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Transportation Solutions for the 21st Century

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December 5, 2024

Scott C. Adler
Charles L. Hinkle
Blanche McLure
Commissioners
Granite County Courthouse
220 N. Sansome St.
P.O. Box 925
Philipsburg, MT 59858

**RE: Montana Rail Link, Inc. – Abandonment Exemption – In Granite County, MT,
AB 575 (Sub-No. 3X)**

Dear County Commissioners,

On or about January 6, 2025, Montana Rail Link, Inc. (“MRL”) 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 MRL to abandon operations over an approximately 25.96 mile rail line (hereinafter, the “Line” or “8th Subdivision”) extending from Drummond, MT (M.P. 0.00) to Philipsburg, MT (M.P. 25.96) in Granite County, Montana.¹

Enclosed 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. A map of the proposed track abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it. **Appendix C** of this report lists the various agency responses. MRL’s Bridge Inventory and Observed Locations of Removed Track tables are attached as **Appendix D**. Topographical Maps and Color Photos are included in **Appendix E**.

The Report is being provided so that you may submit information that will form the basis for the STB’s independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think that is pertinent or missing, or if you have any questions

¹ Milepost 0.00 to Milepost 1.00 will not be salvaged as although MRL’s common carrier obligation will be removed, that segment of the Line will be converted to 49 U.S.C. § 10906 track.

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December 5, 2024

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about the Board's environmental review process, please contact the Board's Office of Environmental Analysis ("OEA") by telephone at (202) 245-0245 or by mail to:

Surface Transportation Board
395 E Street, S.W., Room 1106
Washington DC 20423-0001

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 MRL's possession will be made available promptly to those requesting it. Please refer to the above Docket when contacting the STB.

Pursuant to 49 C.F.R. 1105.7 (3)(i), MRL must explain to the Board how the proposed abandonment will affect existing land use plans in Granite County, MT. Specifically, the regulation states:

(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."

Your consideration of our proposed action in conjunction with local long-range plans would be appreciated. Please provide comments on how the abandonment of the Line would interact with such plans, and if possible, provide a planning map.

Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason, your written comments (with a copy to us) would be appreciated within three weeks. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. For us to consider your input before filing with the STB, MRL must receive your comments within three weeks.

If there are any questions concerning this notice of intent, please contact me, MRL's representative, by mail: Crystal Zorbaugh, Mullins Law Group PLLC, 2001 L Street, NW, Suite 720, Washington, DC 20036; by FAX: (202) 663-7849; by e-mail: czorbaugh@mullinslawgroup.net; or by telephone: (202) 663-7831. If I am not available, you may also contact Spencer M. Naake, who can be reached at (202) 663-7829 or by e-mail at snaake@mullinslawgroup.net.

Sincerely,

/s/ Crystal M. Zorbaugh

Crystal M. Zorbaugh
Counsel for Montana Rail Link, Inc.

Enclosure

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

AB-575 (Sub-No. 3X)

**MONTANA RAIL LINK, INC.
– ABANDONMENT EXEMPTION –
GRANITE COUNTY, MONTANA**

ENVIRONMENTAL AND HISTORICAL REPORT

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December 5, 2024

Attorneys for Montana Rail Link, Inc.

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

AB-575 (Sub-No. 3X)

**MONTANA RAIL LINK, INC.
– ABANDONMENT EXEMPTION –
GRANITE COUNTY, MONTANA**

ENVIRONMENTAL AND HISTORICAL REPORT

Montana Rail Link (“MRL”) 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 MRL’s proposed abandonment of an approximately 25.96-mile rail line (hereinafter, the “Line” or “8th Subdivision”) extending from Drummond, MT (M.P. 0.00) to Philipsburg, MT (M.P. 25.96) in Granite County, Montana.¹ As the Line, subject to this Abandonment Exemption, was purchased by MRL, it is currently an MRL-owned Branch Line.

