

BEFORE THE
SURFACE TRANSPORTATION BOARD

CLASS EXEMPTION FOR EXPEDITED)
ABANDONMENT PROCEDURE FOR) EX PARTE
CLASS II AND CLASS III RAILROADS) NO. 647

COMMENTS ^{1/}

ALBANY & EASTERN RAILROAD COMPANY
DAKOTA NORTHERN RAILROAD, INC.
DENVER ROCK ISLAND RAILROAD COMPANY
HEART OF GEORGIA RAILROAD, INC.
IOWA TRACTION RAILROAD COMPANY
MINNESOTA NORTHERN RAILROAD, INC.
MISSISSIPPI TENNESSEE RAILROAD, LLC
PROGRESSIVE RAIL INCORPORATED
RIO VALLEY SWITCHING COMPANY
SOUTHERN SWITCHING COMPANY
ST. CROIX VALLEY RAILROAD COMPANY
WINAMAC SOUTHERN RAILROAD COMPANY

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DATE FILED: March 6, 2006

^{1/} A listing of the names and addresses of the Class III rail carriers in whose behalf these comments are filed appears in Appendix A.

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Pursuant to the Board's Advance Notice of Proposed Rulemaking (ANPR), served January 19, 2006, the Class III rail carriers listed on the cover page (referred to as "Albany & Eastern, et al.") hereby file Comments in this matter.

COMMENTS

The parties joining in these Comments are Class III rail carriers who are located in various sections of the United States. They are motivated to operate rail lines, rather than to abandon them. However, if abandonment were to become necessary, they are far less able than their Class I counterparts to afford substantial expense and time to comply with a detailed abandonment process. Consequently, they favor relaxation of the current process, which applies to Class III carriers and Class I carriers, without distinction.

Initially, Albany & Eastern, et al. supported the exemption proposed by the 65 short-line and regional carriers in their petition filed May 15, 2003. However, upon review of the ANPR, and particularly in light of the initial concerns with that exemption expressed by the Board (ANPR at 4-6), Albany & Eastern, et al. are of the opinion that the small-railroad abandonment process would be better improved by adoption of the alternatives suggested by the Board at page 7 of the ANPR, or variations of those alternatives.

Reduction of the 2-year out-of-service class exemption period to 1 year would significantly expand the number of rail lines that could be abandoned pursuant to class exemption procedure. That would be accomplished pursuant to a class exemption procedure that the public has become familiar with over the years. It also would be accomplished without raising the concerns expressed by the Board in the ANPR. For example, the environmental-historic provisions would be unchanged. This proposal would go far to expedite the small-railroad abandonment process without the downsides associated with the initial proposal.

So would a 30-day no-protest abandonment process for petitions for exemption. Such a provision would take into account the Board's duty to balance the interests of those who oppose abandonment, while still streamlining the abandonment process. At the end of 30 days, the Board could publish a notice in the Federal Register that no protests were filed and that abandonment would be effective 30 to 45 days thereafter, subject to the filing of OFAs, trail use requests and completion of the environmental-historic process.

WHEREFORE, Albany & Eastern, et al. suggest that the two proposals suggested at page 7 of the ANPR be put forth in a Notice of Proposed Rulemaking.

Respectfully submitted,

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DAKOTA NORTHERN RAILROAD, INC.
DENVER ROCK ISLAND RAILROAD COMPANY
HEART OF GEORGIA RAILROAD, INC.
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