

# TRANSPORT COUNSEL PC

ATTORNEYS AT LAW

February 18, 2016

240145

**BY HAND DELIVERY**

Cynthia T. Brown, Chief  
Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings  
February 18, 2016  
Part of  
Public Record

Re: Docket No. AB-1011 (Sub-No. 2X), Northern Lines Railway, LLC --  
Discontinuance of Service Exemption -- In Stearns County, MN

Dear Ms. Brown:

Enclosed for filing in the above-referenced proceeding are an original and 10 copies of the notice of exemption of Northern Lines Railway, LLC pursuant to 49 C.F.R. 1152.50. Also enclosed is a check in the amount of \$3,900 to cover the filing fee for this proceeding.

Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Sincerely,

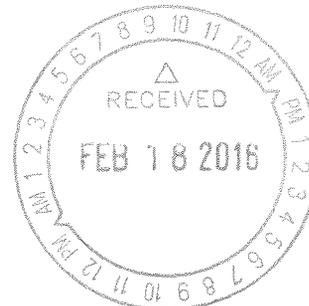
*Rose-Michele Nardi ESY*

Rose-Michele Nardi

Enclosures

FILED  
February 18, 2016  
SURFACE  
TRANSPORTATION BOARD

FEE RECEIVED  
February 18, 2016  
SURFACE  
TRANSPORTATION BOARD



**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**NORTHERN LINES RAILWAY, LLC  
--DISCONTINUANCE OF SERVICE EXEMPTION --  
IN STEARNS COUNTY, MN**

---

**DOCKET NO. AB 1011 (SUB-NO. 2X)**

---

**VERIFIED NOTICE OF EXEMPTION  
PURSUANT TO 49 C.F.R. 1152.50**

---

Northern Lines Railway, LLC ("NLR"), a class III carrier, hereby files this notice of exemption ("Notice") with the Surface Transportation Board (the "Board"), pursuant to 49 C.F.R. 1152.50, to discontinue service over approximately 0.45 miles of rail line located between MP 80.66 and MP 81.11 in St. Joseph, Stearns County, Minnesota (the "Subject Line"). The Subject Line is owned by BNSF Railway Company ("BNSF"). BNSF filed a notice of exemption with the Board to abandon the Subject Line on September 10, 2015 ("Abandonment Notice").

In accordance with the Board's regulations at 49 C.F.R. 1152.50(d), NLR provides the following information:

**1. *Proposed Consummation Date***

The discontinuance by NLR of the Subject Line is expected to be consummated on or after April 8, 2016.

**2. *Certification Pursuant to 49 C.F.R. 1152.50(b)***

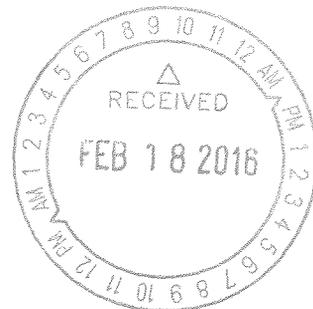
The certification pursuant to 49 C.F.R. 1152.50(b) is provided as **Exhibit A** to this Notice.

**3. *Information Required in 49 C.F.R. 1152.22(a)(1) - (4), (7) and (8) and (e)(4)***

*(a)(1) Name of Applicant:*

Northern Lines Railway, LLC

*(a)(2) Common Carrier Status:*



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

*(a)(3) Relief Sought:*

NLR seeks to use the class exemption at 49 C.F.R. 1152.50 to discontinue its rail operations over the Subject Line.<sup>1</sup>

*(a)(4) Map of Subject Line:*

A map showing the location of the Subject Line is attached hereto as **Exhibit B**.

*(a)(7) Representative of Applicant:*

Rose-Michele Nardi  
Transport Counsel PC  
1701 Pennsylvania Ave., NW, Suite 300  
Washington, DC 20006  
(202)349-3660

*(a)(8) Postal Service Zip Codes:*

The Subject Line runs through United States Postal Zip Code 56374.

