



# Public Service Commission

## State of North Dakota

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### COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Sheri Haugen-Hoffart

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

April 26, 2022

The Honorable Kevin Cramer  
United States Senator  
110 Hart Senate Office Building  
Washington, DC 20510

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Senator Cramer,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

If you have any questions about the abandonment application or how the Surface Transportation Board processes these cases, please contact me at 701-328-4097 or contact the Surface Transportation Board directly at 202-245-0238.

Sincerely,

Konrad Crockford  
Director of Compliance Division

Attachment



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April 26, 2022

The Honorable John Hoeven  
United States Senator  
338 Russell Senate Office Building  
Washington, DC 20510

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Senator Hoeven,

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April 26, 2022

The Honorable Kelly Armstrong  
United States House of Representatives  
1032 Longworth House Office Building  
Washington, DC 20515

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Representative Armstrong,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

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Konrad Crockford  
Director of Compliance Division

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April 26, 2022

Cody Schulz, Director  
ND Parks & Recreation Department  
1600 E. Century Ave., Suite 3  
PO Box 5594  
Bismarck, ND 58506-5594

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Director Schulz,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

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April 26, 2022

Mr. Dana Kaldor  
NDFB Vice President  
ND Farm Bureau  
1101 1<sup>st</sup> Ave. N.  
Fargo, ND 58102

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear VP Kaldor,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

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April 26, 2022

Mr. Vance Taylor  
ND Mill and Elevator  
1823 Mill Road  
Grand Forks, ND 58208-3078

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Mr. Taylor,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

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April 26, 2022

The Honorable Doug Goehring  
North Dakota Department of Agriculture  
600 E Boulevard Ave. Dept. 602  
Bismarck, ND 58505-0020

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Commissioner Goehring,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

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April 26, 2022

Matt Gardner, Executive Director  
North Dakota League of Cities  
410 East Front Avenue  
Bismarck, ND 58504

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Executive Director Gardner,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

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Sincerely,

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Konrad Crockford  
Director of Compliance Division

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April 26, 2022

Carrie Krause, President  
North Dakota Association of Counties  
PO Box 877  
1661 Capitol Way  
Bismarck, ND 58502-0877

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear President Krause,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

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April 26, 2022

Mr. James Leiman, Commissioner  
ND Department of Commerce  
1600 E. Century Ave., Suite 2  
PO Box 2057  
Bismarck, ND 58503

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Commissioner Leiman,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

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April 26, 2022

Bill Peterson, Director  
State Historical Society  
ND Heritage Center  
612 E. Boulevard Ave  
Bismarck, ND 58505-0830

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Director Peterson,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

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April 26, 2022

Mr. Joseph Heringer, Land Commissioner  
ND Department of Trust Lands  
1707 North 9th Street  
PO Box 5523  
Bismarck, ND 58506-5523

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Mr. Heringer,

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April 26, 2022

Mr. Alex Richard  
North Dakota Grain Dealers Association  
2417 N University Dr., Suite A  
Fargo, ND 58102-1820

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Mr. Richard,

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April 26, 2022

Mr. Denver Tolliver, Director  
Upper Great Plains Transportation Institute  
Quentin Burdick Building  
1320 Albrecht Blvd #418  
Fargo, ND 58105

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Director Tolliver,

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April 26, 2022

The Honorable David Clemens, Chairman  
ND Senate Transportation Committee  
125 Woodlea Drive  
Devils Lake, ND 58301-8545

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Chairman Clemens,

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April 26, 2022

The Honorable Dan Ruby, Chairman  
ND House Transportation Committee  
4620 46<sup>th</sup> Ave. NW  
Minot, ND 58703-8711

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Chairman Ruby,

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April 26, 2022

John Brisch, Director  
United Transportation Union  
1910 N. 11<sup>th</sup> St., Suite 17  
Bismarck, ND 58501-1991

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Director Brisch,

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April 26, 2022

Mr. Arik Spencer  
Greater North Dakota Chamber  
PO Box 2639  
Bismarck, ND 58502

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Mr. Spencer,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

If you have any questions about the abandonment application or how the Surface Transportation Board processes these cases, please contact me at 701-328-4097 or contact the Surface Transportation Board directly at 202-245-0238.

Sincerely,

Konrad Crockford  
Director of Compliance Division

Attachment



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Julie Fedorchak  
Randy Christmann  
Sheri Haugen-Hoffart

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
Web: [www.psc.nd.gov](http://www.psc.nd.gov)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

April 26, 2022

Mark Watne, President  
North Dakota Farmers Union  
PO Box 2136  
Jamestown ND 58401

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear President Watne,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

If you have any questions about the abandonment application or how the Surface Transportation Board processes these cases, please contact me at 701-328-4097 or contact the Surface Transportation Board directly at 202-245-0238.

Sincerely,

A handwritten signature in blue ink, appearing to read "Konrad Crockford".

Konrad Crockford  
Director of Compliance Division

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# Public Service Commission

## State of North Dakota

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Fax: 701-328-2410  
TDD: 800-366-6888 or 711

April 26, 2022

Ms. Jen Turnbow  
North Dakota DOT  
Planning Division  
608 East Boulevard Avenue  
Bismarck, ND 58505-0700

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Ms. Turnbow,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

If you have any questions about the abandonment application or how the Surface Transportation Board processes these cases, please contact me at 701-328-4097 or contact the Surface Transportation Board directly at 202-245-0238.

Sincerely,

A handwritten signature in blue ink, appearing to read "Konrad Crockford".

Konrad Crockford  
Director of Compliance Division

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# Public Service Commission

## State of North Dakota

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ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

April 26, 2022

Jace Beehler, Chief of Staff  
Governor's Office  
State of North Dakota  
600 East Boulevard Avenue  
Bismarck, North Dakota 58505-0001

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Chief of Staff Beehler,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

If you have any questions about the abandonment application or how the Surface Transportation Board processes these cases, please contact me at 701-328-4097 or contact the Surface Transportation Board directly at 202-245-0238.

Sincerely,

A handwritten signature in blue ink, appearing to read "Konrad Crockford".

Konrad Crockford  
Director of Compliance Division

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# Public Service Commission

## State of North Dakota

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Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

April 26, 2022

The Honorable Kory Peterson, Mayor  
City of Horace  
413 Main Street  
Horace, ND 58047

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Mayor Peterson,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

If you have any questions about the abandonment application or how the Surface Transportation Board processes these cases, please contact me at 701-328-4097 or contact the Surface Transportation Board directly at 202-245-0238.

Sincerely,

A handwritten signature in blue ink, appearing to read "Konrad Crockford".

Konrad Crockford  
Director of Compliance Division

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# Public Service Commission

## State of North Dakota

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ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

April 26, 2022

Russel Sahr, Chairman  
City of Horace Planning Commission  
413 Main Street  
Horace, ND 58047

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Chairman Sahr,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

If you have any questions about the abandonment application or how the Surface Transportation Board processes these cases, please contact me at 701-328-4097 or contact the Surface Transportation Board directly at 202-245-0238.

Sincerely,

A handwritten signature in blue ink, appearing to read "Konrad Crockford".

Konrad Crockford  
Director of Compliance Division

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# Public Service Commission

## State of North Dakota

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Fax: 701-328-2410  
TDD: 800-366-6888 or 711

April 26, 2022

The Bismarck Tribune  
PO Box 5516  
Bismarck, ND 58506

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

To Whom it May Concern,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

If you have any questions about the abandonment application or how the Surface Transportation Board processes these cases, please contact me at 701-328-4097 or contact the Surface Transportation Board directly at 202-245-0238.

Sincerely,

A handwritten signature in blue ink, appearing to read "Konrad Crockford".

Konrad Crockford  
Director of Compliance Division

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# Public Service Commission

## State of North Dakota

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Julie Fedorchak  
Randy Christmann  
Sheri Haugen-Hoffart

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Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

April 26, 2022

Cass County Reporter  
PO Box 190  
Casselton, ND 58012

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

To Whom it May Concern,

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If you have any questions about the abandonment application or how the Surface Transportation Board processes these cases, please contact me at 701-328-4097 or contact the Surface Transportation Board directly at 202-245-0238.

Sincerely,

A handwritten signature in blue ink, appearing to read "Konrad Crockford".

