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311269

May 6, 2026

Via Electronic Filing

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423

ENTERED
Office of Chief Counsel
May 6, 2026
Part of
Public Record

Re: FD 36928, *Unity Line, LLC d/b/a Manitowoc Port & Terminal Railway – Operational Exemption – Rail Lines in Manitowoc County, WI*

Dear Chief of Case Administration:

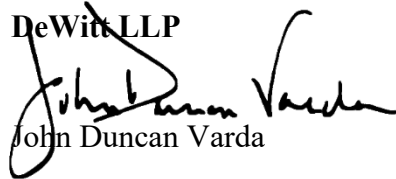
Attached for filing in the above referenced docket is the Verified Notice of Exemption under 49 C.F.R. § 1150.31 of the Unity Line, LLC d/b/a Manitowoc Port & Terminal Railway. The filing fee has been paid electronically via pay.gov.

Please contact the undersigned if there are any questions regarding this filing.

Thank you for your attention to this matter.

Sincerely,

DeWitt LLP



John Duncan Varda

JDV:cm
Enclosure

FEE RECEIVED
May 6, 2026
SURFACE
TRANSPORTATION BOARD

FILED
May 6, 2026
SURFACE
TRANSPORTATION BOARD

M I N N E S O T A : W I S C O N S I N

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Unity Line, LLC d/b/a Manitowoc Port & Terminal Railway – Operational Exemption – Rail Lines in Manitowoc County, WI	))))))	Finance Docket No. 36928
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Its Attorneys

Unity Line, LLC d/b/a Manitowoc	)	Finance Docket No. 36928
Port & Terminal Railway	)	
– Operational Exemption –	)	
Rail Lines in Manitowoc County, WI	)	
	)	

Unity Line, LLC d/b/a Manitowoc Port & Terminal Railway LLC (“Unity Line” or “MP&TR”) pursuant to 49 C.F.R. § 1150.31, *et seq.* and 49 U.S.C. § 10502(a), hereby submits its verified notice of exemption from 49 U.S.C. § 10901 (“Verified Notice”) for operation of approximately 1.5 miles of existing non-common carrier track in Manitowoc, Wisconsin (the “Track”).

Nature and Overview/STB Jurisdiction

This exemption involves the creation of a new Class III carrier, Unity Line, LLC d/b/a Manitowoc Port & Terminal Railway which will operate and provide common carrier railroad service over the Track, that currently serves as private switching and receiving/loading track for an affiliate, Briess Industries, Inc. (“Briess”), a non-carrier, in Manitowoc County, Wisconsin. The Track is connected to existing track owned by

Wisconsin Central Ltd. (“CN/WCL”) which operates between Briess industry track and WCL/CN’s nearby Manitowoc Yard.

The MP&TR Track will serve a growing volume of interstate and foreign commerce moving to, from and through the Port of Manitowoc, including Briess and other third party shippers and receivers. For current and growing freight volumes moving through the Port of Manitowoc, MP&TR’s operation will: (a) minimize congestion at the Lakefront Harbor Port site; (b) reduce and minimize commercial motor vehicle traffic moving through downtown Manitowoc commercial and residential areas between the Port and I-43; and (c) minimize impacts on and conflicts with recreational and other activities in the Lakefront Harbor District. Briess and the Port are continuing to grow volumes of interstate and foreign commerce.¹

MP&TR will enter into appropriate arrangements with CN/WCL to interchange traffic from the Track and connect it with the national railroad system.

Pursuant to *Effingham*² and *Jersey Marine Rail*³, this Track qualifies as a line of railroad and is subject to the jurisdiction of the Surface Transportation Board (“STB” or “Board”). In *Effingham*, the Board evaluated the criteria on which to determine whether

¹ Among the routes in foreign commerce are oats originating in Scandinavia through the Port of Manitowoc destined for processing in Manitowoc County and, thence, for furtherance to U.S. Midwest markets. Strategically significant in times of military conflict are routes involving Ukrainian grain, moving via Baltic ports to the Port of Manitowoc for processing and, thence, to U.S. Midwest domestic markets. The route could help relieve a [glut in Polish markets](#) caused by loss of other markets for Ukrainian grain during military conflict.