*(e)(4) Suitability for Public Purposes and Restrictions on Title:*

Given the short length of the Subject Line, it might not be suitable for other public purposes, such as mass transportation, highways or recreational transit. In any event, information concerning trail use/rail banking or public use condition requests are not relevant to a discontinuance proceeding. *See* Docket No. AB 290 (Sub-No. 374X), *Central of Georgia Railroad Company - Discontinuance of Service Exemption -- In Spalding County, GA*, served Jan. 29, 2015, n.2 (noting "[b]ecause this is a discontinuance proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate") ("*Central of Georgia*").

With respect to restrictions on the transfer of title, NLR is not the owner of the Subject Line. BNSF, the owner of the Subject Line, did not identify any such restrictions in its Abandonment Notice.<sup>2</sup> In addition, BNSF stated in its Abandonment Notice that, based on information in BNSF's possession, the

---

<sup>1</sup> NLR obtained operating authority over the Subject Line in December 2004. *See* STB Finance Docket No. 34627, *Northern Lines Railway, LLC -- Lease and Operation Exemption -- The Burlington Northern and Santa Fe Railway Company*, served January 6, 2005, *as modified by* the decision served June 3, 2005 in the same proceeding.

<sup>2</sup> Moreover, restrictions on the transfer of title or the use of property for non-rail purposes are not relevant to discontinuance proceedings, because the grant of discontinuance authority does not remove a rail line from the Board's jurisdiction, and offers of financial assistance to purchase a line are not entertained in such proceedings.

Subject Line does not contain federally granted rights-of-way. (Any documentation in NLR's possession will be made available promptly to those requesting it.)

#### **4. The Level of Labor Protection**

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

#### **5. Certifications**

The certificate of publication, pursuant to 49 C.F.R. 1105.12, is attached as **Exhibit C**.

Pursuant to 49 C.F.R. 1152.50(d)(1), on February 3, 2016, NLR sent a notice of the proposed discontinuance to certain federal and state agencies (the "Notice Letter"). A sample Notice Letter is attached hereto as **Exhibit D**. A certificate of service regarding the Notice Letter is attached hereto as **Exhibit E**.

#### **6. Environmental and Historic Reports**

The Board routinely has found discontinuance proceedings exempt from environmental and historic reporting requirements. *See e.g.*, STB Docket No. AB-331 (Sub-No. 1X), *Bi-State Development Agency of the Missouri-Illinois Metropolitan District - Discontinuance of Service Exemption - In the City of St. Louis, MO*, served Feb. 19, 2010; Docket No. AB-1011 (Sub-No. 1X), *Northern Lines Railway, LLC - Discontinuance of Service Exemption - In Stearns County, Minnesota*, served May 20, 2011; Docket No. AB 933 (Sub-No. 1X), *Dakota, Missouri Valley and Western Railroad, Inc. - Discontinuance of Service Exemption - In Burke County, N.D.*, served Dec. 17, 2014; Docket No. AB 290 (Sub-No. 370X), *Norfolk Southern Railway Company -- Discontinuance of Service Exemption - In Clermont, Brown, and Adams Counties, Ohio*, served Jan. 15, 2015; *Central of Georgia*.

In addition, in connection with BNSF's Abandonment Notice, BNSF prepared Environmental and Historic Reports, which it filed with the Board on August 12, 2015. Under similar circumstances, the Board has determined no environmental review is necessary. *See* Docket No. AB 1236X, *New York & Atlantic Railway Company -- Discontinuance of Service Exemption - In Queens County, NY*, served Jan. 22, 2016 ("Because there will be environmental review during an

abandonment, this discontinuance does not require an environmental review").

