

LAW OFFICE
THOMAS F. McFARLAND, PC.
208 SOUTH LASALLE STREET - SUITE 1666
CHICAGO, ILLINOIS 60604-1228
TELEPHONE (312) 236-0204
mcfarland@aol.com

THOMAS F. McFARLAND

September 14, 2018

By UPS overnight mail
(Monday delivery)

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

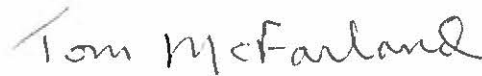
Re: STB Docket No. AB-497 (Sub-No. 7X), *Minnesota Northern Railroad, Inc. --
Abandonment Exemption -- in Norman and Polk Counties, MN*

Dear Ms. Brown:

Hereby transmitted is the original and 10 copies of a Verified Notice Of Exemption
Under 49 C.F.R. § 1152.50 for filing with the Board in the above referenced matter.

Also enclosed is a check in the amount of \$4,200 for the filing fee.

Very truly yours,



Thomas F. McFarland
Attorney for Applicant

TMcF:mg:enc:1815\lrSTB1



246377

ENTERED
Office of Proceedings
September 17, 2018
Part of
Public Record

FEE RECEIVED
September 17, 2018
SURFACE
TRANSPORTATION BOARD

FILED
September 17, 2018
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD



MINNESOTA NORTHERN RAILROAD,) DOCKET NO. AB-497
INC. -- ABANDONMENT EXEMPTION) (SUB-NO. 7X)
-- IN NORMAN AND POLK COUNTIES,)
MN

VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1152.50

MINNESOTA NORTHERN RAILROAD, INC.
P.O. Box 705
Crookston, MN 56716

Applicant

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1228
(312) 236-0204 (office)
mcfarland@aol.com

Attorney for Applicant

DATE FILED: September 17, 2018

BEFORE THE
SURFACE TRANSPORTATION BOARD

MINNESOTA NORTHERN RAILROAD,	)	DOCKET NO. AB-497
INC. -- ABANDONMENT EXEMPTION	)	(SUB-NO. 7X)
-- IN NORMAN AND POLK COUNTIES,	)	
MN		



**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1152.50**

Pursuant to 49 U.S.C. § 10502(a) and 49 C.F.R. § 1152.50, *et seq.*, MINNESOTA NORTHERN RAILROAD, INC. (MNN) hereby provides notice of its class exemption from the application and prior approval requirements of 49 U.S.C. § 10903 for abandonment of its rail line between Milepost No. 40.2 at the north end of the Marsh River Bridge a short distance south of Shelly, and Milepost No. 46.0 at Second Street in Nielsville, a distance of 5.8 miles in Norman and Polk Counties, Minnesota ("the Rail Line").^{1/} A map of the rail line is attached as Appendix 1. A verification of the facts in this Notice is attached as Appendix 3.

THE SUBJECT RAIL LINE

The "P Line" Subdivision of MNN extends 30 miles from Crookston, MN to its stub-end at or near Shelly, MN. The Rail Line proposed for abandonment constitutes 5.8 miles of that 30-mile Subdivision.

^{1/} Under the present ownership of MNN, the Shelly-Nielsville rail line was operated continuously from 2000 until an embargo in late 2015. *See KBN, Inc. -- Control Exemption -- Minnesota Northern Railroad, Inc. and St. Croix Valley Railroad Company*, 2000 WL 1234075, (Finance Docket No. 33911, notice of exemption served August 31, 2000). An adjacent segment of rail line between Shelly and Perley, MN was abandoned in 2009. *See Minnesota Northern Railroad, Inc. -- Abandonment Exemption -- in Norman County, MN*, 2009 WL 149118, Docket No. AB-497 (Sub-No. 4X), notice of consummation filed on January 27, 2009).

In 1997, when MNN acquired the P Line, MNN was owned by Rail America Transportation Corp. In August, 2000, MNN was acquired by KBN, Inc. See Finance Docket No. 33911, *KBN, Inc. -- Control Exemption -- Minnesota Northern Railroad, Inc. and St. Croix Valley Railroad Company*, notice of exemption served Aug. 31, 2000 (2000 WL 1234075). KBN, Inc. continues to own and operate MNN.

Effective December 14, 2015, stations on the Rail Line proposed for abandonment were embargoed due to an unsafe condition of a bridge at Milepost No. 43.8. A copy of the notice of that embargo is attached to this Petition as Appendix 2.

BACKGROUND

The rail line qualifies for the class exemption for abandonment of out of service rail lines because it has been out of service and embargoed for more than two years (i.e., since December 14, 2015), and because no shipper or governmental agency has complained that the embargo constitutes an unlawful abandonment. The embargo was declared because of a deteriorated bridge at Milepost No. 43.8. Revenues from rail traffic over the line were insufficient to warrant the cost of repairs of that defective bridge. As noted, no one has complained about the out of service condition of the rail line.

COMPLIANCE WITH BOARD REGULATIONS

In compliance with Board regulations for exempt abandonment of service at 49 C.F.R. § 1152.50, MNN states the following:

A verification of the facts asserted in this Notice is attached as Appendix 3.

1. Certification of compliance with 49 C.F.R. § 1150.52(b):

Attached to this Notice as Appendix 4 is a certification by an authorized representative of MNN that no local or overhead traffic has moved over the Rail Line for at least two years and that no formal complaint filed by a user of rail service on the Line (or by a state or local government acting on behalf of such a user) regarding cessation of service over the Line either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the 2-year period covered by this Notice.

2. Pre-filing of notice to specified governmental agencies (49 C.F.R. § 1152.50(d)(1)(i))

MNN hereby certifies that at least 10 days before filing of this Notice, letters of Notification were sent to the following governmental agencies of MNN's intent to file a Notice of Exemption under 49 C.F.R. § 1152.50 for its abandonment of the Rail Line (see Appendix 5 attached):

- (1) Minnesota Department of Transportation;
- (2) United States Department of Defense, Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program;
- (3) National Park Service, Recreation Resources Assistance Division;
- (4) U.S. Department of Agriculture, Chief of the Forest Service.

The Notice to those entities identifies MNN as the applicant; identifies the affected Rail Line; identifies the affected zip codes (56561, 56568 & 56581); and states the earliest that the proposed abandonment can be implemented (i.e., no sooner than 50 days after the filing of this Notice).

3. **The Name of the Applicant (49 C.F.R. § 1152.22(a)(1))**

The name of Applicant is Minnesota Northern Railroad, Inc.

4. **Common Carrier Status (49 C.F.R. § 1152.22(a)(2))**

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

5. **Relief Sought (49 C.F.R. § 1152.22(a)(3))**

Applicant seeks an exemption from the prior approval requirements of 49 U.S.C. § 10903 for abandonment of the Shelly-Nielsville Rail Line.

6. **Detailed Map (49 C.F.R. § 1152.22(a)(4))**

The required detailed map of the Rail Line is attached as Appendix 1.

7. **Applicant's Representative (49 C.F.R. § 1152.22(a)(7))**

Applicant's representative to whom correspondence should be sent is Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228, (312) 236-0204, mcfarland@aol.com.

8. **Zip Codes Traversed by Rail Line (49 C.F.R. § 1152.22(a)(8))**

The Rail Line traverses Zip Codes 56561, 56568 & 56581 in Shelly and Nielsville, Minnesota.

9. **Alternative Use of Rail Line (49 C.F.R. § 1152.22(e)(4))**

MNN does not believe that the Rail Line is suitable for highway use inasmuch as there already is an adequate system of highways and roads in the area near the Rail Line. The Rail Line may be suited as a recreational trail.

10. Labor Protection (49 C.F.R. § 1152.50(d)(2))

MNN agrees to accept the standard labor protective conditions set forth in *Oregon Short Line R. Co.*, 360 I.C.C. 91 (1979). However, inasmuch as the Rail Line has been out-of-service for many years, no employees would be adversely affected by abandonment of the rail line.

11. Pre-filing and Environmental-Historic Notice (49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.11)

MNN hereby certifies that it has complied with the pre-filing notice requirements of 49 C.F.R. § 1152.20(d)(1) (at least 10 days prior to filing this Notice) and 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1108 (at least 20 days prior to filing this Notice). A copy of the letter to governmental agencies under 49 C.F.R. § 1152.20(d)(1) is attached to this Notice as Appendix 5. The Draft Environmental and Historic Report is attached to this Notice as Appendix 6.

Attached to this Notice as Appendix 7 are comments received to date by MNN in response to its Draft Environmental and Historic Report.

12. No Federally-Granted Right-of-Way (49 C.F.R. § 1152.50(d)(1))

There is nothing in MNN's files that indicates that any of the right-of-way of the Line was federally granted. Therefore, based on information in MNN's possession, the Line does not contain federally-granted rights-of-way. Any documentation in MNN's possession will be made available promptly to those requesting it.

13. Newspaper Publication

MNN hereby certifies that a notice of the proposed abandonment was published in a newspaper of general circulation in Norman and Polk Counties, Minnesota. A copy of that notice is attached as Appendix 8.

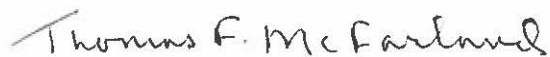
CONCLUSION AND REQUESTED RELIEF

WHEREFORE, for the reasons stated, the Board should accept this Verified Notice for filing, and should publish a notice of its filing in the *Federal Register* no later than 20 days after the filing of the Verified Notice at the Board.

