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FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

ENTERED
Office of Proceedings
August 4, 2021
Part of
Public Record

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

AUDREY LANE BRODRICK
(312) 252-1518
abrodrick@fletcher-sippel.com

August 4, 2021

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20024

Re: **AB 1318X**
West Belt Railway LLC — Discontinuance of Service Exemption —
In St. Louis County, Missouri

Dear Ms. Brown:

Attached for filing in the above-captioned proceeding is a **Verified Notice of Exemption of West Belt Railway LLC Pursuant to 49 C.F.R. § 1152.50**. Payment of the applicable filing fee has been tendered electronically via Pay.gov.

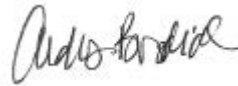
The proposed action in this docket entails the discontinuance of common carrier rail service over the subject rail line, rather than abandonment of the line. Accordingly, no combined Environmental and Historic Report needs to be, or has been, prepared in support of the notice. However, a notice seeking abandonment authority has been filed by another party, the Terminal Railroad Association of St. Louis in *Terminal Railroad Association of St. Louis – Abandonment Exemption – in St. Louis County, Missouri*, AB 122 (Sub-No. 2X).

If you have any questions regarding this filing, please contact me at either abrodrick@fletcher-sippel.com, or (312) 252-1500. Thank you for your assistance on this matter. Kind regards.

FILED
August 4, 2021
SURFACE
TRANSPORTATION BOARD

ALB: ah
Enclosures

Respectfully submitted,



Audrey Lane Brodrick
Attorney for West Belt Railway LLC

FEE RECEIVED
August 4, 2021
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB 1318X

WEST BELT RAILWAY LLC.
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN ST. LOUIS COUNTY, MISSOURI

**VERIFIED NOTICE OF EXEMPTION OF
WEST BELT RAILWAY LLC
PURSUANT TO 49 C.F.R. § 1152.50**

Michael J. Barron
Audrey L. Brodrick
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

**ATTORNEYS FOR
WEST BELT RAILWAY LLC**

Dated: August 4, 2021

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB 1318X

WEST BELT RAILWAY LLC
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN ST. LOUIS COUNTY, MISSOURI.

**VERIFIED NOTICE OF EXEMPTION OF
WEST BELT RAILWAY LLC.
PURSUANT TO 49 C.F.R. § 1152.50**

West Belt Railway LLC (“WBRY”) hereby submits this notice of exemption pursuant to 49 C.F.R. § 1152.50 to discontinue common carrier rail service over a 0.1 mile segment of railroad located between milepost 0.7 (near Bodine Industrial Drive crossing) to milepost 0.8 (the end of the track) (“the Line”) in St. Louis County, Missouri.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), WBRY submits the following information:

Certification for Class Exemption (49 C.F.R. § 1152.50(b)):

WBRY qualifies to invoke the Board’s discontinuance of service class exemption procedures at 49 C.F.R. § 1152.50. No local WBRY traffic has moved over the Line for at least 2 years; overhead traffic (to the extent any exists) can be rerouted over other lines; and no formal complaint filed by a user of rail service on the Line regarding cessation of WBRY service either is pending with the Board; a U.S. District Court; or has been decided in favor of the complainant within the past 2 years. See Certification and Verification of Eligibility of WBRY attached as Exhibit A.

Additional Information Required (49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)):

Exact name of applicant (49 C.F.R. § 1152.22(a)(1)):

West Belt Railway LLC.

Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):

WBRY is a common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV, Chapter 105. *See Steel River Infrastructure Fund North America LP; Steel River Devco Holdings; & SR Transportation Holdings – Continuance in Control Exemption – West Belt Railway LLC*, FD 35973. WBRY leases the Line from Terminal Railroad Association of St. Louis. *See West Belt Railway LLC – Lease and Operation Exemption Including Interchange Commitment – Terminal Railroad Association of St. Louis*, FD 35972. Note, WBRY is only discontinuing service over the Line, (the 0.1 mile segment of railroad located between milepost 0.7 (near Bodine Industrial Drive crossing) to milepost 0.8 (the end of the track)), and will continue to provide service over the remainder of the Rail Line, as that term is defined in FD No. 35972.

