

Karl Morell & Associates  
655 15<sup>th</sup> Street, NW, Suite 225  
Washington, DC 20005  
(202) 595-9045  
karlm@karlmorell.com



September 10, 2015

239182

BY HAND DELIVERY

Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
Office of Proceedings  
395 E Street, SW  
Washington, DC 20423

ENTERED  
Office of Proceedings  
September 10, 2015  
Part of  
Public Record

**Re: STB Docket No. AB 6 (Sub-No. 491X), BNSF Railway Company –  
Abandonment Exemption – in Stearns County, Minnesota**

Dear Ms. Brown:

Enclosed for filing are the original and ten copies of BNSF Railway Company's Notice of Exemption under 49 C.F.R. § 1152.50. Also enclosed is a check covering the \$3,900 filing fee.

If you have any questions, please call me.

Sincerely,

  
Karl Morell

Enclosures

FILED  
September 10, 2015  
Surface Transportation Board

FEE RECEIVED  
September 10, 2015  
Surface Transportation Board

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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BNSF RAILWAY COMPANY	)	
ABANDONMENT EXEMPTION	)	DOCKET NO. AB 6
IN KING COUNTY, WASHINGTON	)	(SUB-NO. 491X)

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NOTICE OF EXEMPTION

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BNSF Railway Company ("**BNSF**") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 to abandon 0.45 miles of rail line located between Milepost 80.66 and Milepost 81.11 in St. Joseph, Stearns County, Minnesota (the "**Line**").

1. *Proposed consummation date.*

The proposed consummation date is 50 days after the date of filing this Notice of Exemption.

2. *Certification required by 49 C.F.R. § 1152.50(b).*

The required certification is attached hereto as **Exhibit A**.

3. *Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7) and (8) and (e)(4).*

(a) *General.*

(1) *Exact name of applicant.*

BNSF Railway Company

- (2) *Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.*

BNSF is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) *Relief sought.*

BNSF seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon 0.45 miles of rail line located between Milepost 80.66 and Milepost 81.11 in St. Joseph, Stearns County, Minnesota. There has been no local or overheard freight rail traffic on the Line since prior to 2005.

- (4) *Map.*

A map of the Line is attached as **Exhibit B**.

- (7) *Name, title and address of representative of applicant to whom correspondence should be sent.*

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Washington, D.C. 20005

- (8) *List of all United States Postal Service ZIP codes that the line proposed for abandonment traverses.*

The Line traverses U.S. ZIP code 56374.

- (e) *Rural and community impact.*

- (4) *Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title*

*or the use of property for other than rail purposes, this shall be disclosed.*

The Line traverses a suburban area with more than adequate road and highway networks; therefore, there is little or no likelihood that the rail corridor is needed for transit purposes.

**4. *The level of labor protection.***

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

**5. *Certification.***

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.12 are attached as **Exhibit C**.

**6. *Environmental Report.***

The Environmental Report containing information required by 49 C.F. R. § 1105.7(e) was submitted to the Board on August 12, 2015. Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available promptly to those requesting it.

**7. *Historic Report.***

The Historic Report containing information required by 49 C.F.R. § 1105.8 was submitted to the Board on August 12, 2015.

Respectfully submitted,



**Tyler White**

Assistant General Attorney  
BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, Texas 76131-2828  
(817) 352-2687

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**Karl Morell**

Karl Morell & Associates  
655 Fifteenth Street, N.W.  
Suite 225  
Washington, D.C. 20005  
(202) 595-9045

Dated: September 10, 2015

EXHIBIT A

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

STATE OF TEXAS )  
 ) ss.  
TARRANT COUNTY )

I, John Sims, being duly sworn depose and state that I am Manager, Network Studies for BNSF Railway Company ("**BNSF**"), that I am authorized to make this verification and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information and belief.

I hereby certify that no local traffic has been handled to or from any customer over the rail line located between Milepost 80.66 and Milepost 81.11 in St. Joseph, Stearns County, Minnesota ("the **Line**") since prior to 2005. Also, no overhead traffic has been handled on the Line since prior to 2005. Further, no formal complaint 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 either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

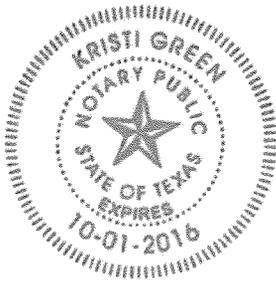
The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.

*John Sims*

John Sims  
Manager, Network Studies

SUBSCRIBED AND SWORN TO before me this 4<sup>th</sup> day of September, 2015.