Konrad Crockford  
Director of Compliance Division

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# Public Service Commission

## State of North Dakota

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Julie Fedorchak  
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Phone: 701-328-2400  
ND Toll Free: 1-877-245-6685  
Fax: 701-328-2410  
TDD: 800-366-6888 or 711

April 26, 2022

Aaron Birst, Executive Director  
North Dakota Association of Counties  
1661 Capitol Way  
PO Box 877  
Bismarck, ND 58502-0877

Re: PSC Case No. RR-22-161  
STB Docket No. AB-391 (Sub-No. 11X)  
Red River Valley & Western Railroad Company  
Milepost 9.36 to 11.65, 2.29 miles, Cass County  
Rail Abandonment

Dear Mr. Birst,

Red River Valley & Western Railroad Company has notified the Public Service Commission that it will file with the Surface Transportation Board a Notice of Exemption seeking authority to abandon 2.29 miles of rail line located in Cass County, North Dakota, beginning at milepost 9.36 to milepost 11.65. See the attached letter and supporting documentation for more details.

If you have any questions about the abandonment application or how the Surface Transportation Board processes these cases, please contact me at 701-328-4097 or contact the Surface Transportation Board directly at 202-245-0238.

Sincerely,

A handwritten signature in blue ink, appearing to read "Konrad Crockford".

Konrad Crockford  
Director of Compliance Division

Attachment

# BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS  
2401 PENNSYLVANIA AVENUE, NW  
SUITE 300  
WASHINGTON, DC 20037  
TELEPHONE: (202) 663-7820  
FACSIMILE: (202) 663-7849

RECEIVED

APR - 1 2022

NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

CRYSTAL M. ZORBAUGH

(202) 663-7831 (Direct Dial)  
E-Mail: czorbaugh@bakerandmiller.com

March 29, 2022

Julie Fedorchak, Commissioner  
North Dakota Public Service Commission  
600 E. Boulevard Ave., Dept. 408  
Bismarck, ND 58505-0480

RE: Red River Valley & Western Railroad Company – Abandonment Exemption – In the City of Horace in Cass County, North Dakota, AB-391 (Sub-No. 11X)

Dear Commissioner Fedorchak:

On or about April 18, 2022, Red River Valley & Western Railroad Company ("RRVW") expects to file with the Surface Transportation Board ("Board") a notice of exemption pursuant to 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments and Discontinuances, permitting RRVW to abandon an approximately 2.29-mile rail line (hereinafter, the "Line") extending from milepost 9.36 to milepost 11.65 (at Horace, ND)<sup>1</sup> in Cass County, North Dakota.<sup>2</sup> The Line

---

<sup>1</sup> RRVW acquired the tracks, physical assets, and common carrier obligation for the Line and various other rail lines as part of acquisition of 656 miles of rail line from BNSF in 1987. See Red River Valley and W. R.R. Co.; Acquisition and Operation Exemption; Certain Lines of Burlington N. R.R. Co., FD 31071 (S.T.B. served July 22, 1987). BNSF retained the real estate underlying the Line.

Around 2010, the RRVW siding serving the Line's sole shipper, CHS Dakota Plains Ag, was shortened, and the mainline track was realigned to reconnect RRVW's mainline to the shortened siding at the new switch location. This relocation was not subject to the Board's jurisdiction because the relocation had no effect on (1) service to shippers; (2) the carrier's territory or traffic; (3) competition; or (4) the carrier's revenue or operating expenses." See BNSF Ry. Co. - Petition for Declaratory Order; BNSF Ry. Co. - Abandonment Exemption-in Oklahoma Cnty., OK, FD 35164, STB Docket No. AB-6 (Sub-No, 430X) (S.T.B. served May 20, 2009) (confirming such relocation projects are outside the Board's jurisdiction). As a result of the 2010 relocation, RRVW's Line's starting milepost became 9.36 and the portion of RRVW's line between milepost 8.5 and 9.36 was permanently removed from the Board's jurisdiction. Upon the Board exempting this abandonment and RRVW consummating the abandonment authority granted, the new starting point of the Line will become milepost 11.65 (near Horace ND).

<sup>2</sup> RRVW is filing for abandonment authority at the request of the Fargo Moorhead Diversion

Commissioner Julie Fedorchak

March 29, 2022

Page 2

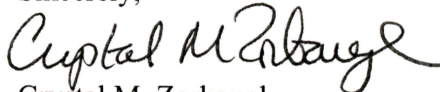
traverses United States Postal Zip Code territory 58047. There are no customers served on the Line, which by the time we file the abandonment notice of exemption will have not been utilized to provide common carrier service to shippers for two years.

Attached is a combined Environmental and Historic Report ("E&HR"), which includes a map of the affected area, and describes the proposed action and any expected environmental and historic effects. If you wish to address any of the information contained in the attached E&HR, or if you have any questions about the Board's environmental review process, please contact the Board's Office of Environmental Analysis, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to AB-391 (Sub-No. 11X). You may also contact the undersigned counsel for RRVW.

Questions regarding the abandonment process generally, offers of financial assistance, and/or public use or trail use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in RRVW's possession will be made available promptly to those requesting it.

If there are any questions concerning this notice of intent, please contact me, RRVW's representative, by mail at: Crystal Zorbaugh, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: czorbaugh@bakerandmiller.com; or by telephone: (202) 663-7820. If I am not available, you may also contact William Mullins, who can be reached at (202) 663-7820 or by e-mail at wmullins@bakerandmiller.com.

Sincerely,



Crystal M. Zorbaugh  
Counsel for Red River Valley & Western Railroad  
Company

Enclosure

---

Authority ("MFDA") to accommodate an important public project, which involves MFDA acquiring the railroad right-of-way and constructing a large drainage ditch facility at approximately milepost 11. The drainage ditch facility is critically important to address flooding issues facing the immediate region. The Line previously served one shipper who is currently in the process of relocating and who last received rail service in March 2020. As such, no rail shippers will be adversely impacted by the proposed abandonment.

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

---

**AB-391 (Sub-No. 11X)**

---

**RED RIVER VALLEY & WESTERN RAILROAD COMPANY  
– ABANDONMENT EXEMPTION –  
CASS COUNTY, NORTH DAKOTA**

---

**ENVIRONMENTAL AND HISTORIC REPORT**

---

**William A. Mullins  
Crystal M. Zorbaugh  
Spencer M. Naake  
BAKER & MILLER PLLC  
2401 Pennsylvania Ave., NW  
Suite 300  
Washington, DC 20037  
Tel: (202) 663-7831  
czorbaugh@bakerandmiller.com**

**March 22, 2022**

**Attorneys for Red River Valley & Western  
Railroad Company**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

---

**AB-391 (Sub-No. 11X)**

---

**RED RIVER VALLEY & WESTERN RAILROAD COMPANY  
– ABANDONMENT EXEMPTION –  
CASS COUNTY, NORTH DAKOTA**

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**ENVIRONMENTAL AND HISTORIC REPORT**

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Red River Valley & Western Railroad Company (“RRVW”) submits this Combined Environmental and Historic Report (“E&HR” or “Report”) pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with RRVW’s proposed abandonment of an approximately 2.29-mile rail line (hereinafter, the “Line”) extending from milepost 9.36 to milepost 11.65 (at Horace, ND)<sup>1</sup> in Cass County, North Dakota.<sup>2</sup>

---

<sup>1</sup> RRVW acquired the tracks, physical assets, and common carrier obligation for the Line and various other rail lines as part of the acquisition of 656 miles of rail line from BNSF in 1987. See Red River Valley and W. R.R. Co.; Acquisition and Operation Exemption; Certain Lines of Burlington N. R.R. Co., FD 31071 (S.T.B. served July 22, 1987). BNSF retained the real estate underlying the Line.

Around 2010, the RRVW siding serving the Line’s sole shipper, CHS Dakota Plains Ag, was shortened, and the mainline track was realigned to RRVW’s mainline track to reconnect with the shortened siding at a new switch location. This relocation was not subject to the Board’s jurisdiction because the relocation had no effect on (1) service to shippers; (2) the carrier’s territory or traffic; (3) competition; or (4) the carrier’s revenue or operating expenses.” See BNSF Ry. Co. - Petition for Declaratory Order; BNSF Ry. Co.-Abandonment Exemption-in Oklahoma Cnty., OK, FD 35164, STB Docket No. AB-6 (Sub-No, 430X) (S.T.B. served May 20, 2009) (confirming such relocation projects are outside the Board’s jurisdiction). As a result of the 2010 relocation, RRVW’s Line’s starting milepost became 9.36 and the portion of RRVW’s line between milepost 8.5 and 9.36 was permanently removed from the Board’s jurisdiction. Upon the Board exempting this abandonment and RRVW consummating the abandonment authority granted, the new starting point of the Line will become milepost 11.65 (near Horace ND).