Relief sought (49 C.F.R. § 1152.22(a)(3)):

WBRY seeks authorization through the Board's class exemption procedures to discontinue common carrier rail service over the 0.1 mile segment of railroad located between milepost 0.7 (near Bodine Industrial Drive crossing) to milepost 0.8 (the end of the track) in St. Louis County, Missouri.

Map (49 C.F.R. § 1152.22(a)(4)):

A map depicting the location of the Line is attached as Exhibit B.

WBRY's representative (49 C.F.R. § 1152.22(a)(7)):

WBRY's representative to whom correspondence regarding this discontinuance should be sent is:

Audrey Lane Brodrick
Fletcher & Sippel LLC
29 N. Wacker Drive
Suite 800
Chicago, IL 60606-3208
312-252-1500

ZIP codes traversed (49 C.F.R. § 1152.22(a)(8)):

The Line traverses United States Postal Service ZIP Code territory 63114.

Suitability for other public purposes (49 C.F.R. § 1152.22(e)(4)):

The informational requirement of 49 C.F.R. § 1152.22(e)(4) (alternative public uses of rail property) is pertinent only where a railroad proposes to abandon rail property, not where (as here) the railroad proposes solely to discontinue service.¹ Nevertheless, WBRY is unaware of any alternative public use for which the Line might be suitable.

Consummation Date (49 C.F.R. § 1152.50(d)(2)):

WBRY will consummate the discontinuance after September 23, 2021.

¹In the instant exemption filing WBRY only seeks to discontinue service over the Line, however, concurrent to this discontinuance notice of exemption filing, the owner of the Line, the Terminal Railroad Association of St. Louis, is filing a Notice of Exemption for the abandonment of the Line and has filed therewith the required Environmental and Historic Report. *See Terminal Railroad Association of St. Louis – Abandonment Exemption – in St. Louis County, Missouri* AB 122 (Sub.-No. 2X).

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

The interests of affected railroad employees, if any, will be protected by the conditions discussed in *Oregon Short Line R.R. — Abandonment — Goshen*, 360 I.C.C. 91 (1979). WBRY does not anticipate that any employees will be adversely affected by the proposed discontinuance.

Certifications (49 C.F.R. § 1152.50(d)(1)):

A certificate of compliance with the newspaper publication and advance notice requirements set forth at 49 C.F.R. §§ 1105.12 and 1152.50(d)(1), respectively, is attached hereto as Exhibit C. For reasons set forth in the “Environmental and Historic Report” section below, the certification of service requirement at 49 C.F.R. § 1105.11 (transmittal of Environmental/ Historic Reports) is inapplicable here.

Environmental/Historic Report (49 C.F.R. §§ 1105.7 and 1105.8):

A notice of exemption to discontinue service over (rather than to abandon) a line of railroad under the class exemption does not require the preparation or submission of an Environmental/Historic Report.²

² See, e.g., *Indiana Harbor Belt Railroad Co. — Discontinuance of Trackage Rights Exemption — In Lake County, Ind.*, AB 317 (Sub-No. 6X) (STB served Mar. 30, 2010) at 2, n.3 (“Because this is a discontinuance proceeding and not an abandonment . . . no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively”); see also n. 1, above.

Respectfully submitted,

By: 

Michael J. Barron
Audrey Lane Brodrick
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

**ATTORNEYS FOR
WEST BELT RAILWAY LLC**

Dated: August 4, 2021

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB 1318X

WEST BELT RAILWAY LLC.
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN ST. LOUIS COUNTY, MISSOURI

EXHIBIT A

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

CERTIFICATION AND VERIFICATION

Bradley Gordon under penalty of perjury, states and certifies as follows:

1. West Belt Railway LLC ("WBRY") has handled no local traffic over the 0.1 mile segment of rail line located between milepost 0.7 (near Bodine Industrial Drive crossing) to milepost 0.8 (the end of the track) ("the Line") in St. Louis County, Missouri for at least 2 years and any overhead traffic can be re-routed; and
2. No formal complaint filed by a user of rail service (or a state or local government entity acting on behalf of such user) regarding WBRY's cessation of service over the Line: is either pending with the Surface Transportation Board; or any U.S. District Court; or has been decided in favor of the complainant within the past 2 years.
3. I have read the foregoing notice of exemption; know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief; and state that I am duly authorized to make such verification on behalf of WBRY.