² *Effingham R.R. – Pet. for Declaratory Order – Constr. at Effingham, IL*, 2 S.T.B. 606, 609-10 (1997), aff’d sub nom. *United Transp. Union-Ill. Legislative Bd. v. STB*, 183 F.3d 606 (7th Cir. 1999). See also *Bulkmatic Rail Corp. – Acquisition & Operation Exemption – Bulkmatic Transport Co.*, FD 34145 (STB served Nov. 19, 2002).

³ *Jersey Marine Rail, LLC – Pet. for Declaratory Order*, FD 36063 (STB served Jan. 31, 2017).

the creation of a Class III railroad to serve an industrial park, *i.e.*, spur, industrial, team, switching, or sidetracks, was subject to its jurisdiction, notwithstanding the relatively small size of its planned operations, for three reasons. First, the larger purpose and effect of the transaction was to create a new railroad to operate in competitive service in an area where the new carrier had not previously served. Second, the track would constitute the new carrier's entire line of railroad. Third, the new railroad would interchange traffic with the national railroad system.

These three factors are fully satisfied in this case. First, the purpose and effect of this transaction is to create MP&TR, a new common carrier railroad that is designed to provide competitive common carrier services to local industries. Second, the Track of MP&TR will constitute its entire line of railroad. Third, the MP&TR will be interchanging traffic with the national railroad system. Therefore, pursuant to *Effingham and Jersey Marine Rail*, this Track qualifies as a line of railroad and is subject to the jurisdiction of the Board.

Also, similar to the railroad involved in *Jersey Marine Rail*, because MP&TR is not seeking to construct any new track, it does not seek, and it will not require construction authority from the Board under § 10901. Additionally, because MP&TR is only seeking to utilize existing track at this time, and again, is not seeking to construct any new track, the project is not subject to environmental review under the National Environmental Policy Act, 42 U.S.C. § 4331 *et seq.*

**Information Required by 49 C.F.R. § 1150.33
for Transactions Involving the Creation of Class III Carriers**

(a) Full name and Address of the Applicant

Unity Line, LLC d/b/a Manitowoc Port & Terminal Railway
605 Washington Street
Manitowoc, WI 54302

(b) Name and Address of Representatives to Receive Correspondence

Peter A. Pfohl
Slover & Loftus LLP
1828 L Street, N.W., Suite 1000
Washington, D.C. 20036
Phone: (202) 347-7170
Fax: (202) 347-3619

John Duncan Varda
DeWitt LLP
25 West Main Street, Suite 800
Madison, WI 53703
Phone: (608) 252-9311
Fax: (608) 252-9243

(c) Statement Regarding Agreement

MP&TR has entered into an agreement with its owner Briess for common carrier use and operation of the Track on or after the effective date of the Notice of Exemption.⁴ MP&TR expects to enter into an industry standard interchange agreement with CN/WCL, or otherwise, as necessary, will seek to interchange traffic with CN/WCL under 49 U.S.C. § 10742. *See, e.g., Jersey Marine Rail* (lack of interchange agreement at time of filing of exemption “is immaterial because, under 49 U.S.C. § 10742, [interchange carrier] will be required to interchange traffic” following the granting of the petition). *Id.* at 3.

⁴ Briess requires no authority to own the subject track as a non-carrier where MP&TR (an affiliated entity) seeks authorization to operate the Track as a common carrier. *See, e.g., TGS Cedar Port R.R. LLC – Operation Exemption – Track in Chambers Cnty., Tex.*, FD 36627 (STB served July 22, 2022); *Merced Cnty. Cent. Valley R.R., LLC - Lease and Operation Exemption – Track in Merced Cnty., Cal.*, FD 36589 (STB served June 10, 2022).

(d) The Operator of the Property

MP&TR will operate over the Track.

(e) Brief Summary of the Transaction

(1) Name and Address of the Railroad Transferring the Subject Property:

As described above, this exemption does not involve the transfer of existing common carrier track and right of way. Through agreement with Briess, the current owner, MP&TR shall have the right to use and operate the Track in common carrier service.