<sup>2</sup> RRVW is filing for abandonment authority at the request of the Fargo Moorhead Diversion Authority (“MFDA”) to accommodate an important public project, which involves MFDA acquiring the railroad right-of-way and constructing a large drainage ditch facility at approximately milepost 11. The drainage ditch facility is critically important to address flooding issues facing the immediate region. The Line previously served one shipper who is currently in

## ENVIRONMENTAL REPORT

### (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.**

RRVW proposes to abandon an approximately 2.29-mile rail line (hereinafter, the “Line”) extending from milepost 9.36 to milepost 11.65 (at Horace, ND) in Cass County, North Dakota. There is one structure (a bridge) on the Line at milepost 11.0.

No customers have been served on the Line for nearly two years. The Line’s sole customer, CHS Dakota Plains Ag, (1) last received service on March 25, 2020; (2) is in the process of relocating its operations to accommodate the MFDA flood control project; and (3) no longer needs freight rail service. By the time RRVW files for abandonment authority on April 18, 2022, the Line will have been out of service for over two years. As such, RRVW intends to avail itself of the two-year-out-of-service abandonment provision at 49 CFR Part 1152, Subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights).

Following abandonment, the Line’s rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is, and existing drainage systems will remain intact. When the rail and track material is removed, the contractor will retain the existing level roadbed surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, RRVW believes that no stormwater mitigation measures including, but not limited to, a National Pollutant Discharge Elimination System permit will be required. All salvaged steel components will either be reused or sold as

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the process of relocating and who last received rail service in March 2020. As such, no rail shippers will be adversely impacted by the proposed abandonment.

scrap. Crossties may be reused in other railroad operations, or they will be recycled in accordance with applicable federal and state laws and regulations.

The alternative to abandonment is to not abandon the Line and retain the track in place. This alternative is not satisfactory. RRWV's sole shipper is relocating to accommodate the MFDA project and as such RRWV would incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained. Maps depicting the Line are attached as **Appendix A**. An example of RRWV's letter to federal, state, and local government agencies along with a list of the consulting agencies that RRWV has contacted is attached as **Appendix B**. A letter of support from the sole shipper located on the Line is included as **Appendix C**. Comments received as a result of RRWV's written requests for feedback can be found in **Appendix D**. A structure list is attached as **Appendix E**. Topographical Maps and Color Photos are included in **Appendix F**. As noted in FN 1, the real estate comprising the Line's right-of-way is owned by BNSF Railway.<sup>3</sup> BNSF fully supports the abandonment of the Line and plans to sell the Line's underlying real estate to MFDA to accommodate the flood control project. A letter of support from BNSF is attached as **Appendix G**. A letter of support from MFDA, outlining the Fargo-Moorhead Area Diversion Project, is attached as **Appendix H**.

**(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.**

Effects of the proposed action on regional or local transportation systems and patterns would be negligible. There is currently no rail freight or passenger traffic originating or

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<sup>3</sup> RRWV and BNSF originally entered a contract for deed of sale on July 13, 1987 (lease with the option to purchase the real estate underlying the Line) on July 23, 2027. See Railroad Acquisition; Red River Valley & W. R.R. Co.; Acquisition and Operation Exemption; Certain Lines of Burlington N. R.R. Co., FD No. 31071 (S.T.B. served July 13, 1987); James Valley Grain, LLC v. BNSF Ry. Co., STB Docket No. 42139, Exhibit A (S.T.B. served March 10, 2014).

terminating on the Line. Further, as stated previously, the Line's sole shipper is currently in the process of relocating its operations to accommodate the MFDA flood control project.

(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.**

RRVW believes that the proposed abandonment is consistent with, and would promote, existing land use plans. The land adjoining the Line consists of a combination of residential and commercial areas. By letters dated March 22, 2022, copies of this Report have been mailed to the appropriate local and state contacts, including to representatives of Cass County, ND, and the City of Horace, ND for their information and comment. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

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

RRVW does not believe that there is any prime agricultural land that would be adversely affected by the proposed abandonment. As indicated above, the Line traverses primarily residential and commercial areas. As such, the proposed abandonment should not in any way contribute to prime farmland loss. Nevertheless, RRVW has notified the United States Department of Agriculture's Natural Resources Conservation Service of the proposed abandonment by letter dated March 22, 2022 (to which letter this E&HR was appended) and has requested assistance in identifying any potential effects on prime agricultural land. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

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

The Line is not located within a coastal zone. However, a copy of the E&HR was mailed to the North Dakota Department of Environmental Quality ("NDEQ") for its information and comment. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

- (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. 10905 and explain why.**

This abandonment has been undertaken solely to accommodate an MFDA public use project (flood control) at milepost 11. As such, RRVW is unwilling to negotiate alternative public use(s) for the corridor, such as railbanking. As noted previously, the real estate comprising the Line's right-of-way is owned by BNSF Railway. It is RRVW's understanding that upon RRVW being granted abandonment authority, BNSF plans to sell the Line's underlying real estate to MFDA to accommodate the flood control project. Based on RRVW's knowledge and belief, the Line does not contain any federally granted right-of-way.

(4) **ENERGY**

- (i) **Describe the effect of the proposed action on the transportation of energy resources.**

Development and transportation of energy resources will not be affected by the abandonment. No rail freight or passenger traffic is originating or terminating on the Line.

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

Movement or recovery of recyclable commodities will not be affected by the abandonment. No rail freight or passenger traffic is originating or terminating on the Line and the Line's sole shipper is in the process of relocating.

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

The proposed action will not result in any material impact on overall energy efficiency because no rail freight or passenger traffic is originating or terminating on the Line.

(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 the data and methodology used to arrive at the figure given.**

The diversion of traffic to motor carriers will not exceed the thresholds set forth at 49 CFR §1105.7(e)(4) as no diversions will occur. Accordingly, there is no need to produce data on diverted traffic or to quantify the net change in energy consumption.

(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 ton 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 carload 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 sub-section (5)(i)(A) will apply.**

The above thresholds will not be exceeded.

(ii) **If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either:**

- (A) **An increase in rail traffic or at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of 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 percent of the average daily traffic or 50 vehicles a day on a given road segment, the state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction 49 U.S.C. 10901(or 49 U.S.C. 10505), or a case involving the reinstatement of service over a previously abandoned line,**

**only the three train a day threshold in this item shall apply.**

RRVW is *not* a designated non-attainment area and the above-stated thresholds are therefore inapplicable. Nevertheless, the above thresholds will not be exceeded.

- (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; or**
- (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.**

None of the thresholds in item 5(i) of this section will be exceeded.

(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 abandonment of an out-of-service rail line should have no material adverse impact on public health and safety. If the abandonment is granted and the Line is salvaged, RRVW will close permanently cease operating over six public road crossings and one private crossing, thereby enhancing safety by eliminating distractions to vehicular traffic crossing the Line.

- (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 accidental release of hazardous materials.**

Not applicable.

- (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 the types of hazardous materials involved.**

RRVW has no knowledge of hazardous waste sites or sites where there have been known hazardous materials spills on the Line's right-of-way or adjacent land.

**(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.**

RRVW does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. RRVW has notified the U.S. Fish and Wildlife Service ("USF&W") and the North Dakota Game & Fish Department ("NDGFD") of the proposed abandonment by letters dated March 22, 2022, and has requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as critical habitat. A copy of this report was attached to the letters sent to USF&W and NDGFD. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

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

Having consulted local maps, RRVW is unaware of any wildlife sanctuaries or refuges, National or State parks, or forests that would be adversely affected by the proposed abandonment. Nevertheless, RRVW has notified the National Park Service ("NPS") of the

proposed abandonment by letter dated March 22, 2022. NPS has been supplied with a copy of this Report. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

**(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.**

RRVW does not intend to remove or alter the contour of the roadbed underlying the Line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. There are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason, also, the proposed abandonment will not result in water quality impacts. RRVW currently provides no rail common carrier service over the Line and has not done so for nearly two years. Consultation has been requested from NDEQ and the United States Environmental Protection Agency (“USEPA”) by letters dated March 22, 2022. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

- (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 any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

RRVW believes that – (1) no permits under section 404 of the Clean Water Act will be required for the proposed abandonment, and (2) no designated wetlands or 100-year flood plains will be affected. Upon receiving abandonment authority, removal of track material will be accomplished by use of the right-of-way for access, along with access via existing public and private crossings as necessary. No new access roads are contemplated. RRVW does not intend to disturb any of the underlying roadbed or to perform any activities that would cause sedimentation or erosion of the soil and does not anticipate any dredging or use of fill in the

removal of the track material. The crossties and/or other debris, if removed, will be transported away from the Line, and will not be discarded along the rights-of-way; they will not be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants, or any other pollutant materials from entering any waterways. For these reasons, RRVW believes that a permit under Section 404 of the Clean Water Act will not be required.