Respectfully submitted,

Rose-Michele Nardi / ENY  
Rose-Michele Nardi  
Transport Counsel, PC  
1701 Pennsylvania Ave., NW  
Suite 300  
Washington, DC 20006

Attorneys for:

NORTHERN LINES RAILWAY, LLC

Date: February 18, 2016

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**NORTHERN LINES RAILWAY, LLC  
--DISCONTINUANCE OF SERVICE EXEMPTION --  
IN STEARNS COUNTY, MN**

---

**DOCKET NO. AB 1011 (SUB-NO. 2X)**

---

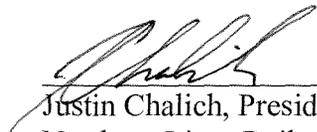
**VERIFIED NOTICE OF EXEMPTION  
PURSUANT TO 49 C.F.R. 1152.50**

---

**EXHIBIT A  
CERTIFICATION**

**CERTIFICATION PURSUANT TO 49 C.F.R. 1152.50(b)**

Pursuant to 49 C.F.R. 1152.50(b), Northern Lines Railway, LLC, hereby certifies that, with respect to the rail line subject to this notice of exemption in Docket No. AB-1011 (Sub-No. 2X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; (2) overhead traffic on the line, if any, can be rerouted over other lines; and (3) 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 the complainant within the two-year period preceding the date hereof. The foregoing certification is based upon the knowledge, information and belief of the undersigned.

  
Justin Chalich, President  
Northern Lines Railway, LLC

Date: 21 12 / 2016

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**NORTHERN LINES RAILWAY, LLC  
--DISCONTINUANCE OF SERVICE EXEMPTION --  
IN STEARNS COUNTY, MN**

---

**DOCKET NO. AB 1011 (SUB-NO. 2X)**

---

**VERIFIED NOTICE OF EXEMPTION  
PURSUANT TO 49 C.F.R. 1152.50**

---

**EXHIBIT B**

**MAP OF SUBJECT LINE**



**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**NORTHERN LINES RAILWAY, LLC  
--DISCONTINUANCE OF SERVICE EXEMPTION --  
IN STEARNS COUNTY, MN**

---

**DOCKET NO. AB 1011 (SUB-NO. 2X)**

---

**VERIFIED NOTICE OF EXEMPTION  
PURSUANT TO 49 C.F.R. 1152.50**

---

**EXHIBIT C**

**CERTIFICATE OF PUBLICATION**

**CERTIFICATE OF PUBLICATION**

I hereby certify that, based on the certificate of publication attached hereto as Attachment 1, a newspaper notice regarding the proposed discontinuance of service of the Subject Line was published in the Saint Joseph Newsleader on February 5, 2016.

Rose-Michele Nardi / ESJ  
Rose-Michele Nardi,  
Transport Counsel PC  
Attorneys for:  
Northern Lines Railway, LLC

Date: February 18, 2016

**ATTACHMENT 1  
TO EXHIBIT C**

**AFFIDAVIT OF PUBLICATION**

PRINTERS' AFFIDAVIT OF PUBLICATION  
STATE OF MINNESOTA)  
)ss  
COUNTY OF STEARNS)

Logan Groher being first duly sworn,  
on oath states as follows:

**NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE**

Northern Lines Railway, LLC ("NLR") gives notice that on or about Feb. 16, 2016, NLR intends to file with the Surface Transportation Board, Washington, D.C. 20423, a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments permitting the discontinuance of rail service on approximately 0.45 miles of rail line located between MP 80.66 and MP 81.11, and traversing through United States Postal ZIP Codes 56374, in St. Joseph, Stearns County, Minn. (the "Subject Line"). The proceeding will be docketed as AB-1011 (Sub-No. 2X).

that office at 202-245-0295.

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, to the extent applicable, 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, D.C. 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's 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: Rose-Michele Nardi, Transport Counsel PC, 1701 Pennsylvania Ave. NW, Suite 300, Washington D.C. 20006, tel. 202-349-3660.

Publish: Feb. 5, 2016

If applicable, the Board's Office of Environmental Analysis (OEA) will 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 Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, D.C. 20423 or by calling

1. I am the publisher of the St. Joseph Newsleader, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the public notice attached/copied below as published in the newspaper are as follows:

Friday Feb. 5, 2016

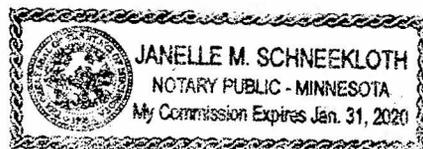
4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06, is as follows: \$9.50/col./inch.