MP&TR will be obtaining the right to use this Track from the following:

Briess Industries, Inc.
605 S. Washington Street
Manitowoc, Wisconsin 54220

(2) Proposed Timetable

The agreement for use and operation of the Track is expected to be consummated within approximately one (1) day after the effective date of this Notice of Exemption.

(3) Mileposts of the Property

There are no existing mileposts on the Track. Applicant will install suitable milepost-type markers as necessary promptly upon acquiring use of the Track.

(4) Total Route Miles

A total of approximately 1.5 miles of track is to be operated by MP&TR.

(f) Map

Maps depicting and describing the lines and immediate vicinity are attached as Appendices A through G to this Notice.

Appendix A is a schematic map of the Briess Manitowoc malting facility and immediately adjacent rail trackage. As marked on Appendix A:

- Track 1 is owned by CN/WCL but has been leased for use as industry track for the Briess malting facility since 1990 and will continue in that use.
- Tracks 6 and 7 and a spur off Track 5 will remain Briess Industries' track.
- Tracks 3, 4 and 5 are to be operated by MP&TR as a Class III rail carrier (the "Track").

Appendix B is an overview of all of the tracks adjacent to the Briess Manitowoc malting facility, from just South of Quay Street (end of track immediately south of South 5th Street) to the switches with CN/WCL just south of the crossing at crossing of Vietnam War Veterans Memorial Highway (see Appendix E).

Appendix C is a map of the northern segment of Appendix B.

Appendix D is a map of the southern segment of Appendix B.

Appendix E is an overview map of connections with CN/WCL at the southern end of Briess Industry owned or leased track.

Briess' predecessors transferred and Briess currently transfers bulk grain commodities to and from its facility and vessels on the Manitowoc River which move via the Manitowoc Harbor to and from Lake Michigan and via the St. Lawrence Seaway to and from international waters. The bulk grain commodities are moved to, from and through Briess' facility and transloaded via a conveyor system beneath South 6th Street connected to Briess transloading Grain Tower.

Appendix F is a historic aerial photo of a vessel transloading at the Grain Tower.

Appendix G is a recent aerial photo with the Briess Grain Tower in the background.

(g) Certificate of Projected Revenues

Unity Line hereby certifies that its projected revenues will not exceed those that would qualify it as a Class III carrier.

(h) Interchange Commitments

Unity Line certifies that the proposed transaction does not involve nor will it involve any agreement, including any provision that would limit future interchange, with a third-party connecting railroad.

Caption Summary Pursuant to 49 C.F.R. § 1150.34

A caption summary for FD 36928 in the form prescribed by the Board is attached hereto as Appendix H to this Notice.

Advance Notice

The projected annual revenue of MP&TR is not expected to exceed five (5) million dollars, and, accordingly, the 49 C.F.R. § 1150.32(e) advance notice requirements are inapplicable.

Labor Notice Certification

The STB's regulations at 49 C.F.R. § 1121.4(h) require Class III carriers seeking an exemption for the operation of rail lines to certify that a notice has been posted at the workplace to notify employees working on the rail line. MP&TR will be a Class III carrier; and, therefore, this provision is not applicable. Notice has been given to each of the Briess employees who will operate the Track as a Class III carrier.

Labor Protection

As this transaction is subject to 49 U.S.C. § 10901, and this transaction will not displace any railroad employees, labor protection pursuant to 49 U.S.C. § 11326(c) is not required. Also, because MP&TR will be a Class III rail carrier, and this transaction does not involve the creation of a Class I or Class II rail carrier, approval of this transaction is not subject to or requires a general statement of labor impacts under 49 C.F.R. § 1150.45.

Environmental and Historical Reports

Under 49 C.F.R. § 1105.6(c)(1), MP&TR's proposed operations are exempt from environmental reporting requirements, and the proposed operations will not result in changes that will exceed the environmental reporting thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5).