NAME

Title Vice President, Legal

Business Address

10752 Deerwood Park Blvd.
Suite 300
Jacksonville, FL 32256

Dated: 7-30-2021

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB 1318 X

WEST BELT RAILWAY LLC
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN ST. LOUIS COUNTY, MISSOURI.

EXHIBIT B

MAP

Docket No. AB-1318X
Western Belt Railway - Discontinuance of Service Exemption -
In St. Louis County, Missouri



BEFORE THE
SURFACE TRANSPORTATION BOARD

AB 1318 X

WEST BELT RAILWAY LLC
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN ST. LOUIS COUNTY, MISSOURI

EXHIBIT C

**CERTIFICATE OF
SERVICE/PUBLICATION**

CERTIFICATE OF SERVICE AND PUBLICATION

I, Audrey Lane Brodrick, an attorney for West Belt Railway LLC, for the proceeding before the Surface Transportation Board known as AB 1318X, *West Belt Railway LLC. — Discontinuance of Service Exemption — In St. Louis, County, Missouri.*, hereby certify that:

(1) The advance notice requirements of 49 C.F.R. § 1152.50(d)(1) have been satisfied, to wit: on July 19, 2021, written notice of the proposed discontinuance of rail service was mailed to the (a) United States Department of Defense, MSDDC-TEA, Attn: Railroads for National Defense; (b) U.S. Department of Agriculture, Chief of the Forest Service; (c) National Center for Recreation and Conservation, National Park Service; (d) the Missouri Department of Transportation. Copies of the correspondence indicating the method of transmission and addresses for these agencies are attached hereto as Attachment 1; and

(2) A newspaper notice was published on July 21, 2021 in the *St. Louis Post-Dispatch*, a newspaper of general circulation St. Louis County, Missouri. Copies of the notice and *St. Louis Post-Dispatch* Affidavit of Publication are attached to this certificate as Attachment 2.



Audrey Lane Brodrick
Attorney for West Belt Railway LLC

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

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Fax: (312) 252-2400
www.fletcher-sippel.com

AUDREY L. BRODRICK

(312) 252-1518
abrodrick@fletcher-sippel.com

July 19, 2021

Ms. Vicki Christiansen
Chief, Forest Service
U.S. Department of Agriculture
1400 Independence Avenue S.W.
Washington, DC 20250-1111
Email: vcchristiansen@fs.fed.us

Re: **Docket No. AB-1318X**
Western Belt Railway – Discontinuance of Service Exemption –
In St. Louis County, Missouri

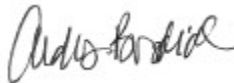
Dear Chief Christiansen:

On or after July 29, 2021, the Western Belt Railway (“WBRY”) intends to file with the Surface Transportation Board (“STB”) a notice of exemption pursuant to 49 C.F.R. part 1152, subpart F – *Exempt Abandonments and Discontinuances of Service and Trackage Rights*, to discontinue common carrier service over approximately 0.1 miles of rail line situated between Milepost 0.7 (near Bodine Industrial Drive crossing) and Milepost 0.8 (the end of the line) in Overland, St. Louis County, in Missouri (“the Line”). The Line traverses United States Postal Service ZIP Code 63114. The proceeding will be docketed as STB Docket No. AB-1318X. A map depicting the Line is enclosed herewith.

This proceeding involves WBRY’s discontinuance of common carrier service over the Line, and not its abandonment. WBRY understands the question of whether the Line contains federally-granted rights-of-way is inapplicable. The Line is not suited at this time for alternative public use. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

If you have any questions about the notice of exemption that WBRY plans soon to file, please review the applicable regulations or contact me at 312-252-1518 or the Surface Transportation Board, 395 E Street SW Washington, DC 20423-0001; TEL: (202) 245-0230.