The abandonment, which has been requested by the MFDA, is being sought to allow MFDA to move forward with a project developed by the U.S. Army Corps of Engineers and the Diversion Board Authority<sup>4</sup>, which is necessary for flood control purposes. Note, for purposes of the railroad abandonment itself, the geometry of the roadbed will not be altered, and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Moreover, consultation was requested from the U.S. Army Corps of Engineers – St. Paul District by letter dated March 22, 2022. A copy of this Report was attached to the letter. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

**(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.**

RRVW believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. (See discussion in section 9(ii), above.) Nevertheless, RRVW has contacted the NDEQ and the USEPA regarding this item by letter dated March 22, 2022, and has requested guidance in identifying any potential water quality impacts (based on applicable water quality standards) and in determining whether the proposed abandonment is consistent with such federal, state, or local standards. A copy of this report was attached to the letter. See E&HR Consultation Letter Example and Service List, attached as **Appendix B**.

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<sup>4</sup> Metro Flood Diversion Authority. <https://fmdiversion.gov/about-the-project/>. Accessed March 9, 2022.

(10) **PROPOSED MITIGATION**

**Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.**

RRVW does not expect any adverse environmental impact will result from the proposed abandonment and, therefore, is of the opinion that mitigating action is unnecessary. RRVW will, of course, cooperate in any further evaluation of proposed remedial/mitigation actions that interested federal, state, and/or local agencies may recommend to the Board.

(11) **ADDITIONAL INFORMATION FOR RAIL CONSTRUCTIONS**

Not applicable.

## HISTORIC REPORT

### 49 CFR 1105.8(d)

#### PROPOSED ACTION AND ALTERNATIVES

RRVW proposes to abandon an approximately 2.29-mile rail line (hereinafter, the “Line”) extending from milepost 9.36 to milepost 11.65 (at Horace, ND) in Cass County, North Dakota. There is one structure on the Line (a bridge). No customers have been served on the Line for nearly two years.

Following abandonment, the rail and related track material will be salvaged. Salvage will consist of removing the rail and track material from the existing roadbed. The contour of the existing roadbed will remain as is and existing drainage systems will remain intact. When the rail and track material is removed, the contractor will retain the existing level roadbed surface. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, RRVW believes that no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. All salvaged steel components will either be reused or sold as scrap. Crossties may be reused in other railroad operations, or they will be recycled in accordance with applicable federal and state laws and regulations.

The alternative to abandonment is to not abandon the Line and retain the track in place. This alternative is not satisfactory. RRVW would continue to incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line to be retained. A map depicting the Line is attached in **Appendix A**.

## ADDITIONAL INFORMATION

### 49 CFR 1105.8(d):

- (1) **A U.S.G.S. topographic map (or 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 and are part of the proposed action;**

U.S.G.S. topographic maps depicting the location of the proposed abandonment and the approximate location of structures that are 50 years old or older and that are located along the Line are attached as part of Appendix A. These maps are being supplied to the State Historical Society of North Dakota (“SHSND”) along with a digital version of railroad valuation maps in RRVW’s possession as part of a complete copy of this report. RRVW understands that there is one railroad structure on the Line (a bridge at milepost 11.0) that is believed to be 50 years old or older.

- (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;**

According to RRVW data and valuation maps, the 2.29 miles of right-of-way is primarily 100 feet (50 feet each side of centerline) in width at all locations except for the station grounds in the community of Horace. On the north/northwest side of the track, the station grounds in Horace are 50 feet wide except for a 100-foot portion at the easternmost end of the track, where it is 100 feet wide. On the south side of the track, the station grounds are 100 feet wide for a distance of approximately 1850 feet, narrowing slightly at the easternmost point to about 66 feet. The right-of-way is in Cass County, ND. Overall, the right-of-way width ranges from 100 feet to 200 feet along the main track centerline. Pursuant to Surface Transportation Board policy, the railroad's right-of-way will constitute the Area of Potential Effect (“APE”) for this undertaking. The Line runs adjacent to residential and commercial areas. The topography is generally flat.

**(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;**

RRVW does not anticipate removing or dismantling any of the structures along the Line (described below) that are 50 years old or older. RRVW has determined that there is one structure along the Line (a bridge at milepost 11.0) that may be 50 years old or older, and the location of each such structure is shown on the U.S.G.S. maps attached as part of Appendix A. RRVW photographed and documented this one structure and is supplying those photographs of the structures to SHSND for evaluation. RRVW has also supplied railroad valuation maps to SHSND, which may provide further documentation potentially relevant to historical analysis of the structures in question. (The photographs and valuation maps are attached to the copy of this report sent to SHSND as part of Appendix A.) Aside from the materials, RRVW does not have any additional information in its possession (such as engineering diagrams or other records) that it believes would be of usefulness in aiding in any historical structures analysis.

**(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;**

According to the limited information in RRVW's possession, the one structure (the bridge at milepost 11.0) along the Line is believed to have been built or substantially rebuilt at least 50 years ago. Many of these structures have been improved over time, although RRVW has not undertaken any major improvements to this bridge during the time that RRVW has owned the Line.

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

RRVW has no historical records of its own relating to the Line. Based on research, however, RRVW understands that the Line was originally constructed in 1881 by the Fargo & Southwestern Railroad. The Line was subsequently deeded to the Northern Pacific Railway

Company in 1898. On March 2, 1970, the Great Northern Railway Company, Northern Pacific Railway, the Pacific Coast R.R. Company and the Chicago, Burlington Lines, Inc. merged to form what was known as the Burlington Northern Railroad, now the BNSF railway. Authority for the merger was granted in Great N. Pac. & Burlington Lines, Inc., -- Merger, Etc. --- Great N. Ry. Co., Et Al. 331 I.C.C. 228, FD 21478 (served Nov. 30, 1967). The Line was included in the purchase of a portion of the Burlington Northern Railroad by the Red River Valley & Western Railroad Company in 1987. See R.R. Acquisition; Red River Valley & W. R.R. Co.; Acquisition and Operation Exemption; Certain Lines of Burlington N. R.R. Co., Finance Docket No. 31071 (served July 13, 1987). The Line proposed for abandonment is a portion of the Horace (M.P. 8.5) to Edgeley (M.P. 108.44) line, which RRVW acquired the common carrier obligation for in the 1987 acquisition. RRVW intends, upon the effectiveness of the exemption, to terminate its rail common carrier obligation over, and to abandon, the Line. Because RRVW leases the real estate underlying the Line, it does not intend to dismantle or remove any structures over 50 years along the Line. BNSF as the owner of the real estate underlying Line plans to transfer ownership of the real estate, including the sole bridge to MFDA to accommodate the flood control project.

**(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;**

As indicated above, the Line appears to have been built in the 1880s, but RRVW is one of many subsequent owners of these rail assets. RRVW was not supplied with and does not have, engineering drawings of the structures discussed above. In fact, the only relevant documents in RRVW's possession have been included as part of Appendix A.

- (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);**

As indicated above, RRVW's records indicate that there is one structure on or adjacent to the Line (a bridge) that is believed to be 50 years old or older. In RRVW's opinion, these structures would not meet the criteria for listing on the National Register of Historic Places. As the photographs supplied to SHSND would suggest, none of the subject structures appears to have unique or otherwise significant design characteristics. Moreover, none of these structures is linked to events or historic significance. RRVW understands that many, if not all, of the structures in question, could remain in use if the Line's right-of-way was to be converted into recreational trail. RRVW is unaware of any archeological resources or any other previously unknown historic properties on the Line's right-of-way.