Under 49 C.F.R. § 1105.8(b)(1), MP&TR's proposed operations are exempt from historic preservation reporting requirements. The proposed transaction is for the initiation of common carrier rail service. After common carrier service over the Track is initiated, additional Surface Transportation Board approval would be required to abandon the involved lines or discontinue railroad service over them and address any future plans to dispose of or alter properties subject to the Board's jurisdiction that are fifty years old or older.

Accordingly, no environmental or historic documentation is required.

Verification

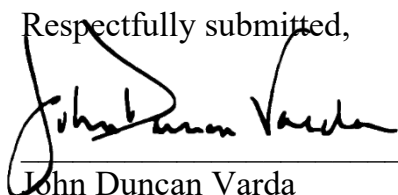
The verification of Craig Briess on behalf of MP&TR is attached hereto as Appendix I to this Notice.

CONCLUSION

WHEREFORE, MP&TR requests that, pursuant to 49 C.F.R. § 1150.32(b), the Director of the Board's Proceedings publish a notice in the *Federal Register* to provide notice of this exemption.

Respectfully submitted,

By:



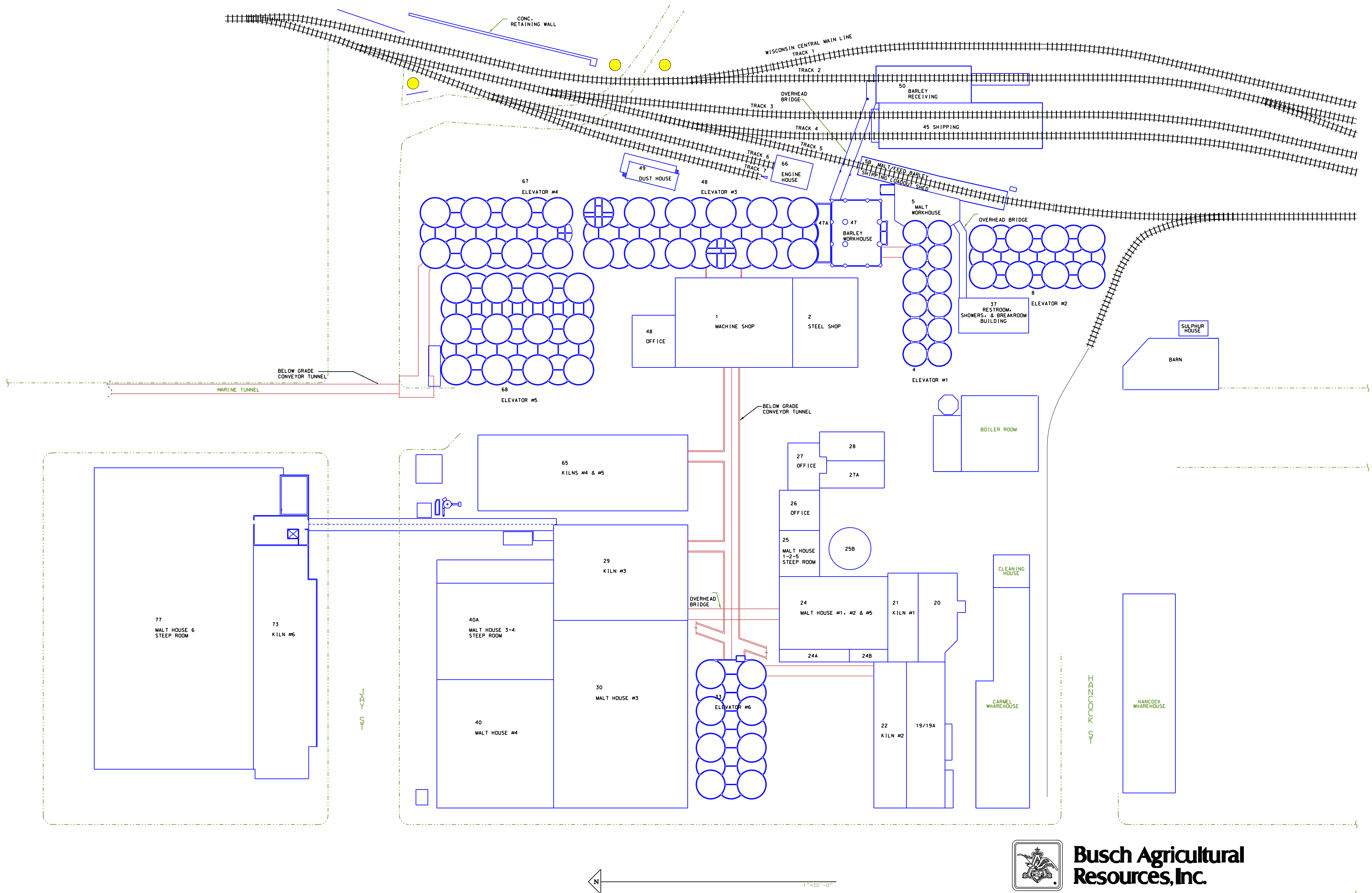
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Washington, D.C. 20036
Phone: (202) 347-7170