Respectfully submitted,

MINNESOTA NORTHERN RAILROAD, INC.
P.O. Box 705
Crookston, MN 56716

Applicant



THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1228
(312) 236-0204 (office)
mcfarland@aol.com

Attorney for Applicant

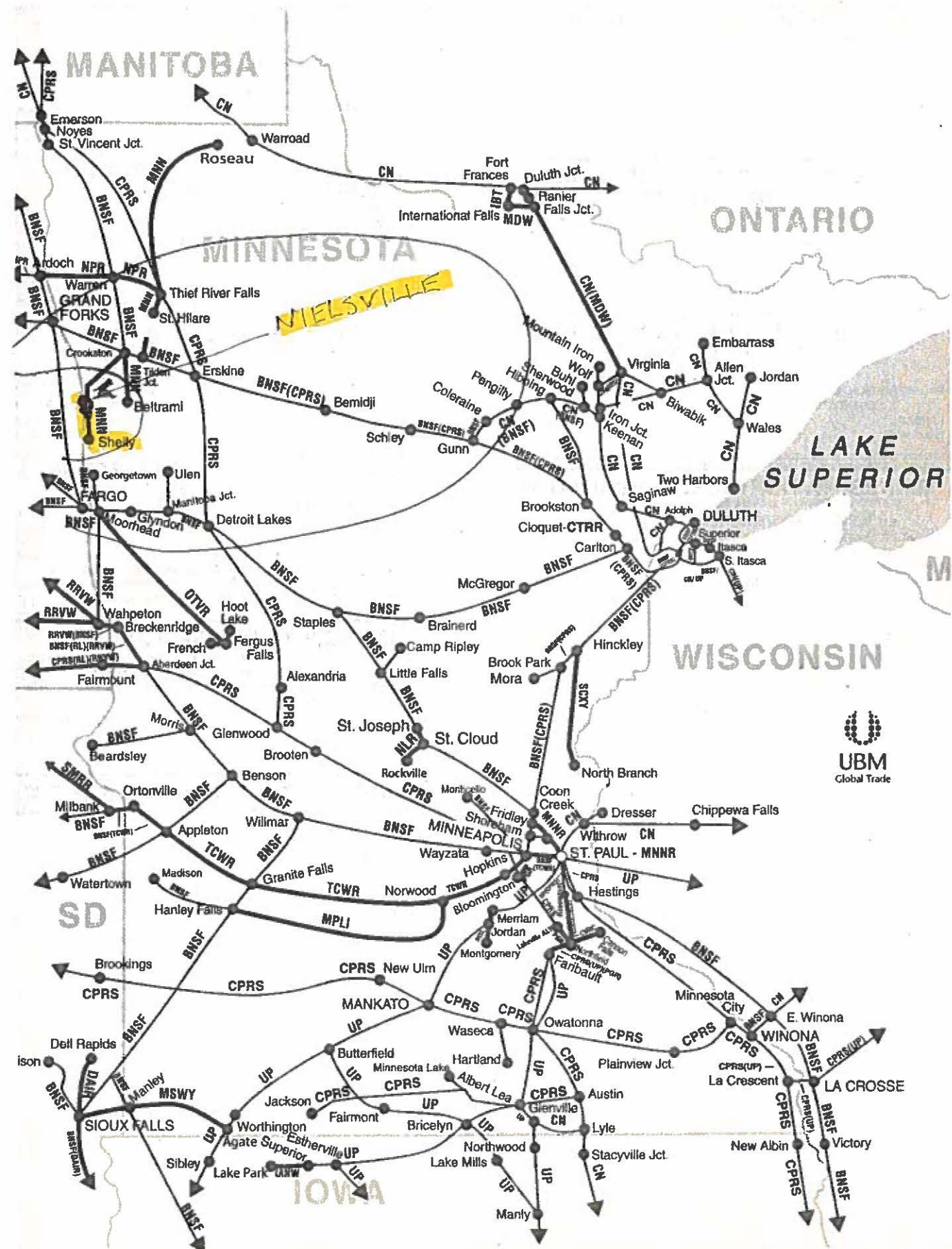
DATE FILED: September 17, 2018

STB Docket No. AB-497 (Sub-No. 7X)
Verified Notice of Exemption

Appendix 1

Map of the rail line

REGION 17
MN



STB Docket No. AB-497 (Sub-No. 7X)
Verified Notice of Exemption

Appendix 2

Embargo

Print Embargo

Copyright (c) 2015 Railinc Corp. - All rights reserved.
#

MNN-MINNESOTA NORTHERN RAILROAD INC

Embargo Number: MNN000117

Amendment Number: 1

Status: Effective

Effective Date: 12-08-2017

Expiration Date: 12-08-2018

Allow Permit: No

Tier 2 Effective Date: 12-08-2017

Original Effective Date:

Roads Invited to Participate: BNSF

Original Requester : Monique Hollands - Ph: 1.2182814704 - Email: mnn@rrv.net

Bypass Local Waybills: No

Operating Station Notice: No

Effective Immediately: Yes

Include Empty Revenue Cars: No

Include All Empty Cars: Yes

Maximum Car Allowed:

Commodities: Target All Commodities

Geography:

Included Locations:

Origin:

BNSF-56041, SHELLY, MN

BNSF-56046, NIELSVILLE, MN

Destination: *

BI-DIRECTIONAL

Origin:

MNN-56041, SHELLY, MN

MNN-56046, NIELSVILLE, MN

Destination: *

BI-DIRECTIONAL

Umler Equip. Type : Target All Umler Equipment Types

No Weight Restrictions

Except These Cars: No Cars In Exception List

Embargo/OPSL Umler Element Status: No Umler Element

Clearance Code: No Clearance Code

Waybill Parties: Target All Waybill Parties

Cause: Bridge out of service

Cause Detail: Deteriorating broken pilings, will reevaluate bridge and repairs needed fall 2018

Note: Bridge at MP 43.8

Amendment History:

Amendment 1 (Current): Add/Remove Stations by Participant

Jeffrey J. Usher

Asst. Vice President-Business Services

Association of American Railroads

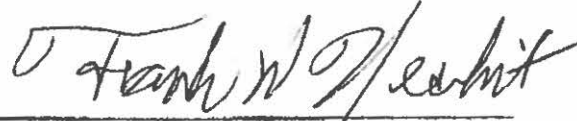
STB Docket No. AB-497 (Sub-No. 7X)
Verified Notice of Exemption

Appendix 3

STATE OF MINNESOTA)
COUNTY OF ANOKA) SS:

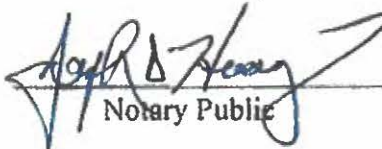
VERIFICATION

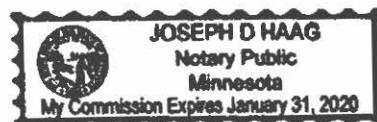
FRANK NESBIT, being duly sworn, states that he is an authorized representative of Minnesota Northern Railroad, Inc.; that he has knowledge of the factual assertions set forth in this Notice of Exemption; and that all of those assertions are true and correct:



FRANK NESBIT

SUBSCRIBED and SWORN to before me
this 10th day of September, 2018.


Notary Public



My Commission expires: 1-31-2020

STATE OF MINNESOTA)
) SS:
COUNTY OF ANOKA)

STB Docket No. AB-497 (Sub-No. 7X)
Verified Notice of Exemption

Appendix 4

VERIFICATION

Frank Nesbit, being duly sworn, states that the following:

(1) he is an authorized representative of Minnesota Northern Railroad, Inc. (MNN);

(2) no local or overhead traffic has moved over the Rail Line identified in STB

Docket No. AB-497 (Sub-No. 7X) for at least the two-year period prior to the filing of this Notice and no formal complaint filed by a user of rail service on that Line (or by a State or local government acting on behalf of such a user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or a United States District Court, or has been decided in favor of the complainant within the 2-year period prior to the filing of this Notice.

(3) at least 10 days prior to the filing of this Notice, MNN sent notice to the governmental agencies listed below that MNN intends to file a Notice of Exemption under 49 C.F.R. § 1152.50 for discontinuance of rail service over the Rail Line identified in this Docket:

(i) Minnesota Department of Transportation;

(ii) United States Department of Defense, Military Traffic Management Command, Transportation Engineering Agency, Railroads for Natural Expense Program;

(iii) National Park Service, Recreation Resources Assistance Division;

(iv) United States Department of Agriculture, Chief of the Forest Service.

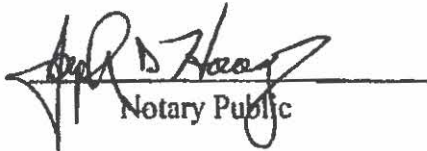
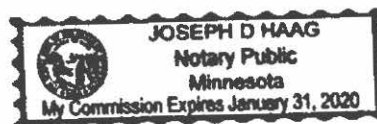
(4) at least 20 days before filing this Notice of Discontinuance of Service, Iowa Railway sent a Draft Environmental and Historic Report to all agencies entitled to receive a copy of the Report by virtue of Board regulations.