¹ The Interstate Commerce Commission (“ICC”) exempted MRL’s acquisition of the Line pursuant to an agreement between Burlington Northern Railroad Company (“BN”) and MRL, wherein MRL acquired certain properties of BN, including the acquisition and operation of 286.32 miles of BN branch rail lines. The Line subject to MRL’s proposed abandonment here was part of the acquired BN branch rail lines and was noted in the 1987 Decision as extending from “Drummond, Montana (M.P. 0.00), to Philipsburg, Montana (M.P. 25.96).” See Mont. Rail Link, Inc.—Exemption Acquisition & Operation—Certain Lines of Burlington N. R.R. Co. (not printed), FD 31089, slip op. at 2 (ICC served Aug. 24, 1987) (“1987 Decision”); 52 Fed. Reg. 31,826.

In 2023, the Surface Transportation Board (“STB” or “Board”) exempted the discontinuance of service over certain rail lines that MRL had acquired by lease in 1987 as MRL and BNSF had mutually agreed that MRL would terminate its lease and trackage rights operations with BNSF resuming service to shippers. See Montana Rail Link, Inc. – Discontinuance of Service Exemption – In Yellowstone, Stillwater, Sweet Grass, Park, Gallatin, Broadwater, Jefferson, Lewis and Clark, Powell, Deer Lodge, Granite, Missoula, Lake, Mineral, and Sanders Counties, Mont.; Bonner and Kootenai Counties, Idaho; and Spokane County, Wash., AB 575 (Sub-No. 2X) (STB served March 8, 2023) (“2023 Discontinuance Decision”).

The Line proposed for abandonment, here, was not part of the 2023 Discontinuance Decision nor was it an MRL-owned branch line stated to be maintained and operated by BNSF in BNSF Railway Company - Trackage Rights Exemption - Montana Rail Link, Inc., FD 36693 (STB served May 3, 2023) (“2023 Trackage Rights Decision”). Thus, the Line is currently part of the non-contiguous MRL-owned branch rail lines.

No customers have been served on the Line since MRL purchased the Line from BNSF in 1987, and there are no plans for resumption of common carrier operations over the Line.

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.

MRL proposes to abandon an approximately 25.96-mile rail line (hereinafter, the “Line” or “8th Subdivision”) extending from Drummond, MT (M.P. 0.00) to Philipsburg, MT (M.P. 25.96) in Granite County, Montana. There are ten (10) structures, all bridges, on the Line.²

No customers have been served on the Line for over three decades. As such, MRL 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.³ Salvage will consist of removing the rail and track material from the existing roadbed.⁴ 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.

² There are ten (10) structures (bridges) in place but historically eleven (11) structures (bridges) existed on the Line. Bridge 10 at Milepost 10.32 was removed in 2010 due to debris build-up and proximity to a highway bridge just downstream.

³ Milepost 0.00 to Milepost 1.00 will not be salvaged as although MRL’s common carrier obligation will be removed, that segment of the Line will be converted to 49 U.S.C. § 10906 track.

⁴ Due to MRL’s not serving customers on the Line since its purchase in 1987, MRL has observed that track on some segments of the Line at M.P. 6.02 (60 Feet of Track (“TFT”)), M.P. 6.58 (40 TFT), M.P. 7.29 (135 TFT), M.P. 7.85 (70 TFT), M.P. 11.70 (60 TFT), and M.P. 12.39 (75 TFT) appear to have been removed by third parties for irrigation purposes; track was also removed for a private driveway at M.P. 7.30 (135 TFT). In 1999, the Montana DOT removed track at M.P. 8.66 (1,600 TFT) for a public crossing on State Highway 1. The only track that MRL or its predecessor, BN, removed is at M.P. 8.90 (580 TFT). MRL is unaware of the reason for this removal as the ties are in place, but the rail has been removed. Further information regarding these Observed Locations of Removed Track are included in **Appendix D**.