- (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 waste), and the surrounding terrain.**

RRVW has no records of, and is unaware of, any known subsurface ground disturbance or fill, or environmental conditions that might affect the recovery of archeological resources. Undoubtedly, track work and/or construction has occurred regularly over the many years that the Line has been in operation. Such work may have affected the potential for recovery of archeological resources.

- (9) **Follow-Up Information – Additional information will be provided as appropriate.**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**AB-391 (Sub-No. 11X)**

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**RED RIVER VALLEY & WESTERN RAILROAD COMPANY  
- ABANDONMENT EXEMPTION -  
CASS COUNTY, NORTH DAKOTA**

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**ENVIRONMENTAL AND HISTORIC REPORT**

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**APPENDIX A - MAPS**



**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**AB-391 (Sub-No. 11X)**

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**RED RIVER VALLEY & WESTERN RAILROAD COMPANY  
- ABANDONMENT EXEMPTION -  
CASS COUNTY, NORTH DAKOTA**

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**ENVIRONMENTAL AND HISTORIC REPORT**

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**APPENDIX B - E&HR CONSULTATION LETTER EXAMPLE AND SERVICE LIST**

# BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS  
2401 PENNSYLVANIA AVENUE, NW  
SUITE 300  
WASHINGTON, DC 20037  
TELEPHONE: (202) 663-7820  
FACSIMILE: (202) 663-7849

Crystal M. Zorbaugh

Direct Dial: (202) 663-7831  
E-Mail: [czorbaugh@bakerandmilller.com](mailto:czorbaugh@bakerandmilller.com)

March 22, 2022

[Insert Consulting Party]

RE: Red River Valley & Western Railroad Company – Abandonment Exemption – In the City of Horace in Cass County, North Dakota, AB-391 (Sub-No. 11X)

Dear Sir or Madam:

On or about April 18, 2022, Red River Valley & Western Railroad Company (“RRVW”) expects to file with the Surface Transportation Board (“STB”) a Notice of Exemption pursuant to 49 CFR Part 1152, Subpart F (Exempt Abandonments, et al.), seeking authority for RRVW to abandon operations over an approximately 2.29-mile rail line (hereinafter, the “Line”) extending from milepost 9.36 to milepost 11.65 (at Horace, ND)<sup>5</sup> in Cass County, North Dakota.<sup>6</sup>

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<sup>5</sup> RRVW acquired the tracks, physical assets, and common carrier obligation for the Line and various other rail lines as part of acquisition of 656 miles of rail line from BNSF in 1987. See Red River Valley and W. R.R. Co.; Acquisition and Operation Exemption; Certain Lines of Burlington N. R.R. Co., FD 31071 (S.T.B. served July 22, 1987). BNSF retained the real estate underlying the Line.

Around 2010, the RRVW siding serving the Line’s sole shipper, CHS Dakota Plains Ag, was shortened, and the mainline track was realigned to RRVW’s mainline track to reconnect with the shortened siding at a new switch location. This relocation was not subject to the Board’s jurisdiction because the relocation had no effect on (1) service to shippers; (2) the carrier’s territory or traffic; (3) competition; or (4) the carrier’s revenue or operating expenses.” See BNSF Ry. Co. - Petition for Declaratory Order; BNSF Ry. Co. -Abandonment Exemption-in Oklahoma Cnty., OK, FD 35164, STB Docket No. AB-6 (Sub-No, 430X) (S.T.B. served May 20, 2009) (confirming such relocation projects are outside the Board’s jurisdiction). As a result of the 2010 relocation, RRVW’s Line’s starting milepost became 9.36 and the portion of RRVW’s line between milepost 8.5 and 9.36 was permanently removed from the Board’s jurisdiction. Upon the Board exempting this abandonment and RRVW consummating the abandonment authority granted, the new starting point of the Line will become milepost 11.65 (near Horace ND).

<sup>6</sup> RRVW is filing for abandonment authority at the request of the Fargo Moorhead Diversion Authority (“MFDA”) to accommodate an important public project, which involves MFDA acquiring the railroad right-of-way and constructing a large drainage ditch facility at

[Insert Recipient]  
March 22, 2022  
Page 2

The Line traverses United States Postal Zip Codes territory 58047. In accordance with the procedures set forth in 49 CFR 1105.7 and 1105.8, RRVW is required to submit the following consolidated Environmental and Historic Report (“E&HR”).

Attached is a consolidated Environmental and Historic Report (the “E&HR” or “Report”), which includes a map of the affected area, and describes the proposed action and any expected environmental and historic effects. If you wish to address any of the information contained in the attached E&HR or if you have any questions about the Board’s environmental review process, please contact the Board’s Office of Environmental Analysis, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001; TEL: (202) 245-0295, and refer to AB-391 (Sub-No. 11X). You may also contact the undersigned counsel for RRVW.

Questions regarding the abandonment process generally, offers of financial assistance, and/or public use or trail use may be directed to the Board’s Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Based on information in our possession, the Line does not contain federally granted rights-of-way. However, any documentation in RRVW’s possession will be made available promptly to those requesting it.

If there are any questions concerning this notice of intent, please contact me, RRVW’s representative, by mail: Crystal Zorbaugh, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: [czorbaugh@bakerandmiller.com](mailto:czorbaugh@bakerandmiller.com); or by telephone: (202) 663-7831. If I am not available, you may also contact William A. Mullins, who can be reached at (202) 663-7823 or by e-mail at [wmullins@bakerandmiller.com](mailto:wmullins@bakerandmiller.com).

Sincerely,

Crystal M. Zorbaugh  
Counsel for Red River Valley & Western Railroad  
Company

Enclosure

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approximately milepost 11. The drainage ditch facility is critically important to address flooding issues facing the immediate region. The Line previously served one shipper who is currently in the process of relocating and who last received rail service in March 2020. As such, no rail shippers will be adversely impacted by the proposed abandonment.

**RECIPIENT LIST - AB-391 (Sub No. 11X)**

STATE HISTORICAL SOCIETY  
State Historical Society of North Dakota  
612 East Boulevard Ave.  
Bismarck, North Dakota 58505

STATE DOT  
Jim Styron  
Rail Planner  
North Dakota Dept. of Transportation  
608 E. Boulevard Avenue, Room 323  
Bismarck, North Dakota 58505-0700

**US ENVIRONMENTAL PROTECTION  
AGENCY**

Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

**REGIONAL/STATE EPA**

Kathleen Beck  
Regional Administrator  
US EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

David Glatt, Director  
North Dakota Department of Environmental  
Quality  
4201 Normandy Street  
Bismarck, ND 58503-1324

**CITY/TOWNSHIP**

Kory Peterson, Mayor  
City Hall  
P.O. Box 99  
Horace, ND 58047

**COUNTIES**

Mary Scherling  
Commissioner, District 5  
Cass County Courthouse  
211 9<sup>th</sup> Street South  
Fargo, ND 58103

US ARMY CORPS OF ENGINEERS  
U.S. Army Corps of Engineers,  
St. Paul District  
180 5<sup>th</sup> Street East, Suite 700  
St. Paul, MN 55101-1678

STATE COASTAL ZONE  
MANAGEMENT  
North Dakota Department of Environmental  
Quality  
Attn: Water Quality  
4201 Normandy Street  
Bismarck, ND 58503-1324

U.S. FISH AND WILDLIFE SERVICE  
Matt Hogan, Regional Director  
Mountain-Prairie Region  
U.S. Fish & Wildlife Service  
Region 6 (CO, KS, NE, ND, SD, UT, &  
WY)  
Lake Plaza North  
134 Union Boulevard  
Lakewood, CO 80225

U.S. Fish & Wildlife Service  
North Dakota Field Office  
3425 Miriam Ave  
Bismarck, ND 58501

**NATIONAL PARK SERVICE**

Mr. Stephan Nofield  
National Park Service  
Rivers, Trails, and Conservation Assistance  
Program  
1849 C. Street NW, Room 1344  
Washington, DC 20240

Bert Frost, Regional Director  
Interior Region 5, Missouri Basin  
National Park Service  
601 Riverfront Drive  
Omaha, NE 68102-4226

NATIONAL GEODETIC SURVEY

Communications and Outreach Branch,  
NOAA, N/NGS12  
National Geodetic Survey, SSMC3 #9340  
1315 East-West Highway  
Silver Spring, MD 20910-3282

NATURAL RESOURCES  
CONSERVATION SERVICE

Mary E. Podoll  
State Conservationist  
220 East Rosser Avenue  
PO Box 1459  
Bismark, ND 58502-1458