(5) prior to filing this Notice, a notice of intent to file the Notice was published in a newspaper of general circulation in Norman and Polk Counties, Minnesota.



FRANK NESBIT
Authorized Representative of
Minnesota Northern Railroad, Inc.

SUBSCRIBED AND SWORN to
before me this 10th day
of September, 2018.


Notary Public

My Commission Expires: 1-31-2020

STB Docket No. AB-497 (Sub-No. 7X)
Verified Notice of Exemption

Appendix 5

Transmittal letter to governmental agencies

LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1666
CHICAGO, ILLINOIS 60604-1228
TELEPHONE (312) 236-0204
mcfarland@aol.com

THOMAS F. McFARLAND

August 31, 2018

By first-class, U.S. mail

Minnesota Dept. of Transportation
Office of Rail Transportation
395 John Ireland Boulevard
St. Paul, MN 55155-1800

U.S. Dept. of Defense (SDDCTEA)
Attn: Railroads for National Defense
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

U.S. Department of Interior
National Park Service
Recreation Resources
Assistance Division
1849 C Street, N.W.
Washington, DC 20240

U.S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Bldg.
1400 Independence Ave, SW
Washington, DC 20250-1111

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

Re: STB Docket No. AB-497 (Sub-No. 7X), *Minnesota Northern Railroad, Inc. --
Abandonment Exemption -- in Norman and Polk Counties, MN*

Dear Agency or Department Representative:

On or about, but no earlier than September 10, 2018, Minnesota Northern Railroad, Inc. (MNN) intends to file a Notice of Exemption at the Surface Transportation Board for a class exemption for abandonment of its rail line between Milepost No. 40.2 at the north end of the Marsh River Bridge a short distance south of Shelly, and Milepost No. 46.0 at Second Street in Nielsville, MN, a distance of 5.8 miles in Norman and Polk Counties, Minnesota. The rail line traverses USPS Zip Codes 56561, 56568, and 56581. The rail line qualifies for the class exemption for out of service rail line because it has been out of service and embargoed for more than two years (i.e., since December 14, 2015), and because no shipper or governmental agency has complained that the embargo constitutes an unlawful abandonment.

THOMAS F. MCFARLAND

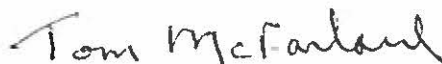
Agency/Dept. Representative
August 31, 2018
Page 2

This notice is being sent to you pursuant to the requirement of 49 C.F.R. § 1152.50(d).

There is nothing in MNN's files that indicates that any of the right-of-way of the Line was federally granted. Therefore, based on information in MNN's possession, the Line does not contain federally-granted rights-of-way. Any documentation in MNN's possession will be made available promptly to those requesting it.

You may direct any questions about the proposed abandonment to the undersigned as representative of MNN.

Very truly yours,



Thomas F. McFarland
Thomas F. McFarland, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1228
(312) 236-0204
mcfarland@aol.com

Attorney for Minnesota Northern Railroad, Inc.

TMcf:mg.wp8.0.1815/tragencies/

cc: Surface Transportation Board, Environmental Section

STB Docket No. AB-497 (Sub-No. 7X)
Verified Notice of Exemption

Appendix 6

Draft Environmental & Historic Report

LAW OFFICE
THOMAS F. MCFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1666
CHICAGO, ILLINOIS 60604-1228
TELEPHONE (312) 236-0204
mcfarland@aol.com

THOMAS F. MCFARLAND

August 20, 2018

Natural Resources Conservation Service:

Natural Resources Conservation Service
375 Jackson Street, Room 600
St. Paul, MN 55101-1854

Minnesota Historical Preservation Office:

Minnesota Historical Society
345 Kellogg Blvd. West
St. Paul, MN 55102-1906

U.S. Fish & Wildlife Service:

U.S. Fish & Wildlife Service - Region 3
One Federal Drive
BHW Federal Building
Fort Snelling
Twin Cities, MN 55111

Minnesota State Clearinghouse:

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

County Commissioners:

Norman County Commissioners
16 Third Avenue, East
Ada, MN 56510

County Commissioners:

Polk County Commissioners
County Courthouse
612 N. Broadway, Suite 215
Crookston, MN 56716

Minnesota Pollution Control Agency:

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers
190 Fifth Street East
St. Paul, MN 55101-1638

Environmental Protection Agency

(regional office):

U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

National Oceanic & Atmospheric Admin.:

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

City Planner:

Town of Shelly, Minnesota
Shelly City Hall
P.O. Box 126
Shelly, MN 56581

City Planner:

Town of Nielsville, Minnesota
320 Ingersoll Avenue
Crookston, MN 56716

National Park Service:

National Park Service
Chief, Land Resources Division
1849 C Street, N.W., #MS3540
Washington, DC 20240

Minnesota Department of Transportation:

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

Re: STB Docket No. AB-497 (Sub-No. 7X), *Minnesota Northern Railroad, Inc. --
Abandonment Exemption -- in Norman and Polk Counties, MN*

Dear Agency or Governmental Representative:

August 20, 2018

Page 2

On or about, but no earlier than, September 10, 2018, Minnesota Northern Railroad, Inc. (MNN) intends to file a Notice of Exemption with the Surface Transportation Board (the Board) for abandonment of a rail line between Milepost 40.2 at the north end of the Marsh River Bridge south of Shelly and Milepost 46.0 at Second Street in Nielsville, MN, a distance of 5.8 miles in Norman and Polk Counties, Minnesota.

Pursuant to STB regulations at 49 C.F.R. § 1105.7 and 49 C.F.R. § 1105.8, this letter is to request your assistance in identifying potential environmental and historic effects of the proposed abandonment. MNN does not anticipate any adverse environmental or historic impacts; however, if you identify any such adverse impacts, please identify them and describe any action that could be taken to mitigate such adverse impacts. Please provide a written response to this letter so that it can be included in a Draft Environmental and Historic Report that MNN will prepare and file with the STB.

COUNTY AND CITY PLANNING AGENCIES. Please state whether the proposed abandonment would be consistent with existing land-use plans. Describe any inconsistencies.

US SOIL CONSERVATION SERVICE. Please state the effect of the proposed abandonment on any prime agricultural land.

US FISH AND WILDLIFE SERVICE. Please state (1) whether the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as a critical habitat and, if so, please describe such effects; and (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected and, if so, please describe such effects.

STATE WATER QUALITY OFFICIALS. Please state whether the proposed abandonment would be consistent with applicable Federal, State or Local water quality standards. Please describe any inconsistencies.

US ARMY CORPS OF ENGINEERS. Please state (1) whether permits under Section 404 of the Clean Water Act (33 USC 1344) are required for the proposed abandonment, and (2) whether any designated wetlands or 100-year flood plains would be affected by the proposed abandonment. Please describe any such effects.

US AND STATE ENVIRONMENTAL PROTECTION AGENCIES (OR EQUIVALENT AGENCY). Please (1) identify any potential adverse environmental effects of the proposed abandonment on the surrounding area, and (2) identify the location of any known hazardous materials spills on the right-of-way of the Rail Line, and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 USC 1342) are required for the proposed abandonment.

THOMAS F. MCFARLAND

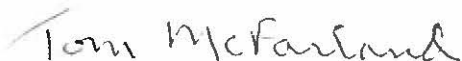
August 20, 2018

Page 3

STATE HISTORICAL PRESERVATION OFFICE. Please identify information and/or photographs of bridges and/or other structures located on the Rail Line that are 50 years old or older. Please state whether the proposed abandonment would have an adverse effect on such bridges and /or structures and, if so, please describe efforts that can be taken during removal of the tracks in the Rail Line to mitigate any such adverse effects.

Please send your reply to me as MNN's attorney to: Thomas F. McFarland, 208 South LaSalle Street, Suite 1666, Chicago, IL 60604. You may reach me by telephone at (312) 236-0204 if you have any questions or need further information. MNN appreciates your assistance in furnishing a reply to this letter.

Very truly yours,



Thomas F. McFarland
*Attorney for Minnesota
Northern Railroad, Inc.*

TMcf:kl:1319\ltragencies

cc: Mr. Jason Bierwerth

BEFORE THE
SURFACE TRANSPORTATION BOARD

MINNESOTA NORTHERN RAILROAD,) DOCKET NO. AB-497
INC. – ABANDONMENT EXEMPTION –) (SUB-NO. 7X)
IN NORMAN AND POLK COUNTIES, MN)

DRAFT ENVIRONMENTAL AND HISTORIC REPORT

MINNESOTA NORTHERN RAILROAD, INC.
P.O. Box 705
Crookston, MN 56716

Applicant

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1228
(312) 236-0204 (office)
mcfarland@aol.com

Attorney for Applicant

Dated: August 20, 2018

BEFORE THE
SURFACE TRANSPORTATION BOARD

MINNESOTA NORTHERN RAILROAD,) DOCKET NO. AB-497
INC. – ABANDONMENT EXEMPTION –) (SUB-NO. 7X)
IN NORMAN AND POLK COUNTIES, MN)

DRAFT ENVIRONMENTAL AND HISTORIC REPORT

Pursuant to 49 C.F.R. § 1105.7 and 1105.8, MINNESOTA NORTHERN RAILROAD, INC., (MNN) hereby submits this Draft Environmental and Historic Report.