Very truly yours,



Audrey L. Brodrick
Attorney for Western Belt Railway

ALB/eg
Enclosure

Docket No. AB-1318X
Western Belt Railway - Discontinuance of Service Exemption -
In St. Louis County, Missouri



FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
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AUDREY L. BRODRICK

(312) 252-1518
abrodrick@fletcher-sippel.com

July 19, 2021

Military Surface Deployment & Distribution Command
Transportation Engineering Agency
Attn: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Bldg. 1900W
Scott AFB, IL 62225-50067

Re: **Docket No. AB-1318X**
Western Belt Railway – Discontinuance of Service Exemption –
In St. Louis County, Missouri

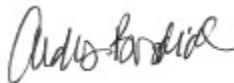
Dear Sir or Madam:

On or after July 29, 2021, the Western Belt Railway (“WBRY”) intends to file with the Surface Transportation Board (“STB”) a notice of exemption pursuant to 49 C.F.R. part 1152, subpart F – *Exempt Abandonments and Discontinuances of Service and Trackage Rights*, to discontinue common carrier service over approximately 0.1 miles of rail line situated between Milepost 0.7 (near Bodine Industrial Drive crossing) and Milepost 0.8 (the end of the line) in Overland, St. Louis County, in Missouri (“the Line”). The Line traverses United States Postal Service ZIP Code 63114. The proceeding will be docketed as STB Docket No. AB-1318X. A map depicting the Line is enclosed herewith.

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Very truly yours,



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Attorney for Western Belt Railway

ALB/eg
Enclosure

Docket No. AB-1318X
Western Belt Railway - Discontinuance of Service Exemption -
In St. Louis County, Missouri



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AUDREY L. BRODRICK

(312) 252-1518
abrodrick@fletcher-sippel.com

July 19, 2021

Mr. Bob Ratcliffe
Division Chief, Conservation and Outdoor Recreation
National Park Service
1849 C Street NW
Washington, DC 20240-0001
Email: Bob_Ratcliffe@nps.gov

Re: **Docket No. AB-1318X**
Western Belt Railway – Discontinuance of Service Exemption –
In St. Louis County, Missouri

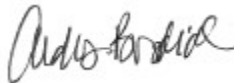
Dear Chief Ratcliffe:

On or after July 29, 2021, the Western Belt Railway (“WBRY”) intends to file with the Surface Transportation Board (“STB”) a notice of exemption pursuant to 49 C.F.R. part 1152, subpart F – *Exempt Abandonments and Discontinuances of Service and Trackage Rights*, to discontinue common carrier service over approximately 0.1 miles of rail line situated between Milepost 0.7 (near Bodine Industrial Drive crossing) and Milepost 0.8 (the end of the line) in Overland, St. Louis County, in Missouri (“the Line”). The Line traverses United States Postal Service ZIP Code 63114. The proceeding will be docketed as STB Docket No. AB-1318X. A map depicting the Line is enclosed herewith.

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Very truly yours,



Audrey L. Brodrick
Attorney for Western Belt Railway

ALB/eg
Enclosure

Docket No. AB-1318X
Western Belt Railway - Discontinuance of Service Exemption -
In St. Louis County, Missouri



FLETCHER & SIPPEL LLC

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AUDREY L. BRODRICK

(312) 252-1518
abrodrick@fletcher-sippel.com

July 19, 2021

Missouri Department of Transportation
Multimodal Division
105 W. Capitol Ave.
Jefferson City, MO 65102

Re: **Docket No. AB-1318X**
Western Belt Railway – Discontinuance of Service Exemption –
In St. Louis County, Missouri

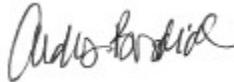
Dear Sir or Madam:

On or after July 29, 2021, the Western Belt Railway (“WBRY”) intends to file with the Surface Transportation Board (“STB”) a notice of exemption pursuant to 49 C.F.R. part 1152, subpart F – *Exempt Abandonments and Discontinuances of Service and Trackage Rights*, to discontinue common carrier service over approximately 0.1 miles of rail line situated between Milepost 0.7 (near Bodine Industrial Drive crossing) and Milepost 0.8 (the end of the line) in Overland, St. Louis County, in Missouri (“the Line”). The Line traverses United States Postal Service ZIP Code 63114. The proceeding will be docketed as STB Docket No. AB-1318X. A map depicting the Line is enclosed herewith.