My Commission Expires: 10-01-2016



*Kristi Green*

Notary Public

# EXHIBIT B

NE

Waterfall Park

11th Ave SE  
12th Ave SE  
Dale St E  
Pondview Ln

10th Ave SE  
F Baker St  
E Albia St

15th Ave SE  
16th Ave SE

Jefferson St

17th Ave SE  
18th Ave SE  
Syrac Rd

20th Ave SE

E Minnesota St

E Minnesota St

Ridgewood Ct

NE 1st St S2

30th St

Ridgewood Rd

NE 2nd St S2

NE 204th St

303rd St

76th Ave

204th St

304th St

Old Man St

Elm St E

MP 81.11

15th Ave NE

Elm St E

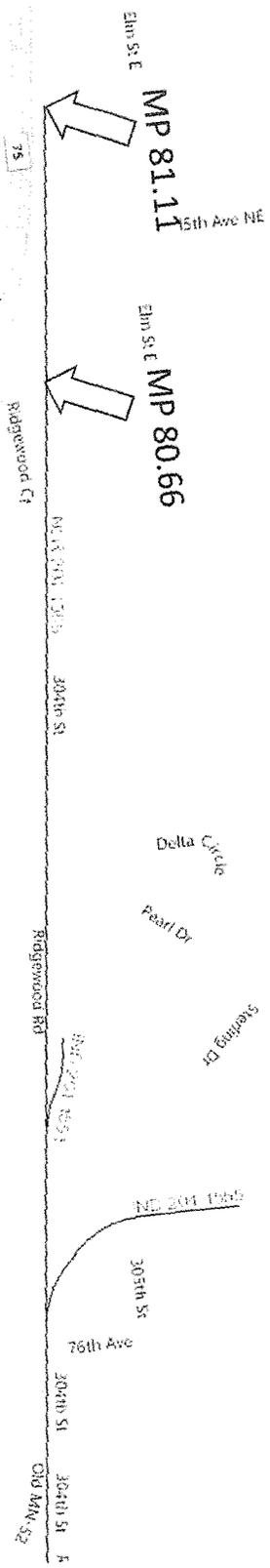
MP 80.66

Joseph St

Delta Circle

Pearl Dr

Shelby Dr



EEL

75

131

132

**EXHIBIT C**

**CERTIFICATE OF SERVICE**

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 491X) was mailed via first class mail on August 21, 2015, to the following parties:

**State Public Service Commission**

Minnesota Department of Transportation  
395 John Ireland Blvd.  
St. Paul, MN 55155

**Military Traffic Management Command**

Military Surface Deployment and Distribution Command Transportation  
Engineering Agency  
ATTN: SDTE-SA (Railroads for National Defense)  
1 Soldier Way, Building 1900W  
Scott AFB, IL 62225-5006

**National Park Service**

U.S. Department of the Interior National Park Service Recreation Resources Assistance Division 1849 C Street, NW Washington, DC 20240-0001	Ms. Cam Sholly, Regional Director Midwest Region National Park Service 601 Riverfront Drive Omaha, NE 68102-1736
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**U.S. Department of Agriculture**

U.S. Department of Agriculture  
Chief of the Forest Service  
4th Floor N.W., Yates Building  
201 14<sup>th</sup> Street, SW  
Washington, DC 20250

Dated: September 10, 2015

  
\_\_\_\_\_  
Karl Morell

## CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB 6 (Sub-No. 491X) was published on August 28, 2015, in the St. Joseph Newsleader, a newspaper of general circulation in Stearns County, Minnesota as required by 49 C.F.R. § 1105.12.

Dated: September 10, 2015

  
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Karl Morell

**CERTIFICATE OF SERVICE  
ENVIRONMENTAL AND HISTORIC REPORTS**

The undersigned hereby certifies that, in Docket No. AB 6 (Sub-No. 491X) the transmittal letter required by 49 C.F.R § 1105.11, was mailed to all agencies listed in 49 C.F.R. § 1105.7(b), as well as the additional agencies listed below via first class mail on August 12, 2015.

Pursuant to the requirements of 49 C.F.R. § 1105.7 and 1105.8, the undersigned hereby certifies that copies of the Environmental and Historic Reports were mailed via first class mail on August 12, 2015 to the following agencies:

Ms. Victoria Rutson  
Chief, Office of Environmental Analysis  
Surface Transportation Board  
395 E Street S.W.  
Washington, DC 20423-0001

U.S. Department of the Interior  
Bureau of Land Management  
626 E. Wisconsin Ave., Suite 200  
Milwaukee, Wisconsin 53202-4617

St. Joseph Planning Commission  
25 College Ave. N  
P.O. Box 668  
St. Joseph, MN 56374

Angie Berg  
Stearns County, Land Use Division 705  
Courthouse Square, Room 343  
St. Cloud, MN 56303

US EPA Region 5  
Metcalf Building  
Office of Strategic Environmental Analysis  
77 West Jackson Blvd.  
Mailcode B-19J  
Chicago, IL 60604

U.S. Fish and Wildlife Service  
5600 American Blvd. West, Suite 990  
Bloomington, MN 55437-1173

National Park Service  
Midwest Region  
601 Riverfront Drive  
Omaha, NE 68102-4226

United States Department of Agriculture  
Natural Resources Conservation Service  
375 Jackson Street, Suite 600  
St. Paul, MN 55101

Ms. Sarah J. Beimers  
Manager, Government Programs and  
Compliance  
Minnesota Historical Society  
345 Kellogg Blvd. West  
St. Paul, MN 55102

Ryan Malterud  
Senior Project Manager  
Department of the Army  
St. Paul District, Corps of Engineers  
180 Fifth Street, East, Suite 700  
St. Paul, MN 55101-1678

Minnesota Department of Natural Resources  
500 Lafayette Road  
St. Paul, MN 55155-4040

The National Geodetic Survey  
1315 East-West Highway  
Silver Spring, MD 20910-3282

Minnesota Department of Administration  
200 Administration Building  
50 Sherburne Avenue  
St. Paul, MN 55155

Dated: September 10, 2015

  
Karl Morell