I. Environmental Report

MNN hereby submits the following information required by 49 C.F.R. § 1105.7(e):

(1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

On or about, but no earlier than September 10, 2018, Minnesota Northern Railroad, Inc. (MNN) intends to file a Notice of Exemption with the Surface Transportation Board (the Board) for abandonment of a rail line between Milepost 40.2 at the north end of the Marsh River Bridge south of Shelly and Milepost 46.0 at Second Street in Nielsville, MN, a distance of 5.8 miles in Norman and Polk Counties, MN (the Rail Line).

The Rail Line has been out of service and embargoed since December 14, 2015 due to a deteriorated bridge at Milepost 43.8. Prior to the embargo, there was not enough revenue from rail traffic over the line to warrant the cost of repair of the defective bridge. There has been no request for rail service during the pendency of the embargo. A copy of the embargo is attached as Appendix 1.

If the requested exemption is granted and becomes effective, MNN will remove and reuse or scrap the track materials on the Rail Line. MNN would abide by railroad industry standards in salvaging the track materials and in safely disposing of the crossties. MNN would sell or make a non-rail use of the land in the right-of-way of the Rail Line.

Rail operations and track maintenance would cease permanently in the event that the proposed exemption were to be granted and exercised.

There is no reasonable alternative to the proposed exemption because opportunity costs from the status quo and/or the cost to rehabilitate the bridge would be unduly burdensome without the exemption.

A map of the involved rail line is attached to this Report as Appendix 2.

(2) Transportation system. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

MNN believes that the proposed exemption will have a minimal effect on regional or local transportation systems and patterns. Inasmuch as the rail line has been out of service for more than two years, there will be no diversion of rail traffic to truck as a result of the proposed abandonment.

(3) *Land use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.*

MNN believes that the proposed exemption will not be inconsistent with local or regional land use plans. Based on MNN's experience in the area, there is little possibility that additional businesses desiring rail service will locate along the Rail Line. In accordance with the requirements of this regulation, MNN has consulted by letter with the planning agencies of Norman and Polk Counties and the Towns of Shelly and Nielsville. See letter attached as Appendix 3.

(3) *(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.*

MNN does not believe that the proposed exemption would have any effect on prime agricultural land. The Rail Line is located in an urban area. Therefore, removal of trackage from the Rail Line should not have any effect on prime agricultural land. In accordance with this regulation, MNN has consulted by letter with the Natural Resources Conservation Service, formerly known as the U.S. Soil Conservation Service (Appendix 3 hereto). Any response will be furnished to the Board's environmental section.

(3) *(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.*

The proposed exemption does not affect land or water uses in a designated coastal zone.

(3) *(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.*

In MNN's opinion, the right-of-way would not be suitable for alternative public use as a highway because there are adequate highways in the area. The right-of-way may be suitable for alternative public use as a recreational trail.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources.

The proposed exemption will have no effect on transportation of energy resources.

(4)(ii) Describe the effect of the proposed action on recyclable commodities.

The proposed exemption will have no effect on recyclable commodities.

(4)(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

The proposed exemption will have no effect on overall energy efficiency.

(4)(iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in Sec. 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Sec. 1105.7(e)(4)(iv) is required.

Not applicable

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross tons miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by car load activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

Not applicable.

(5) (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross tons miles annually) or an increase of at least three trains a day on any segment of the rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity). or (C) An average increase in truck traffic of more than 10 per cent of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Not applicable.

(5)(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) An incremental increase in noise levels of three decibels Ldn or more;

Not applicable.

(6)(ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed exemption will have no effect on public health and safety.

(7)(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accident release of hazardous materials.

Not applicable.

(7)(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and types of hazardous materials involved.

Not applicable.

(8) Biological resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

MNN does not believe that it is likely that the proposed exemption would adversely affect endangered or threatened species or areas designated as critical habitat. In accordance with this regulation, MNN has consulted by letter with the U.S. Fish and Wildlife Service (Appendix 3).

(8)(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

MNN does not believe that the proposed exemption would affect wildlife sanctuaries or refuges, nor National or State parks or forests.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

MNN believes that the proposed exemption will be consistent with applicable Federal, State or local water quality standards. In accordance with this regulation, MNN

has consulted by letter with Minnesota water quality officials (Appendix 3). Any response will be furnished to the Board's environmental section.

(9)(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether designated wetlands or 100-year flood plains will be affected. Describe the effects.

MNN believes that permits under section 404 of the Clean Water Act are not required for the proposed exemption. MNN does not believe that the proposed exemption will affect any designated wetlands or 100-year flood plains. In accordance with this regulation, MNN has consulted by letter with the U.S. Army Corps of Engineers (Appendix 3). Any response will be furnished to the Board's environmental section.

(9)(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

MNN believes that permits under section 402 of the Clean Water Act are not required for the proposed exemption. In accordance with this regulation, MNN has consulted by letter with the U.S. Environmental Protection Agency (Appendix 3). Any response will be furnished to the Board's environmental section.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Not applicable.

II. Historic Report

MNN hereby submits the following information required by 49 C.F.R.

§ 1105.8(d):

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older are part of the proposed action;

The required topographic map is attached to this Report as Appendix 4.

(2) A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The right-of-way to be abandoned is generally 100 feet wide. It extends generally through urban slightly rolling terrain.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

Attached to this Report as Appendix 5 are photographs of the bridges on the Rail Line.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

Not known, except that the bridges are thought to be more than 50 years old.

(5) A brief narrative story of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

The Rail Line was originally a part of a line of the Great Northern Railway between the Canadian border near Noyes, MN and Minneapolis, MN via Moorhead, MN. The Rail Line came under the ownership of BNSF Railway Company through a series of

mergers. It was acquired by MNN in 1997. An adjacent segment between Shelly and Perley, MN was abandoned in 2009. (Docket No. AB-497 (Sub-No. 4X), *Minnesota Northern Railroad, Inc. -- Abandonment Exemption -- in Norman County, MN*).

(6) *A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.*

No such documents are in MNN's possession.

(7) *An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic preservation Office, local historical societies or universities);*

It is MNN's opinion that the bridges on the Rail Line do not meet the criteria for listing on the National Register of Historical Places, and that there is no likelihood of archeological resources or any other previously unknown historic properties in the project area. In accordance with this regulation, MNN has consulted by letter with the Minnesota Historic Preservation Office (Appendix 3). Any response will be furnished to the Board's environmental section.

(8) *A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.*

MNN has no knowledge of any prior subsurface ground disturbance or fill, or environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

Respectfully submitted,

MINNESOTA NORTHERN RAILROAD, INC.
P.O. Box 705
Crookston, MN 56716

Applicant

Thomas F. McFarland

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1228
(312) 236-0204 (office)
mcfarland@aol.com

Attorney for Applicant

Dated: August 20, 2018

Docket No. AB-497 (Sub-No. 7X)

Appendix 1

Embargo

Print Embargo

Copyright (c) 2015 Railinc Corp. - All rights reserved.
#

MNN-MINNESOTA NORTHERN RAILROAD INC

Embargo Number: MNN000117

Amendment Number: 1

Status: Effective

Effective Date: 12-08-2017

Expiration Date: 12-08-2018

Allow Permit: No

Tier 2 Effective Date: 12-08-2017

Original Effective Date:

Roads Invited to Participate: BNSF

Original Requester : Monique Hollands - Ph: 1.2182814704 - Email: mnn@rrv.net

Bypass Local Waybills: No

Operating Station Notice: No

Effective Immediately: Yes

Include Empty Revenue Cars: No

Include All Empty Cars: Yes

Maximum Car Allowed:

Commodities: Target All Commodities

Geography:

Included Locations:

Origin:

BNSF-56041, SHELLY, MN

BNSF-56046, NIELSVILLE, MN

Destination: *

BI-DIRECTIONAL

Origin:

MNN-56041, SHELLY, MN

MNN-56046, NIELSVILLE, MN

Destination: *

BI-DIRECTIONAL

Umler Equip. Type : Target All Umler Equipment Types

No Weight Restrictions

Except These Cars: No Cars In Exception List

Embargo/OPSL Umler Element Status: No Umler Element

Clearance Code: No Clearance Code

Waybill Parties: Target All Waybill Parties

Cause: Bridge out of service

Cause Detail: Deteriorating broken pilings, will reevaluate bridge and repairs needed fall 2018

Note: Bridge at MP 43.8

Amendment History:

Amendment 1 (Current): Add/Remove Stations by Participant

Jeffrey J. Usher

Asst. Vice President-Business Services

Association of American Railroads

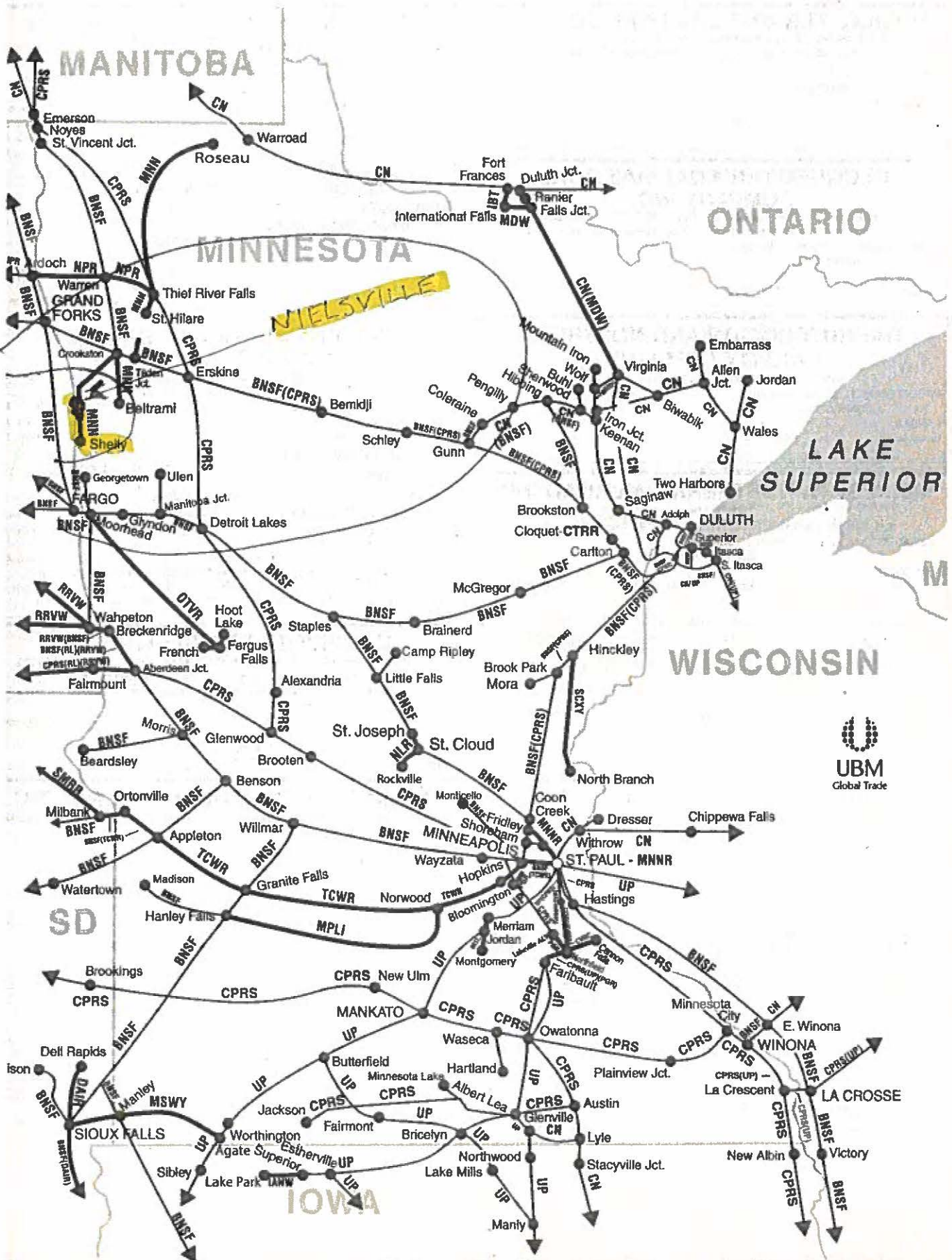
Docket No. AB-497 (Sub-No. 7X)

Appendix 2

Map of Rail Line

REGION 17

MN



Docket No. AB-497 (Sub-No. 7X)

Appendix 3

Transmittal letter to governmental agencies

LAW OFFICE
THOMAS F. MCFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1666
CHICAGO, ILLINOIS 60604-1228
TELEPHONE (312) 236-0204
mcfarland@aol.com

THOMAS F. MCFARLAND

August 20, 2018

Natural Resources Conservation Service:

Natural Resources Conservation Service
375 Jackson Street, Room 600
St. Paul, MN 55101-1854

Minnesota Historical Preservation Office:

Minnesota Historical Society
345 Kellogg Blvd. West
St. Paul, MN 55102-1906

U.S. Fish & Wildlife Service:

U.S. Fish & Wildlife Service - Region 3
One Federal Drive
BHW Federal Building
Fort Snelling
Twin Cities, MN 55111

Minnesota State Clearinghouse:

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

County Commissioners:

Norman County Commissioners
16 Third Avenue, East
Ada, MN 56510

County Commissioners:

Polk County Commissioners
County Courthouse
612 N. Broadway, Suite 215
Crookston, MN 56716

Minnesota Pollution Control Agency:

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155-4194

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers
190 Fifth Street East
St. Paul, MN 55101-1638

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region 5
77 West Jackson Blvd.
Chicago, IL 60604-3590

National Oceanic & Atmospheric Admin.:

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

City Planner:

Town of Shelly, Minnesota
Shelly City Hall
P.O. Box 126
Shelly, MN 56581

City Planner:

Town of Nielsville, Minnesota
320 Ingersoll Avenue
Crookston, MN 56716

National Park Service:

National Park Service
Chief, Land Resources Division
1849 C Street, N.W., #MS3540
Washington, DC 20240

Minnesota Department of Transportation:

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

Re: STB Docket No. AB-497 (Sub-No. 7X), *Minnesota Northern Railroad, Inc. --
Abandonment Exemption -- in Norman and Polk Counties, MN*

Dear Agency or Governmental Representative:

August 20, 2018

Page 2

On or about, but no earlier than, September 10, 2018, Minnesota Northern Railroad, Inc. (MNN) intends to file a Notice of Exemption with the Surface Transportation Board (the Board) for abandonment of a rail line between Milepost 40.2 at the north end of the Marsh River Bridge south of Shelly and Milepost 46.0 at Second Street in Nielsville, MN, a distance of 5.8 miles in Norman and Polk Counties, Minnesota.

Pursuant to STB regulations at 49 C.F.R. § 1105.7 and 49 C.F.R. § 1105.8, this letter is to request your assistance in identifying potential environmental and historic effects of the proposed abandonment. MNN does not anticipate any adverse environmental or historic impacts; however, if you identify any such adverse impacts, please identify them and describe any action that could be taken to mitigate such adverse impacts. Please provide a written response to this letter so that it can be included in a Draft Environmental and Historic Report that MNN will prepare and file with the STB.

COUNTY AND CITY PLANNING AGENCIES. Please state whether the proposed abandonment would be consistent with existing land-use plans. Describe any inconsistencies.

US SOIL CONSERVATION SERVICE. Please state the effect of the proposed abandonment on any prime agricultural land.

US FISH AND WILDLIFE SERVICE. Please state (1) whether the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as a critical habitat and, if so, please describe such effects; and (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected and, if so, please describe such effects.

STATE WATER QUALITY OFFICIALS. Please state whether the proposed abandonment would be consistent with applicable Federal, State or Local water quality standards. Please describe any inconsistencies.

US ARMY CORPS OF ENGINEERS. Please state (1) whether permits under Section 404 of the Clean Water Act (33 USC 1344) are required for the proposed abandonment, and (2) whether any designated wetlands or 100-year flood plains would be affected by the proposed abandonment. Please describe any such effects.

US AND STATE ENVIRONMENTAL PROTECTION AGENCIES (OR EQUIVALENT AGENCY). Please (1) identify any potential adverse environmental effects of the proposed abandonment on the surrounding area, and (2) identify the location of any known hazardous materials spills on the right-of-way of the Rail Line, and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 USC 1342) are required for the proposed abandonment.

THOMAS F. MCFARLAND

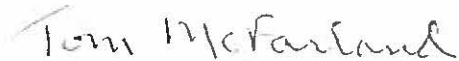
August 20, 2018

Page 3

STATE HISTORICAL PRESERVATION OFFICE. Please identify information and/or photographs of bridges and/or other structures located on the Rail Line that are 50 years old or older. Please state whether the proposed abandonment would have an adverse effect on such bridges and /or structures and, if so, please describe efforts that can be taken during removal of the tracks in the Rail Line to mitigate any such adverse effects.

Please send your reply to me as MNN's attorney to: Thomas F. McFarland, 208 South LaSalle Street, Suite 1666, Chicago, IL 60604. You may reach me by telephone at (312) 236-0204 if you have any questions or need further information. MNN appreciates your assistance in furnishing a reply to this letter.