Attorneys for
Unity Line, LLC d/b/a
Manitowoc Port & Terminal Railway

Dated: May 6, 2026

Appendix A – Briess Manitowoc Mill Facility and Adjacent Track



Busch Agricultural Resources, Inc.

605 Washington Street
Manitowoc, Wisconsin

Appendix B – Overview of Track Adjacent to Briess Manitowoc Mill

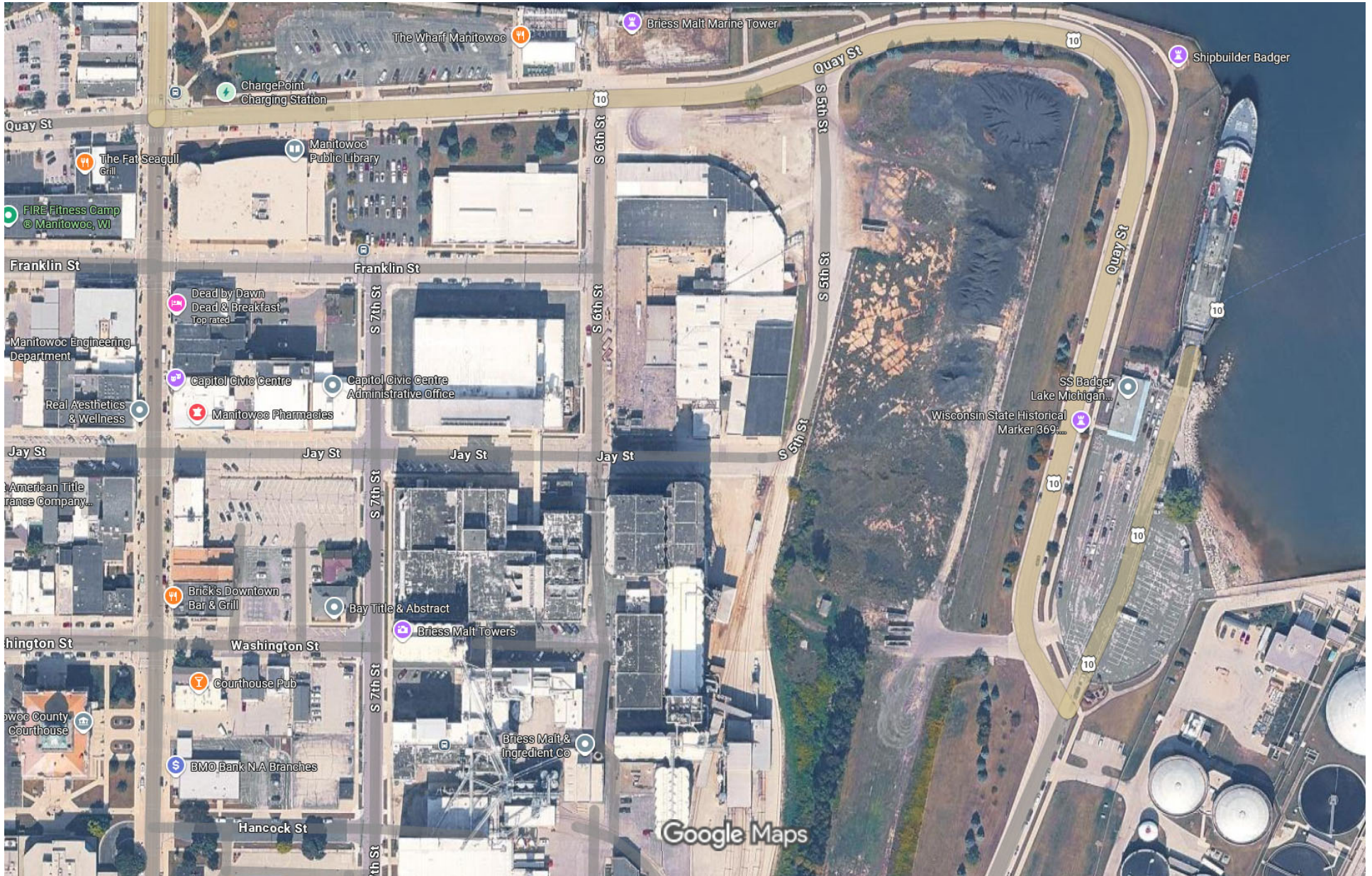
Google Maps



Imagery ©2026 Airbus, Maxar Technologies, Map data ©2026 200 ft

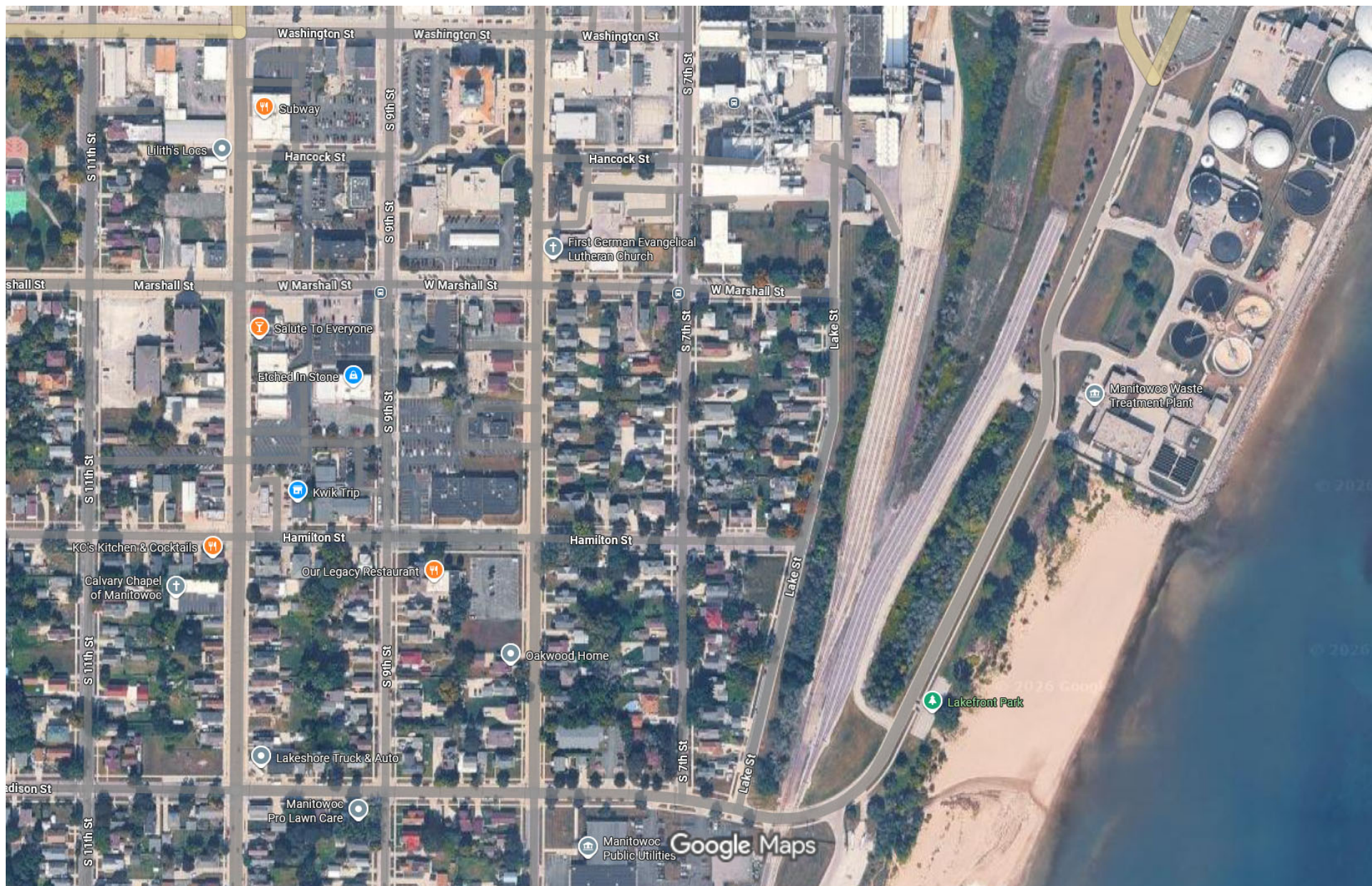
Appendix C – Overview of Northern Segment of Track Adjacent to Briess Manitowoc Mill