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**AB-391 (Sub-No. 11X)**

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**RED RIVER VALLEY & WESTERN RAILROAD COMPANY  
- ABANDONMENT EXEMPTION -  
CASS COUNTY, NORTH DAKOTA**

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**ENVIRONMENTAL AND HISTORIC REPORT**

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**APPENDIX C - CHS DAKOTA PLAINS AG SUPPORT LETTER**



Dakota Plains Ag  
P. O. Box 265 Kindred, ND 58051

701.428.3134  
701.428.3137 fax

March 15, 2022

Victor Meyers  
President  
Red River Valley & Western Railroad Co.  
209 Dakota Ave.  
Wahpeton, ND 58075

RE: Red River Valley & Western Railroad Company – Abandonment Exemption – In Cass County, ND, AB-391 (Sub-No. 11X)

Dear Victor:

CHS Dakota Plains Ag (“CHS”) is in the process of relocating our operations from our Horace, North Dakota facility to our Kindred, North Dakota facility. Accordingly, we are writing to confirm that CHS will no longer need rail service at our location at 301 Main Street, Horace, North Dakota; and, as a result, CHS, fully supports Red River Valley & Western Railroad Co.’s (“RRVW”) plans to abandon operations over 2.29 miles of RRVW rail line extending from milepost 9.36 to milepost 11.65 at Horace, North Dakota<sup>1</sup> to accommodate the Fargo Moorhead Diversion Authority flood control project (“FMDA Project”). For the past decade, CHS has been the sole shipper served by RRVW over the segment proposed for abandonment.

We are grateful for RRVW’s coordination with CHS related to its proposed abandonment and relocation, which is also being driven by the FMDA Project. We look forward to continuing to be your customer at other North Dakota locations.

Thank you,

Dennis J Novacek  
Dakota Plains Ag  
General Manager

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<sup>1</sup> CHS has been a customer of RRVW, since 1987. Around 2010, the RRVW siding that served CHS was shortened and realigned to RRVW’s mainline track to reconnect the shortened siding to a new switch location as part of a relocation project to remove grade crossings in connection with Cass County, ND efforts to improve safety.

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**AB-391 (Sub-No. 11X)**

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**RED RIVER VALLEY & WESTERN RAILROAD COMPANY  
– ABANDONMENT EXEMPTION –  
CASS COUNTY, NORTH DAKOTA**

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**ENVIRONMENTAL AND HISTORIC REPORT**

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**APPENDIX D – FEEDBACK RECEIVED**

**FORTHCOMING**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**AB-391 (Sub-No. 11X)**

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**RED RIVER VALLEY & WESTERN RAILROAD COMPANY  
– ABANDONMENT EXEMPTION –  
CASS COUNTY, NORTH DAKOTA**

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**ENVIRONMENTAL AND HISTORIC REPORT**

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**APPENDIX E – STRUCTURE LIST**

**STRUCTURE LIST - AB-391 (Sub No. 11X)**

<b>Structure</b>	Bridge
<b>Location</b>	Horace, North Dakota
<b>Milepost</b>	11.0
<b>Year Built</b>	1965
<b>Feature Crossed</b>	Sheyenne River

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**AB-391 (Sub-No. 11X)**

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**RED RIVER VALLEY & WESTERN RAILROAD COMPANY  
- ABANDONMENT EXEMPTION -  
CASS COUNTY, NORTH DAKOTA**

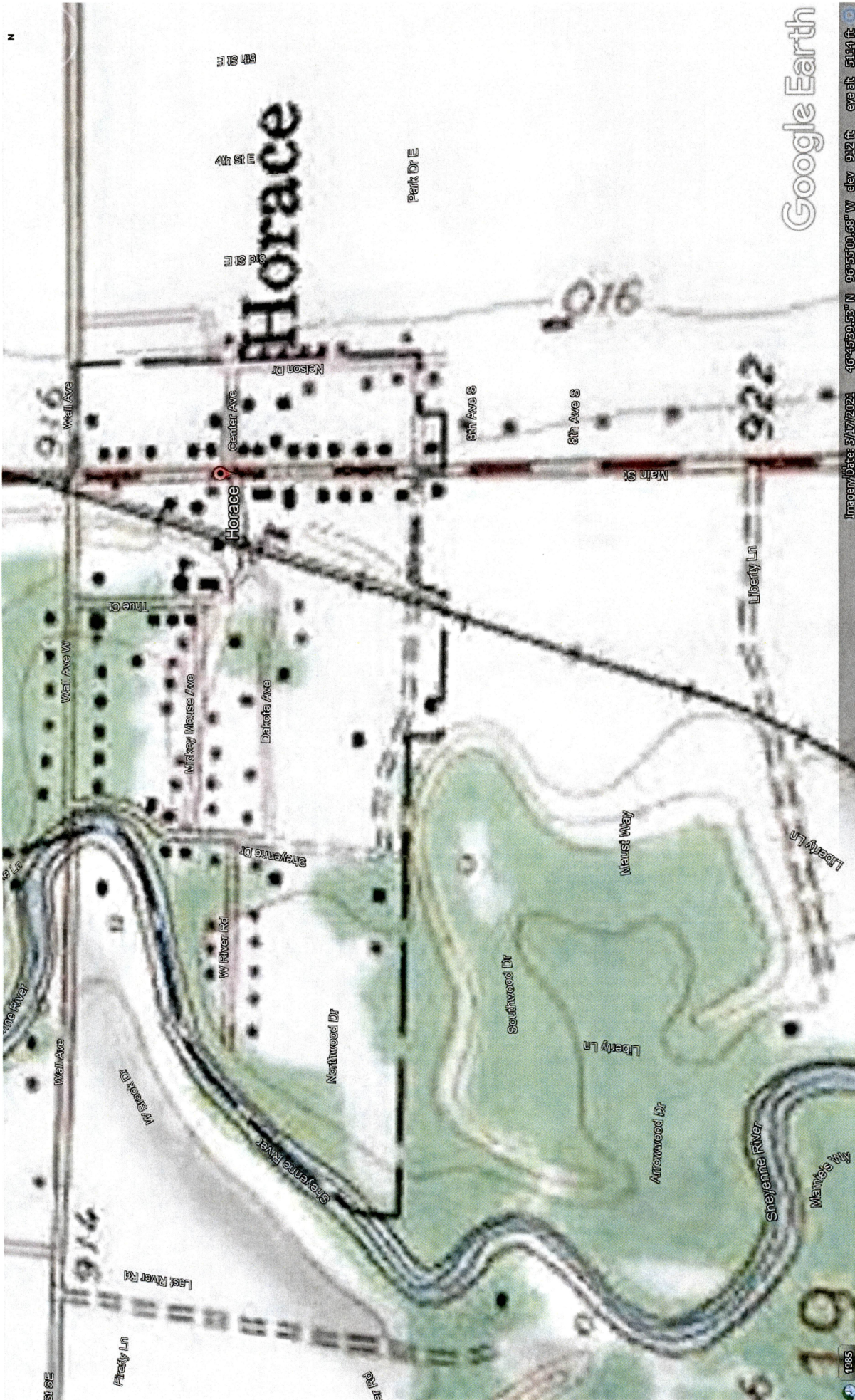
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**ENVIRONMENTAL AND HISTORIC REPORT**