Very truly yours,



Thomas F. McFarland
*Attorney for Minnesota
Northern Railroad, Inc.*

TMF:kl/1319/iragencies

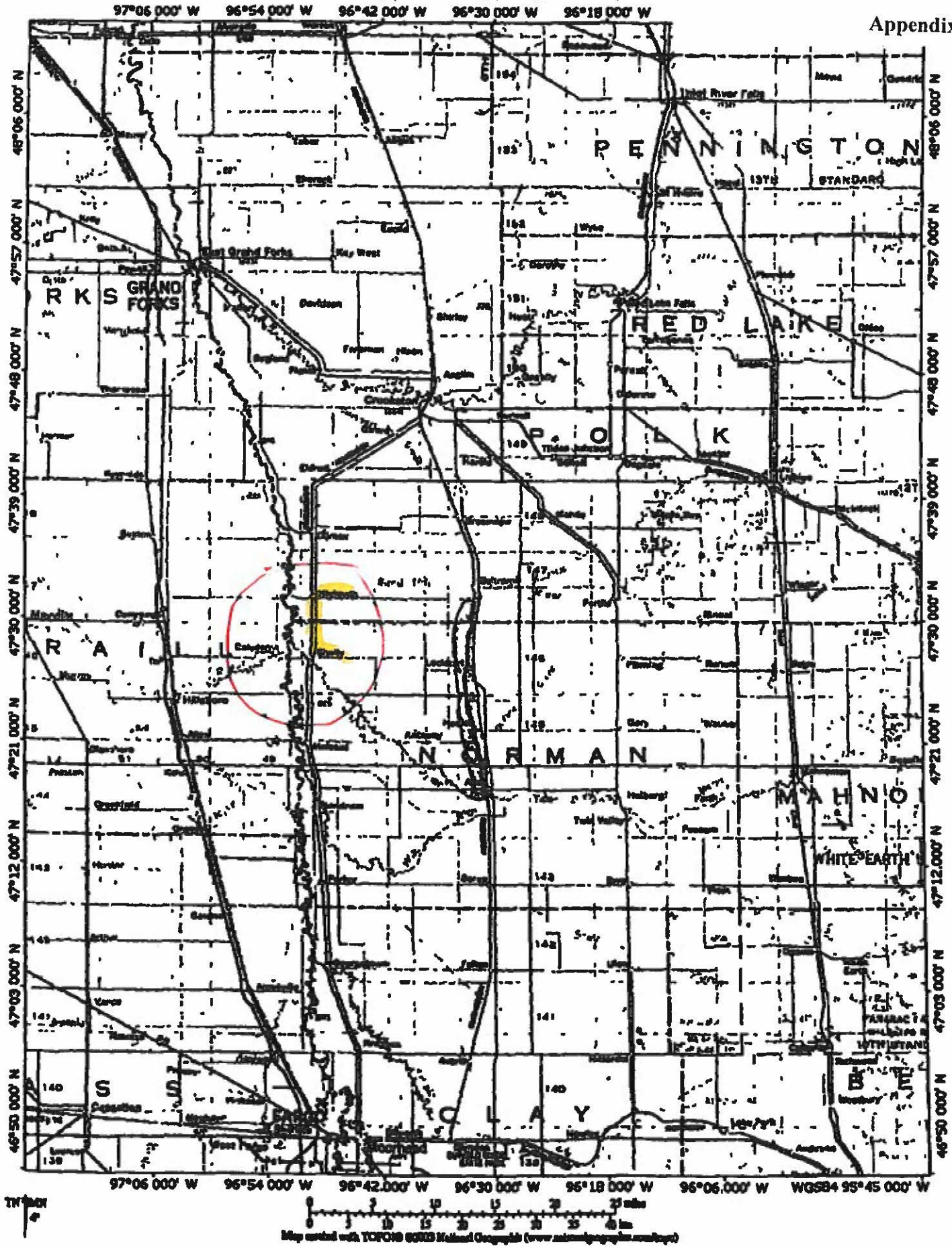
cc: Mr. Jason Bierwerth

Docket No. AB-497 (Sub-No. 7X)

Appendix 4

Topographic map

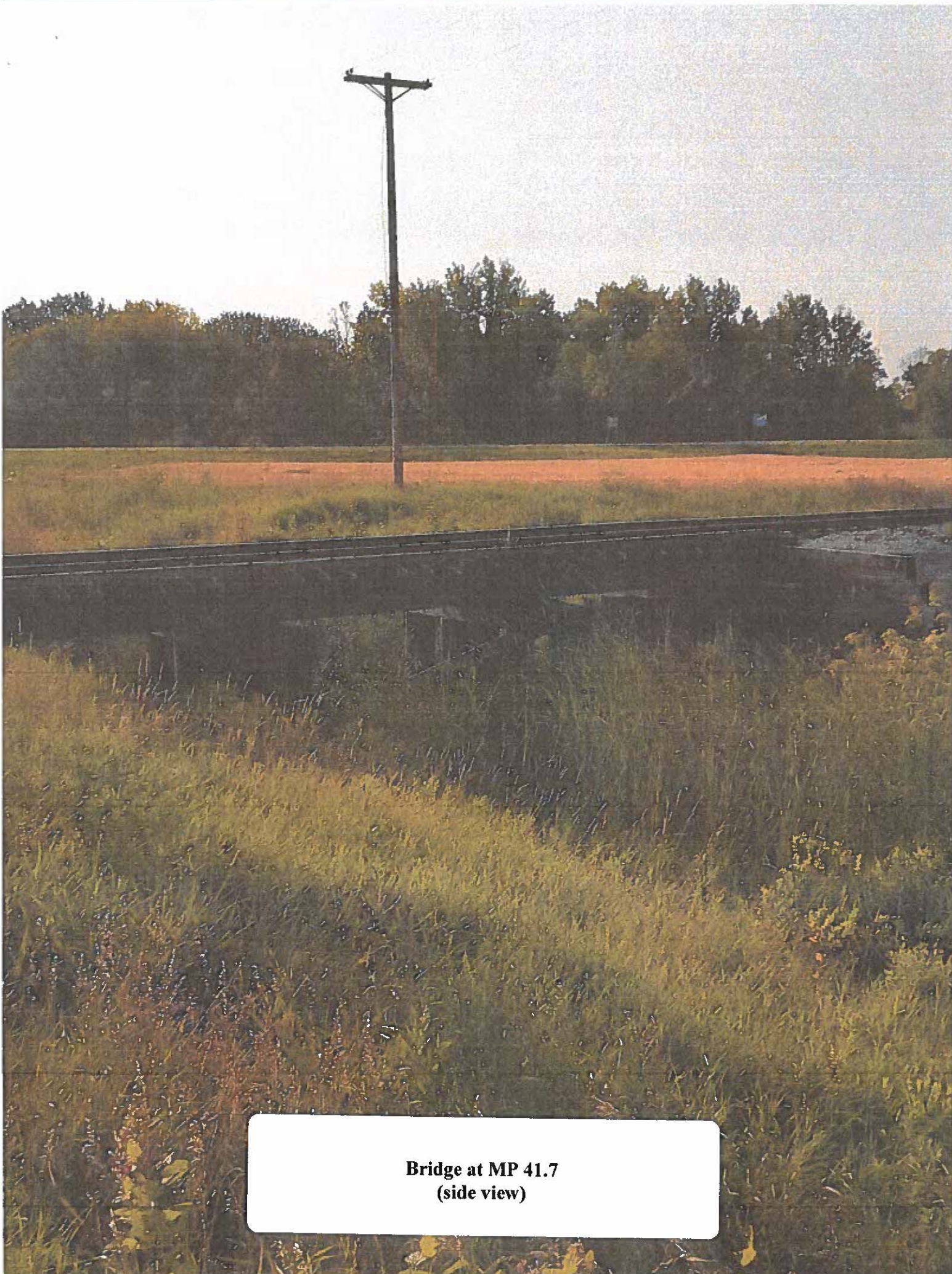
TOPOI map printed on 12/23/04 from "Unrotated topo"



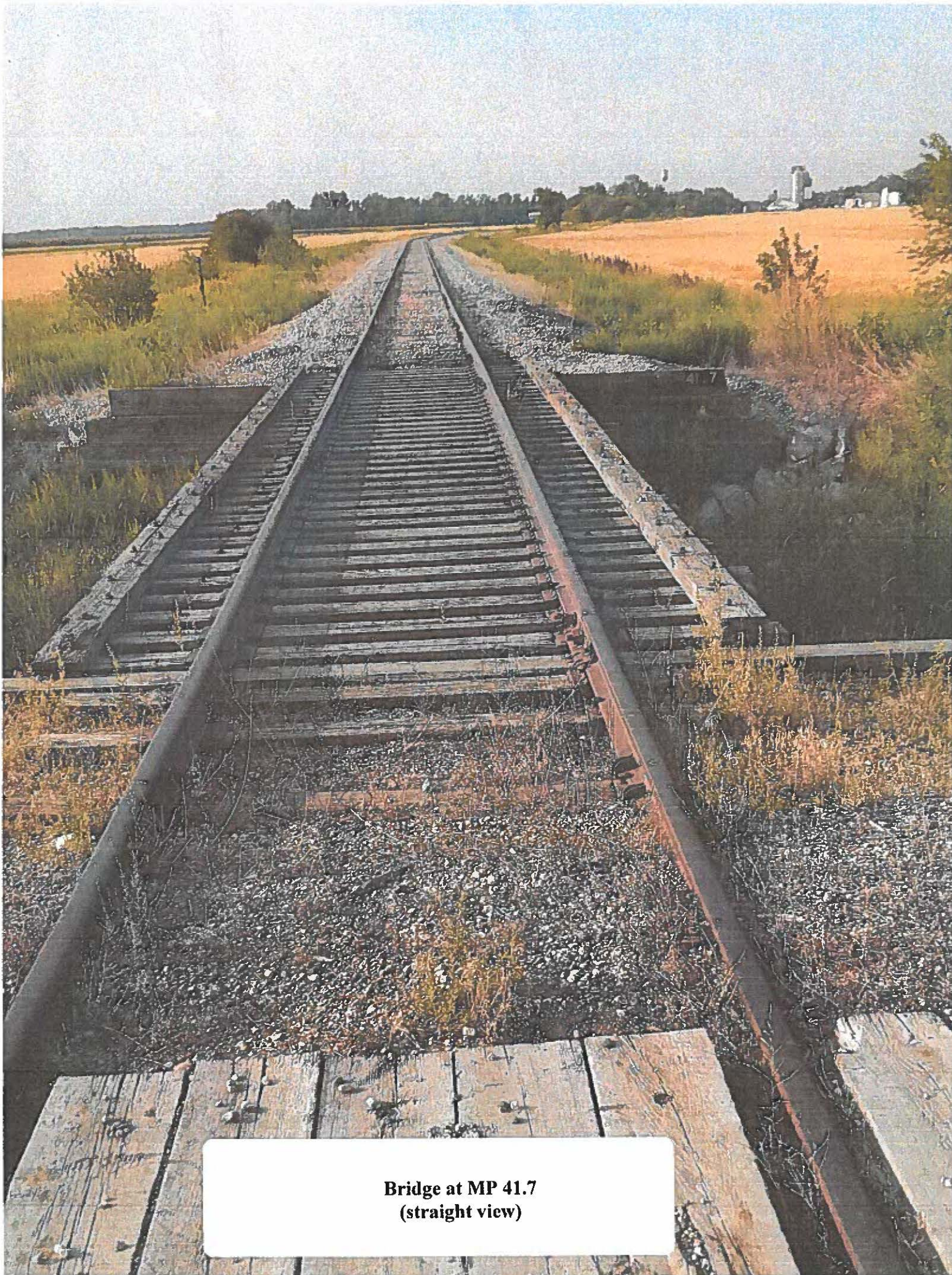
Docket No. AB-497 (Sub-No. 7X)