Google Maps



Imagery ©2026 Airbus, Maxar Technologies, Map data ©2026 100 ft

Appendix D – Overview of Southern Segment of Track Adjacent to Briess Manitowoc Mill



Imagery ©2026 Airbus, Maxar Technologies, Map data ©2026 200 ft

Appendix E – Overview Map of Connections with WC/CN at the Southern End of Briess Industry Owned and Lease

Google Maps



Imagery ©2026 Airbus, Maxar Technologies, Map data ©2026 50 ft

Appendix F – Historic Aerial Photo of a Vessel Transloading at Briess' Port Grain Tower



Appendix G – Recent Aerial Photo with Briess Port Grain Tower in the Background



BEFORE THE
SURFACE TRANSPORTATION BOARD

	)	
Unity Line, LLC d/b/a Manitowoc	)	
Port & Terminal Railway –	)	Finance Docket No. 36928
Operational Exemption –	)	
Rail Lines in Manitowoc County, WI	)	
	)	

Appendix I
Proposed Caption Summary

BEFORE THE
SURFACE TRANSPORTATION BOARD

Unity Line, LLC d/b/a Manitowoc	)	
Port & Terminal Railway –	)	
Operational Exemption –	)	
Rail Lines in Manitowoc County, WI	)	
	)	

Finance Docket No. 36928

Unity Line, LLC d/b/a Manitowoc Port & Terminal Railway (“MP&TR”) has filed a verified notice of exemption under 49 C.F.R. §1150.31 to operate certain industry track owned by Briess Industries, Inc. (“Briess”) at its Manitowoc lakefront mill location, 605 S. Washington Street, Manitowoc, Wisconsin 54220. Briess is the sole owner of MP&TR which anticipates commencing common carrier operations over the rail lines on or after approval of carrier status by the Surface Transportation Board.

All pleadings, referring to Finance Docket 36923 must be filed with the Surface Transportation Board either via e-filing on the Board’s website or in writing addressed to 395 E. Street SW, Washington, D.C., 20423-0001. In addition, a copy of each pleading must be served on:

John Duncan Varda
DeWitt LLP
25 West Main Street, Suite 800
Madison, WI 53703
(608) 252-9311

Peter A. Pfohl
Slover & Loftus LLP
1828 L Street, N.W., Suite 1000
Washington, D.C. 20036
(202) 347-7170

This notice of exemption acquisition is categorically excluded from environmental review under 49 C.F.R. §1105.6(c) and from historic preservation reporting requirements under 49 C.F.R. §1105.8(b).

This notice is filed under 49 C.F.R. §1150.31. If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. §10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Board decisions and notices are available at www.stb.gov.