This proceeding involves WBRY’s discontinuance of common carrier service over the Line, and not its abandonment. WBRY understands the question of whether the Line contains federally-granted rights-of-way is inapplicable. The Line is not suited at this time for alternative public use. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

If you have any questions about the notice of exemption that WBRY plans soon to file, please review the applicable regulations or contact me at 312-252-1518 or the Surface Transportation Board, 395 E Street SW Washington, DC 20423-0001; TEL: (202) 245-0230.

Very truly yours,



Audrey L. Brodrick
Attorney for Western Belt Railway

ALB/eg
Enclosure

Docket No. AB-1318X
Western Belt Railway - Discontinuance of Service Exemption -
In St. Louis County, Missouri



Ms. Vicki Christiansen
Chief, Forest Service
U.S. Department of Agriculture
1400 Independence Avenue S.W.
Washington, DC 20250-1111
Email: vcchristiansen@fs.fed.us

Military Surface Deployment & Distribution Command
Transportation Engineering Agency
Attn: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Bldg. 1900W
Scott AFB, IL 62225-50067

Mr. Bob Ratcliffe
Division Chief, Conservation and Outdoor Recreation
National Park Service
1849 C Street NW
Washington, DC 20240-0001
Email: Bob_Ratcliffe@nps.gov

Missouri Department of Transportation
Multimodal Division
105 W. Capitol Ave.
Jefferson City, MO 65102

ST. LOUIS POST-DISPATCH

AFFIDAVIT OF PUBLICATION

Fletcher & Sippel LLC
Affidavit Enclosed – Emily Gurney
29 North Wacker Dr., Suite 800
Chicago, IL 60606

Ad #67570-1

THE ATTACHED ADVERTISEMENT WAS PUBLISHED

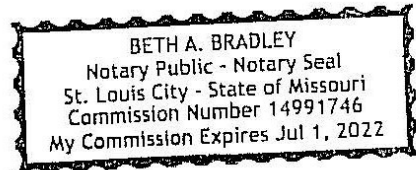
In the St. Louis Post-Dispatch and online STLToday.com on the following days
July 21, 2021

Cynthia L. Alderton

Cynthia L. Alderton
COMPANY REPRESENTATIVE

SWORN TO AND SUBSCRIBED BEFORE ME
THIS August 2, 2021.

Beth A. Bradley
NOTARY PUBLIC, CITY OF ST. LOUIS



**NOTICE OF INTENT TO
DISCONTINUE RAIL SERVICE
STB DOCKET NO. AB-1318X**

Western Belt Railway ("WBRY") gives notice that on or after July 29, 2021 it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 C.F.R. Part 1152 Subpart F - Exempt Abandonments and Discontinuances of Service and Trackage Rights permitting WBRY to discontinue common carrier service over WBRY's line of railroad located in Overland, St. Louis County, Missouri from milepost 0.7 (near Bodine Industrial Drive crossing), to milepost 0.8 (the end of the line) (the "Line"). The Line traverses United States ZIP Code 63114. The proceeding will be docketed as STB Docket No. AB-1318X.

The proposed action entails the discontinuance of rail common carrier service over the Line, but not abandonment. Accordingly, no Environmental Assessment will be prepared as part of this proceeding.

Appropriate offers of financial assistance to subsidize WBRY rail service can be filed with the Board. Any pleading pertaining to offers of financial assistance or otherwise addressing the proposed discontinuance of service must be filed electronically with the Board's Section of Administration, Office of Proceedings, 395 E. Street, S.W., Washington, DC 20423 (<https://prod.stb.gov/proceedings-actions/e-filing/>), and one copy must be served on WBRY's representative (See 49 C.F.R. § 1104.12(a)). Questions regarding offers of financial assistance may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on WBRY's representative: Audrey L. Brodrick, FLETCHER & SIPPEL LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606-3208 (phone: 312-252-1500; fax 312-252-2400).