5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Stearns County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

[Signature]

Subscribed and sworn to me before this 5 day of February, 2016.



Janelle M. Schneekloth  
Notary Public

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**NORTHERN LINES RAILWAY, LLC  
--DISCONTINUANCE OF SERVICE EXEMPTION --  
IN STEARNS COUNTY, MN**

---

**DOCKET NO. AB 1011 (SUB-NO. 2X)**

---

**VERIFIED NOTICE OF EXEMPTION  
PURSUANT TO 49 C.F.R. 1152.50**

---

**EXHIBIT D**

**SAMPLE NOTICE LETTER**

# TRANSPORT COUNSEL PC

ATTORNEYS AT LAW

February 3, 2106

**BY FIRST-CLASS MAIL**

Rick Potts, Chief  
National Park Service  
Rivers, Trails and Conservation Assistance Program  
849 C Street, NW (Org. Code 2220)  
Washington, DC 20240

Re: STB Docket No. AB 1011 (Sub-No. 2X), *Northern Lines Railway, LLC --  
Discontinuance of Service Exemption -- In Stearns County, MN*

Dear Mr. Potts,

Northern Lines Railway, LLC (NLR) hereby gives notice that it intends to file a notice of exemption with the Surface Transportation Board on or about February 16, 2016, to discontinue rail service over approximately 0.45 miles of a rail line located in Stearns County, Minnesota (the "Subject Line"). See 49 C.F.R. section 1152.50 (exempt abandonment and discontinuances of service and trackage rights). The Subject Line is located between milepost 80.66 and milepost 81.11, in St. Joseph, MN, and traverses United States Postal Zip Code 56374.

Based on information in NLR's possession, the Subject Line does not contain federally granted rights-of-way.<sup>1</sup> Any documentation in NLR's possession will be made available promptly to those requesting it.

Sincerely,

*Rose-Michele Nardi/EJY*

Rose-Michele Nardi  
Transport Counsel PC

Attorneys for:  
Northern Lines Railway, LLC

---

<sup>1</sup> BNSF Railway Company, not NLR, is the owner of the Subject Line.

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**NORTHERN LINES RAILWAY, LLC  
--DISCONTINUANCE OF SERVICE EXEMPTION --  
IN STEARNS COUNTY, MN**

---

**DOCKET NO. AB 1011 (SUB-NO. 2X)**

---

**VERIFIED NOTICE OF EXEMPTION  
PURSUANT TO 49 C.F.R. 1152.50**

---

**EXHIBIT E**

**CERTIFICATE OF SERVICE**

## CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2016, notice of the proposed discontinuance of service was served by first-class mail, postage prepaid on the following parties:

Minnesota Department of Transportation  
395 John Ireland Blvd.  
St. Paul, MN 55155 - 1899

Rick Potts, Chief  
National Park Service  
Rivers, Trails and Conservation Assistance Program  
849 C Street, NW (Org. Code 2220)  
Washington, DC 20240

Cam Sholly, Regional Director  
Midwest Regional Office  
National Park Service  
601 Riverfront Drive  
Omaha, NE 68102-4226

SDDC TEA  
Railroads for National Defense  
1 Soldier Way  
Scott AFB, IL 62225

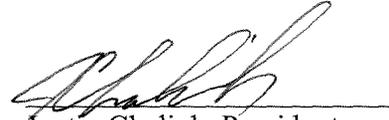
Thomas L. Tidwell, Chief  
Office of the Chief  
USDA Forest Service  
1400 Independence Ave., SW  
Washington, DC 20250-1111

Rose-Michele Nardi / EJY  
Rose-Michele Nardi  
Transport Counsel PC

Attorneys for:  
Northern Lines Railway, LLC

## VERIFICATION

I, Justin Chalich, President of Northern Lines Railway, LLC, verify under penalty of perjury that the forgoing notice of exemption is true and correct to the best of my knowledge, information and belief. Further, I verify that I am qualified and authorized to cause this notice of exemption to be filed.



Justin Chalich, President

Date: 2/18/2016