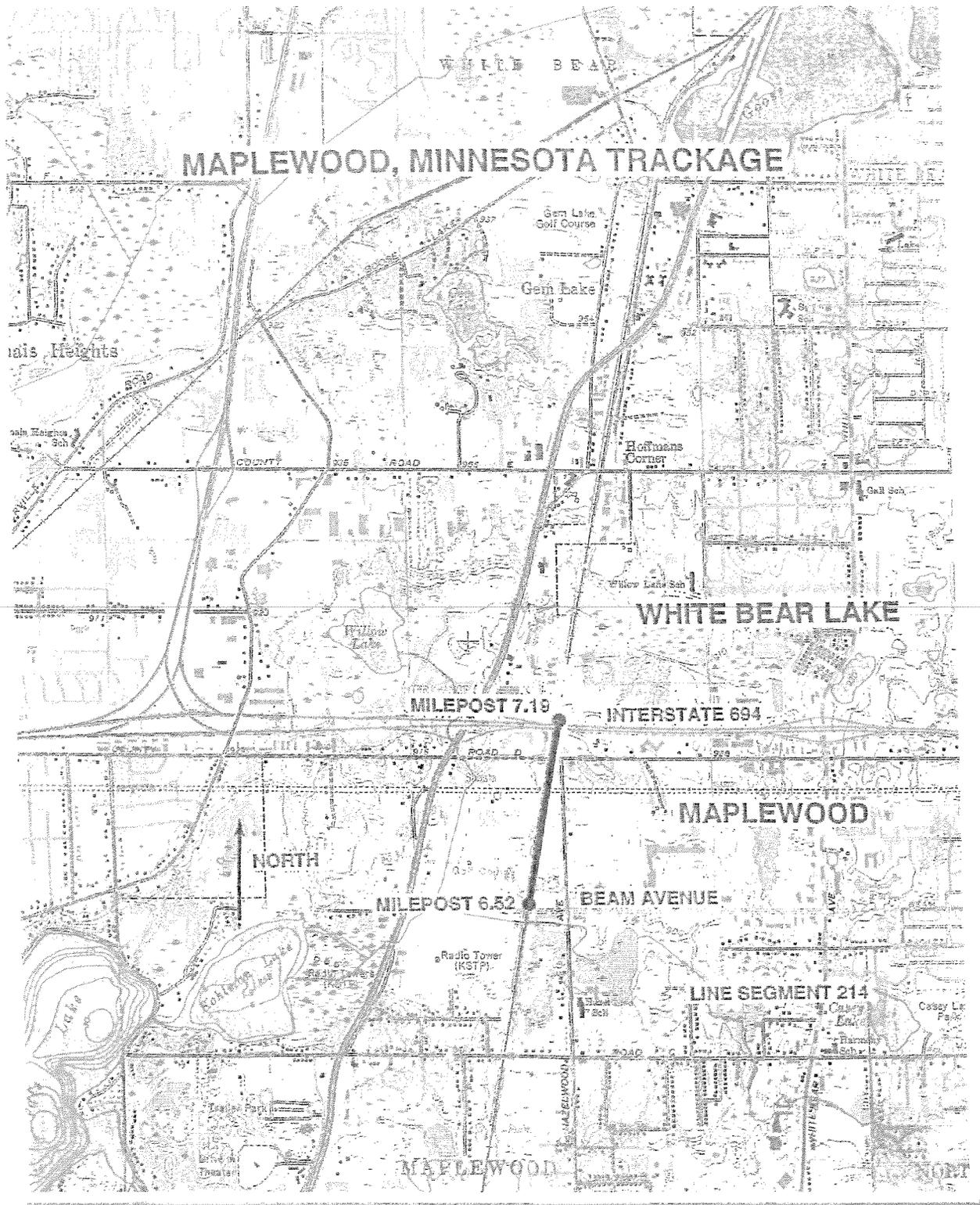


PAUL B. ZISLA  
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121 Seventh Place East  
Suite 4500  
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mcfarland@aol.com

Attorneys for Applicant

DATE FILED: July 3, 2013



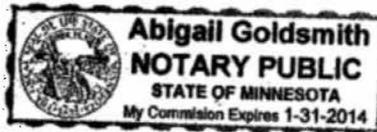
CERTIFICATE

Timothy A. Hayesich being duly sworn, states that the annual revenues that would result from the acquisition would not exceed \$5 million; that the projected revenues that would result from the acquisition would not exceed those that would qualify Ramsey County (MN) Regional Railroad Authority as a Class III rail carrier; and that all factual assertions in this Notice are true and correct.



STATE OF MINNESOTA     )  
  )  
COUNTY OF RAMSEY     )

SUBSCRIBED and SWORN to  
before me this 2<sup>nd</sup> day of  
July, 2013.



Abigail Goldsmith  
Notary Public

SURFACE TRANSPORTATION BOARD

Notice of Exemption

FINANCE DOCKET NO. 35750

*Ramsey County Regional Railroad Authority*  
*-- Acquisition Exemption --*  
*Right to Restore Rail Service Over*  
*Railbanked Right-of-Way in Ramsey County, MN*

Ramsey County (MN) Regional Railroad Authority (RCRRA) has filed a Notice of Exemption to acquire from the City of Maplewood, Minnesota (the City), the City's right to restore rail service over a railbanked right-of-way between Milepost 7.19, a point approximately 100 feet north of Interstate Highway I-694 in White Bear Township, and Milepost 6.52, a point approximately 50 feet north of Beam Avenue in the City of Maplewood, a distance of .67 miles in Ramsey County, Minnesota.

Any comments must be filed with the Board and be served on the RCRRA's representative, 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.

The Notice 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.

By the Board