Appendix 5

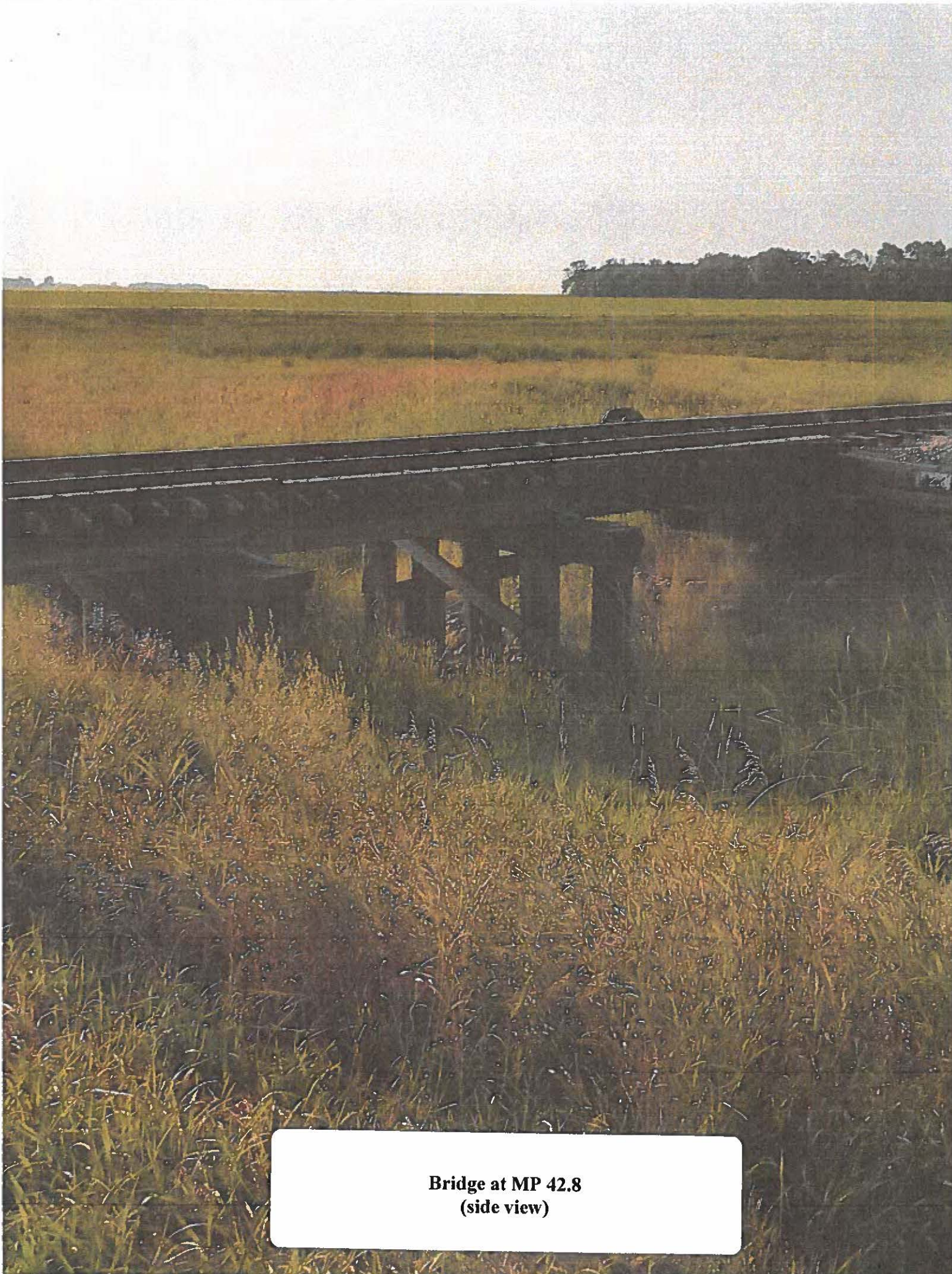
Photos of bridges on the Rail Line



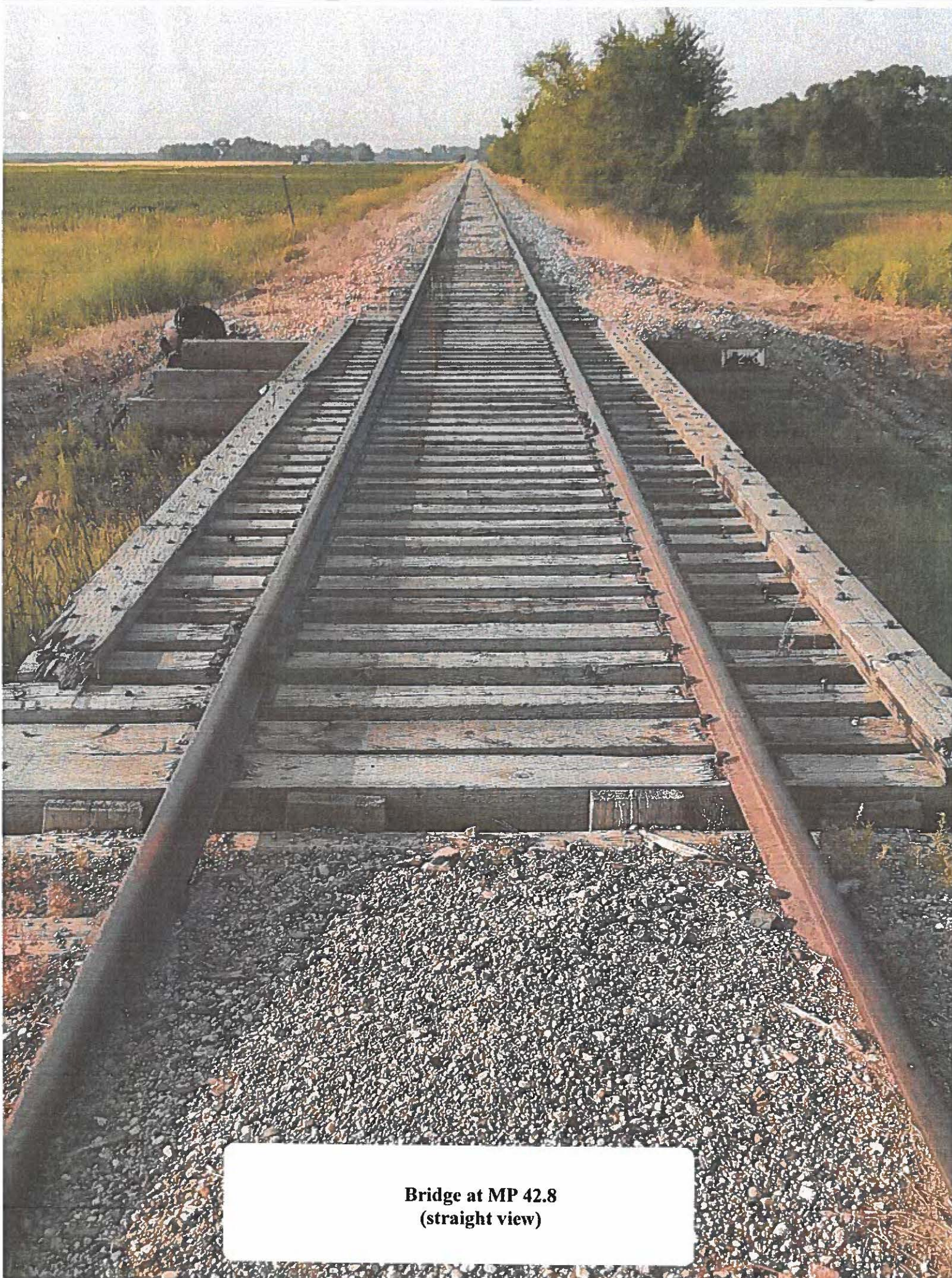
**Bridge at MP 41.7
(side view)**



**Bridge at MP 41.7
(straight view)**



**Bridge at MP 42.8
(side view)**

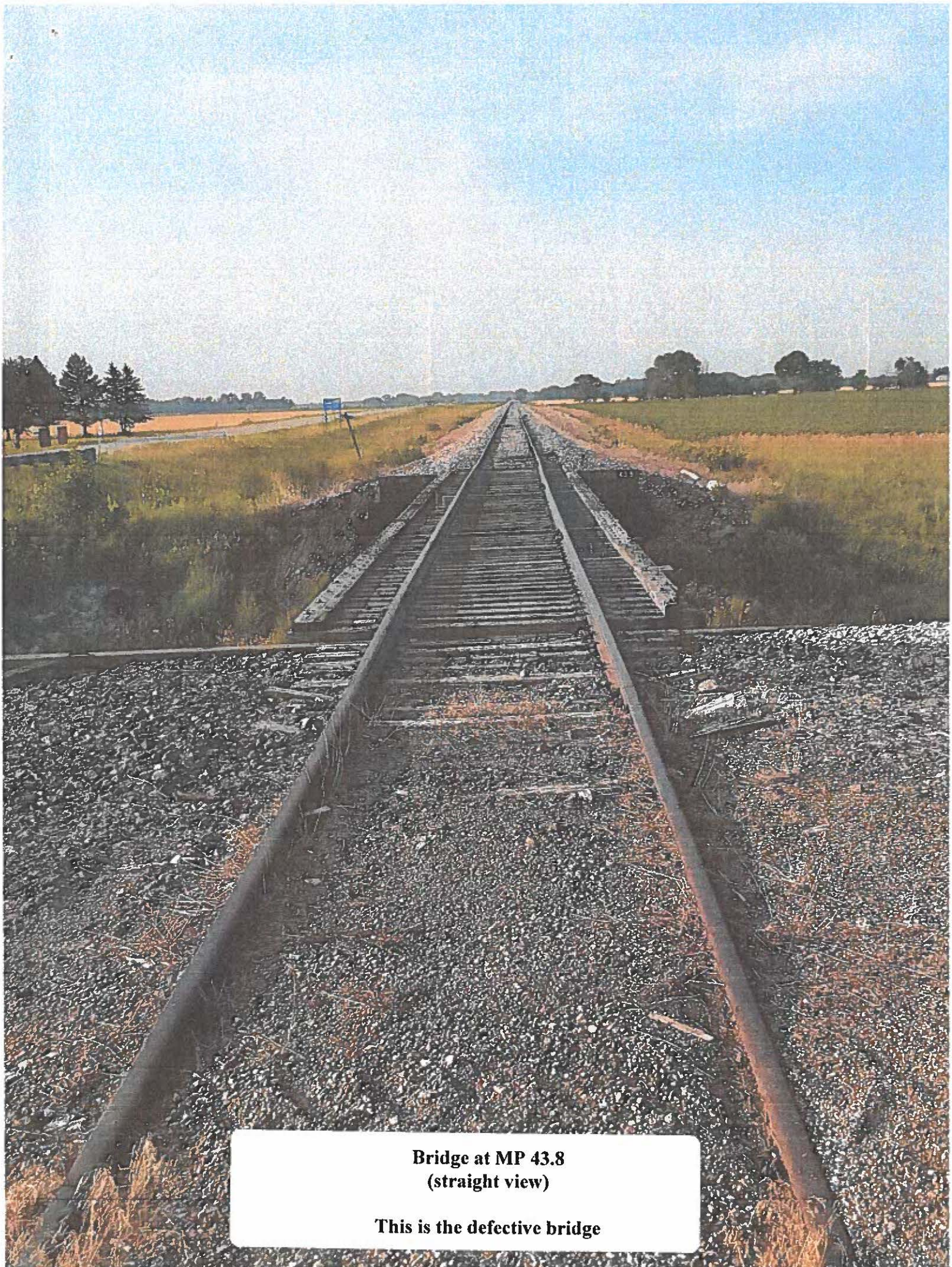


**Bridge at MP 42.8
(straight view)**



**Bridge at MP 43.8
(side view)**

This is the defective bridge



**Bridge at MP 43.8
(straight view)**

This is the defective bridge

STB Docket No. AB-497 (Sub-No. 7X)
Verified Notice of Exemption

Appendix 7

Comments to DEHR

From: Fasbender, Peter <peter_fasbender@fws.gov>

To: mcfarland <mcfarland@aol.com>

Subject: STB Docket No. AB-497, MN Northern Railroad, Inc. - Abandonment

Date: Tue, Aug 28, 2018 1:12 pm

Mr. McFarland -

The US Fish and Wildlife Service has reviewed the subject notice of abandonment of rail line between Milepost 40.2 to 46 near Nielsville, MN in Norman and Polk Counties, MN. The proposed abandonment will have no effect to threatened or endangered species, nor its critical habitat. Additionally, the proposed action will have no impact to lands owned or secured by easements with the US Fish and Wildlife Service. Please let me know if you have any additional questions, or if the project changes in scope. Thank you for coordinating this effort -

--

Peter J. Fasbender
U.S. Fish and Wildlife Service
Minnesota and Wisconsin Ecological Services Field Office
4101 American Boulevard East
Bloomington, MN 55425
Telephone: (952) 252-0092, extension 210

From: Deborah Brooks - NOAA Federal <deborah.brooks@noaa.gov>

To: mcfarland <mcfarland@aol.com>

Cc: Surface Transportation Board <sea@stb.dot.gov>; Christine Gallagher - NOAA Federal <christine.gallagher@noaa.gov>

Subject: NGS RESPONSE, STB Docket No.AB-497 (Sub-No.7X)

Date: Mon, Sep 10, 2018 5:27 pm

Thank you for sharing your proposed
railroad abandonment for

Polk and Norman Counties, Minnesota.

Approximately 7 geodetic survey marks are located in the
area described. These marks may or may not be disturbed.

If marks will be disturbed by the abandonment, [THE
RAILROAD] shall consult with the National Geodetic
Survey (NGS) at least 90 days prior to beginning salvage
activities that will disturb, or destroy any geodetic station
marks described below.

Dist	PID...	Set.	Set_By	H	V	Vert_Source	Latitude.....	Longitude.....	Stab	C	Designation	
....	SL1679	1987	MNHD...	2	88	ADJUSTED	N472654.....	W0964918.....	B...	G	5409 C	
....	SL1678	1987	MNDT...	2	88	ADJUSTED	N472733.....	W0964907.....	B...	G	5409 G	
....	SL1670	1987	MNDT...	0	2	88	ADJUSTED	N473112.26985	W0964857.16945	B...	G	6012 AV