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**APPENDIX F - TOPOGRAPHICAL MAPS AND COLOR PHOTOS**

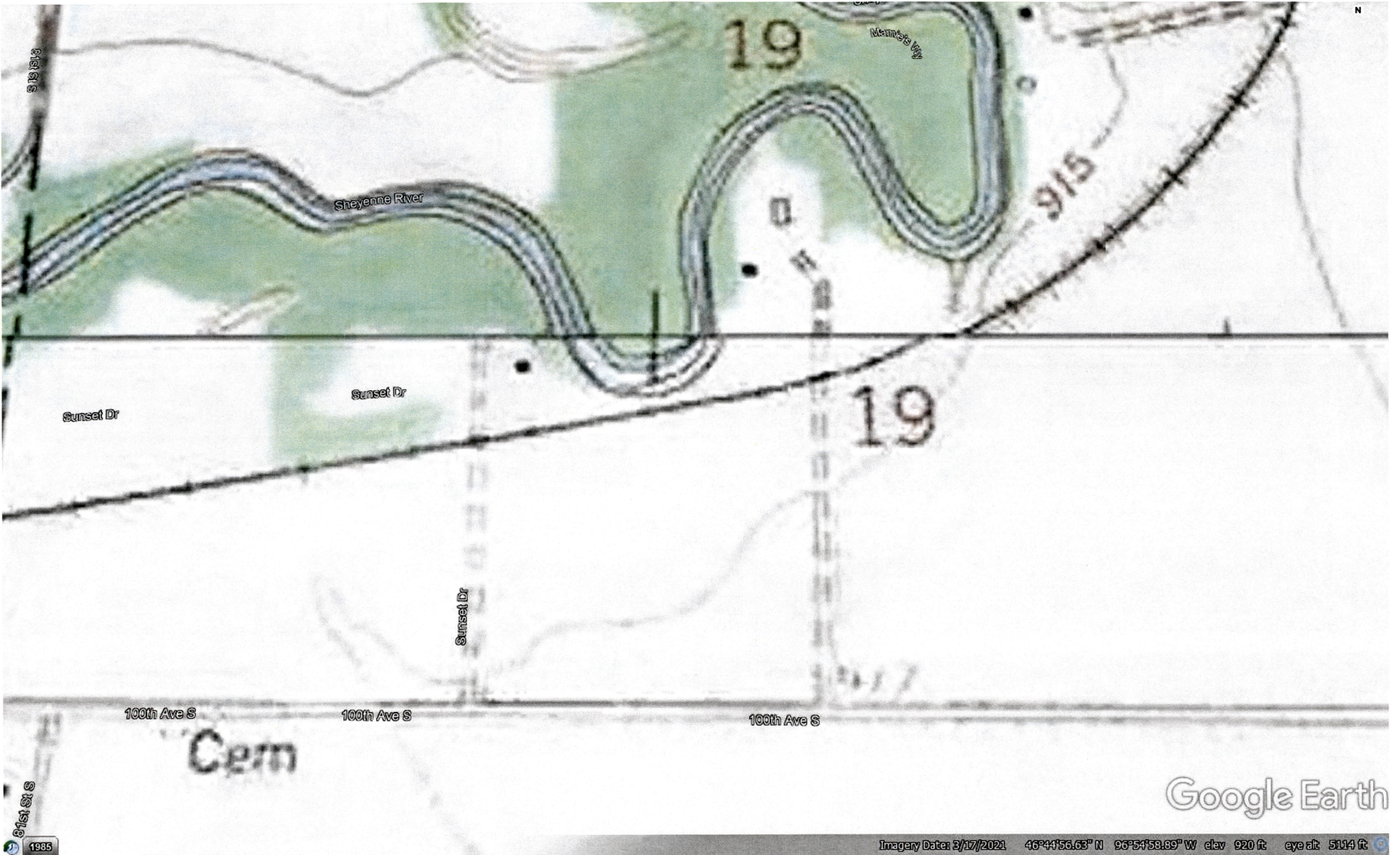




Google Earth

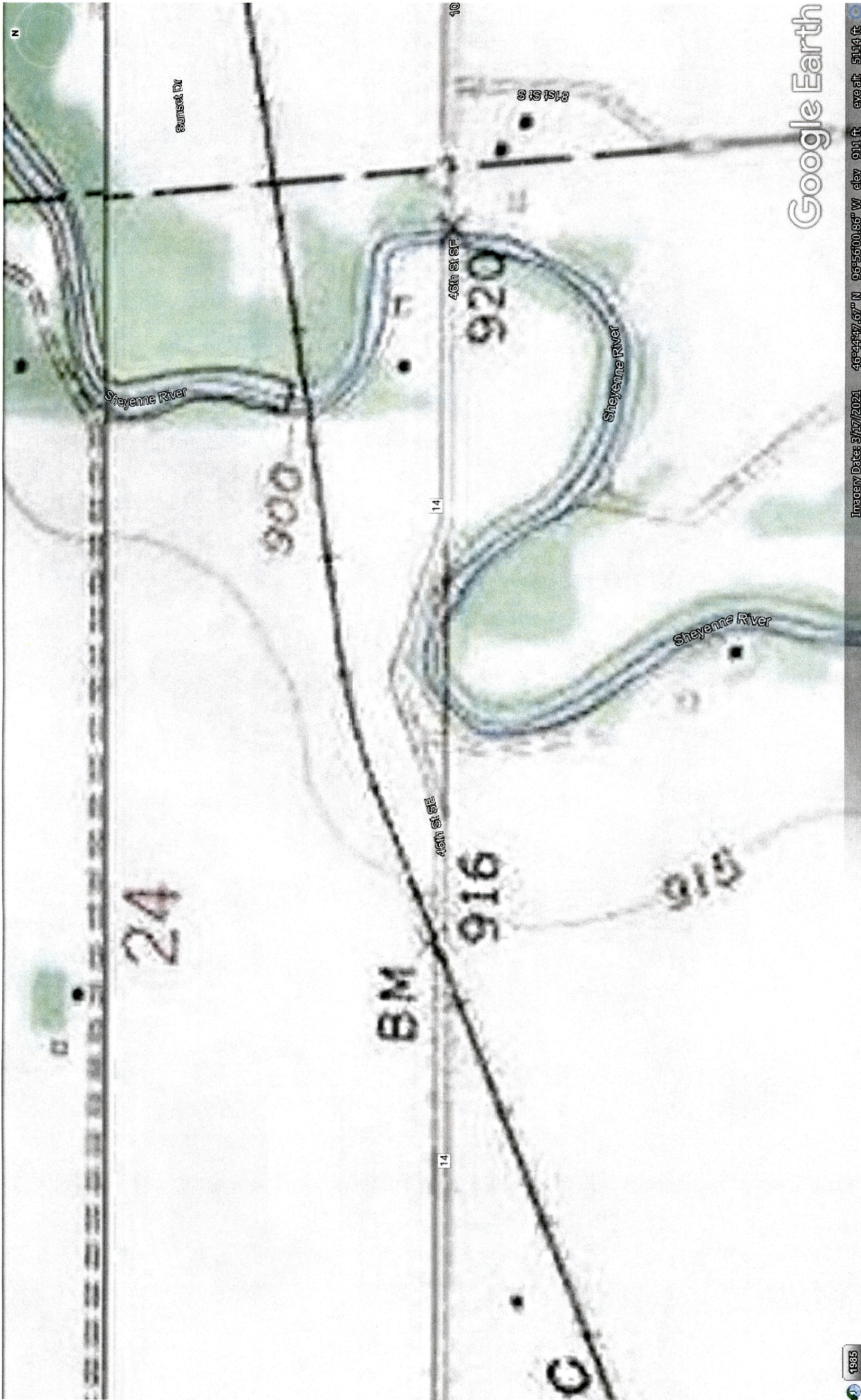
Imagery Date: 3/17/2021 46°45'39.53" N 96°55'00.68" W elev 912 ft eye at 5114 ft

1985



Google Earth

Imagery Date: 3/17/2021 46°44'56.63" N 96°54'59.89" W elev 920 ft eye alt 5114 ft