....	SL1669	1987	MNDT...	2	88	ADJUSTED	N473137.6....	W0964903.8....	B...	G	6012 AW	
....	SL1604	1954	CGS...	3	.		N473137.56728	W0964903.78688		S	NIELSVILLE M	
....	DG8457	2004	MNDT...	0	3	88	LEVELING	N472744.82269	W0964900.92667	B...	G	PLUS
....	SL1547	1954	CGS...	3	.		N472733.03896	W0964908.59560		G	SHELLY MUNIC	

Additional advice is provided at <http://geodesy.noaa.gov/marks/railroad>

City of Nielsville
Box 68
Nielsville, MN 56568

September 10, 2018

Thomas F. McFarland, P.C.
208 S. LaSalle Street
Suite 1666
Chicago, IL 60604-1228

Dear Mr. McFarland,

As per our phone conversation on September 10, 2018
I am writing to you to express the opinion of the City of
Nielsville Council. The City of Nielsville has no objection to the
abandonment of the rail line located between Milepost 40.2 at
the north end of the Marsh River Bridge south of Shelly, MN
and Milepost 46.0 at Second Street in Nielsville, MN . A distance
of 5.8 miles in Norman and Polk Counties in Minnesota.

Also, if you need to contact the City of Nielsville the correct
address is P.O. Box 68, Nielsville, MN 56568. Our contact phone
number is 218-946-2881.

Respectfully yours,


Stephanie Abentroth
City Clerk

STB Docket No. AB-497 (Sub-No. 7X)
Verified Notice of Exemption

Appendix 8

Newspaper Notice

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423

STB Docket Nos. AB-497 (Sub-No. 7X)

MINNESOTA NORTHERN RAILROAD, INC.
--ABANDONMENT EXEMPTION --
IN NORMAN AND POLK COUNTIES, MN

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Minnesota Northern Railroad, Inc. ("MNN") gives notice that on or about, but no earlier than September 10, 2018, they intend to file with the Surface Transportation Board ("Board"), Washington, DC 20423, a Notice of Exemption under 49 C.F.R. 1152 Subpart F - Exempt Abandonments permitting the abandonment of a 5.8 mile line of railroad between Milepost No. 40.2 at the north end of the Marsh River Bridge a short distance south of Shelly, and Milepost No. 46.0 at Second Street in Nielsville, MN in Norman and Polk Counties, Minnesota. The Rail Line traverses USPS Zip Codes 56561, 56568 & 56581. This proceeding is docketed as STB Docket No. AB-497 (Sub-No. 7X), *Minnesota Northern Railroad, Inc. – Abandonment Exemption – in Norman and Polk Counties, MN.*

The Board's Office of Environmental Analysis (OEA) 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 Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-927-6211.

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 Chief, Section of Administration, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 C.F.R. 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228, phone 312-236-0204.