Google Earth

Imagery Date: 3/17/2021 46°44'47.67" N 96°56'00.86" W elev 911 ft eye at 5114 ft

1985



Sheyenne River

Independence Park

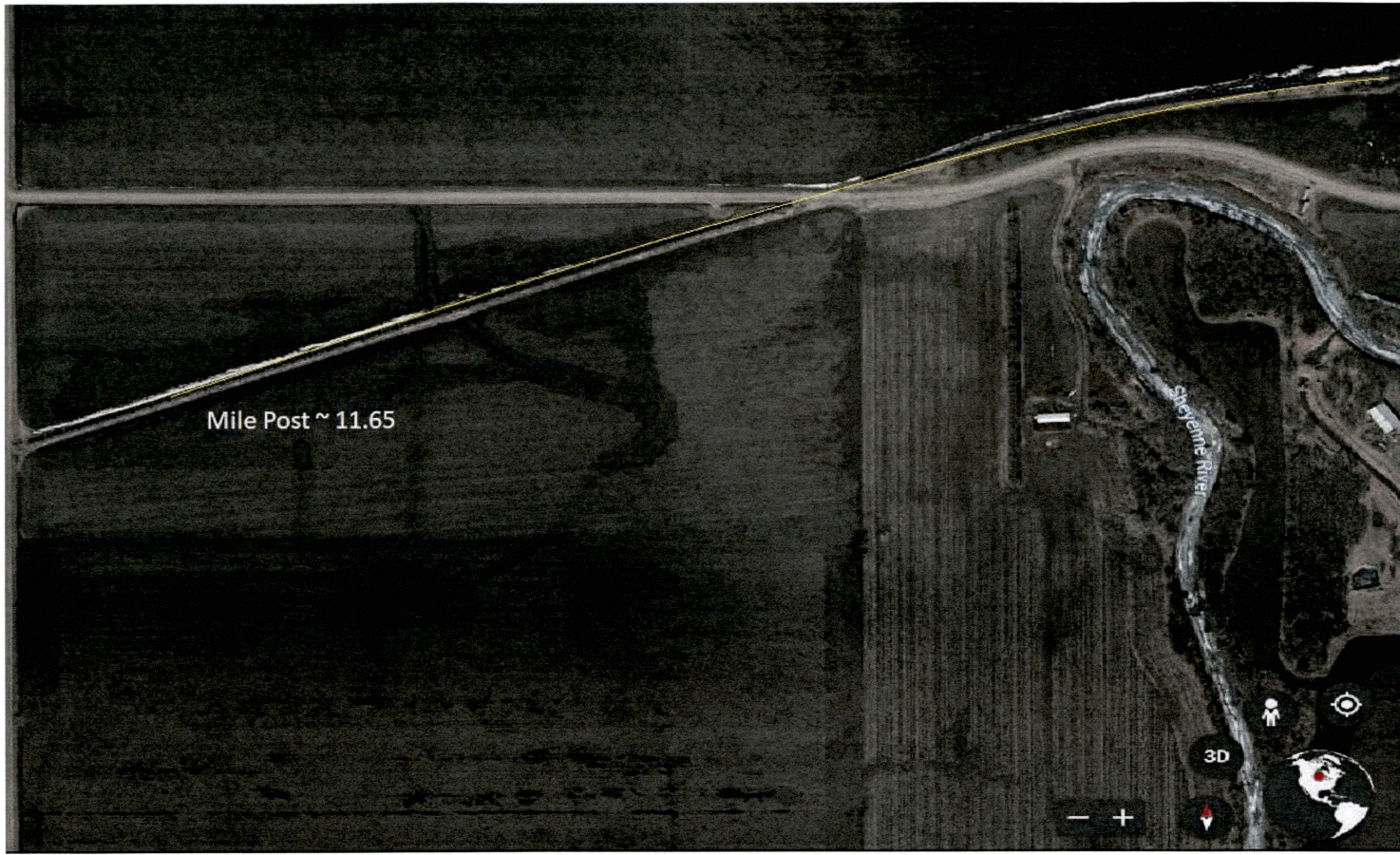
Horace Water Well

Horace City Office

Freed Park  
CHS ELEVATOR  
MILE POST 9.36

starting point





Mile Post ~ 11.65

St. Charles River

3D

# Red River Valley & Western Railroad



Bridge 11.0 Deck View



Bridge 11.0 Dump Bent



Bridge 11.0 Bent 4 Pile 1



Bridge 11.0 Bent 6 Pile 1

# Red River Valley & Western Railroad



Bridge 11.0 Drift



Bridge 11.0 Typical Bent



Bridge 11.0 Typical Span

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**AB-391 (Sub-No. 11X)**

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**RED RIVER VALLEY & WESTERN RAILROAD COMPANY  
- ABANDONMENT EXEMPTION -  
CASS COUNTY, NORTH DAKOTA**

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**ENVIRONMENTAL AND HISTORIC REPORT**

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**APPENDIX G - BNSF SUPPORT STATEMENT**



Merril Lieb  
AVP Shortline Development

BNSF Railway Company  
P.O. Box 961039  
Fort Worth, TX 76161  
2500 Lou Menk Drive, AOB-1  
Fort Worth, TX 76131-2828  
(817) 867-2270  
(817) 352-7154 fax  
[Merril.Lieb@BNSF.com](mailto:Merril.Lieb@BNSF.com)

March 23, 2022

Victor Meyers  
President  
Red River Valley & Western Railroad Co.  
209 Dakota Ave.  
Wahpeton, ND 58075

RE: Red River Valley & Western Railroad Company – Abandonment Exemption –  
In Cass County, ND, AB-391 (Sub-No. 11X)

Dear Victor:

BNSF Railway (“BNSF”) is writing to support Red River Valley & Western Railroad Co.’s (“RRVW”) abandonment of approximately 2.29 miles of RRVW rail line extending from milepost 9.36 to milepost 11.65 at Horace, North Dakota (hereinafter, the “Line”). BNSF retained the real estate underlying the Line when it sold the Line to RRVW as part of RRVW’s 1987 acquisition.<sup>1</sup> BNSF fully supports RRVW’s abandonment of the Line. Upon consummation of RRVW’s abandonment authority and as part of a related transaction, BNSF will convey the real estate underlying the Line to Fargo Moorhead Diversion Authority (“FMDA”) to accommodate the Fargo Moorhead Diversion Authority flood control project. If you need any further information, please do not hesitate to contact me by telephone at (817) 867- 2270 or by email [merril.lieb@bnsf.com](mailto:merril.lieb@bnsf.com).

Thank you,

DocuSigned by:

*Merril Lieb*

EEEEBC56127EB418...

Merril Lieb,  
AVP Shortline Development

<sup>1</sup> RRVW acquired the tracks, physical assets, and common carrier obligation for the Line and various other rail lines as part of the acquisition of 656 miles of rail line from BNSF in 1987. See Red River Valley and Western Railroad Co.; Acquisition and Operation Exemption; Certain Lines of Burlington Northern Railroad Co., FD 31071 (STB served July 22, 1987).

**BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC**

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**AB-391 (Sub-No. 11X)**

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**RED RIVER VALLEY & WESTERN RAILROAD COMPANY  
– ABANDONMENT EXEMPTION –  
CASS COUNTY, NORTH DAKOTA**

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**ENVIRONMENTAL AND HISTORIC REPORT**

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**APPENDIX H – MFDA SUPPORT STATEMENT**



March 18, 2022

Victor Meyers  
President  
Red River Valley & Western Railroad Co.  
209 Dakota Ave.  
Wahpeton, ND 58075

RE: Red River Valley & Western Railroad Company – Abandonment Exemption – In Cass County, ND, AB-391 (Sub-No. 11X)

Dear Victor,

The Fargo-Moorhead Area Diversion Project (the "Project") was developed by the U.S. Army Corps of Engineers and the Metro Flood Diversion Authority ("MFDA") to protect the Fargo-Moorhead-West Fargo metro area during times of extreme flooding. The Project, once completed, will protect more than 235,000 people from potentially catastrophic flooding through the implementation of various protective measures.<sup>1</sup>

The Project began construction in early 2017 and is estimated to cost \$2.75 billion (2018\$) and has received funding from the federal government, the state of North Dakota, the state of Minnesota, and local sponsors.

As you are aware, the MFDA requested that Red River Valley & Western Railroad ("RRVW") file for abandonment authority to accommodate this important Project, which specifically involves the MFDA acquiring the railroad right-of-way and constructing a stormwater diversion channel facility at approximately milepost 11. Accordingly, MFDA fully supports RRVW's plans to abandon operations over 2.29 miles of RRVW rail line extending from milepost 9.36 to milepost 11.65 at Horace, North Dakota.

We request that the Surface Transportation Board (STB) expeditiously grant RRVW's abandonment, which was undertaken at the request of MFDA. Acquisition of the abandoned railroad corridor from RRVW and BNSF (owner of the underlying real estate) is critically necessary to protect the Fargo-Moorhead-West Fargo metro area from potentially catastrophic flooding. Please let us know if you have any questions concerning this important public project. I can be reached by phone 701-781-4758 or by email [PaulsenJ@fmdiversion.gov](mailto:PaulsenJ@fmdiversion.gov)

Thank you,

*Joel Paulsen*  
Joel Paulsen, PE  
Executive Director

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<sup>1</sup> The Project includes river control structures with radial-arm flood gates controlling the levels of water flowing into the metro area through the Red and Wild Rice Rivers. Floodwalls and levees in Fargo and Moorhead will allow up to 37 feet of water to run through the town. The Project will also include a 20-mile southern embankment to keep floodwaters out of the metro area; a 30-mile stormwater diversion channel to allow for floodwaters to safely flow westerly and northerly around the metro area; and an upstream mitigation area used to temporarily store floodwaters to minimize downstream impacts.