No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. Accordingly, MRL 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 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. Maps depicting the Line are attached as **Appendix A**. An example of MRL’s letter to federal, state, and local government agencies along with a list of the consulting agencies that MRL has contacted is attached as **Appendix B**. Comments received as a result of MRL’s written requests for feedback can be found in **Appendix C**. MRL’s Bridge Inventory and Observed Locations of Removed Track tables are attached as **Appendix D**. Topographical Maps and Color Photos are included in **Appendix E**.

(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 terminating on the Line.

(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.**

MRL 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, U.S. Forest Service land, and private agricultural land. By letters dated December 5, 2024, copies of this Report have been mailed to the appropriate local and state contacts, including to representatives of Granite County, MT, and the Cities of Drummond, MT, and Philipsburg, MT for their information and comments. 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.

MRL 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 a combination of residential and commercial areas, U.S. Forest Service land, and private agricultural land. However, since the contour of the existing roadbed will remain as is, and existing drainage systems will remain intact, the proposed abandonment should not contribute to prime farmland loss. Nevertheless, MRL has notified the United States Department of Agriculture's Natural Resources Conservation Service of the proposed abandonment by letter dated December 5, 2024 (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 Water Quality Division at the Montana Department of Environmental Quality ("MDEQ") 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.

Given that the Line traverses residential and commercial areas, U.S. Forest Service land,

and private agricultural land, MRL is not aware of any alternative public use under 49 U.S.C. § 10905 for which the right-of-way of this track would be suitable, except for a recreational trail.

(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.

- (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 in 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.

The Line 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. As the Line has not been operated over since at least 1987, there are no private or public road crossings that need to be closed if the abandonment is granted, and the Line is salvaged.

- (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.**

MRL 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.**

MRL does not believe that the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as critical habitats. MRL has notified the

U.S. Fish and Wildlife Service (“USF&W”) and the Montana Fish, Wildlife & Parks (“MFWP”) of the proposed abandonment by letters dated December 5, 2024, 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 MFWP. 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, MRL is unaware of any wildlife sanctuaries or refuges, National or State parks, or forests that would be adversely affected by the proposed abandonment. Nevertheless, MRL’s desktop review indicates a portion of the line is adjacent to the Deerlodge National Forest, and MRL has notified the National Park Service (“NPS”) of the proposed abandonment by letter dated December 5, 2024. 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.**

MRL 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 soil will be disturbed as a result of the proposed abandonment, and no stormwater 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. MRL currently provides no rail

common carrier service over the Line and has not done so for over three years. Consultation was requested from the Water Quality Division at MDEQ and the United States Environmental Protection Agency (“USEPA”) by letters dated December 5, 2024. A copy of this report was attached to each of these letters. 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.**

MRL 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. MRL 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, MRL believes that a permit under Section 404 of the Clean Water Act will not be required.

Moreover, 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 – Omaha District by letter dated December 5, 2024. 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.**

MRL 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, MRL has contacted the MDEQ and the USEPA regarding this item by letter dated November 19, 2024, 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**.

(10) **PROPOSED MITIGATION**

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

MRL does not expect any adverse environmental impact will result from the proposed abandonment and, therefore, is of the opinion that mitigating action is unnecessary. However, MRL will undertake all reasonable mitigation associated with these activities as directed by the Board to assure the abandonment does not produce adverse environmental impacts, including consulting with federal, state, and/or local agencies on any mitigation measures they may recommend to the Board.

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

Not applicable.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

MRL proposes to abandon an approximately 25.96-mile rail line (hereinafter, the “Line” or “8th Subdivision”) extending from Drummond, MT (M.P. 0.00) to Philipsburg, MT (M.P. 25.96) in Granite County, Montana. There are ten (10) structures, all bridges, on the Line.⁵

Following abandonment, the rail and related track material will be salvaged.⁶ Salvage will consist of removing the rail and track material from the existing roadbed.⁷ 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, MRL 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 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.

⁵ There are ten (10) structures (bridges) in place but historically eleven (11) structures (bridges) existed on the Line. Bridge 10 at Milepost 10.32 was removed in 2010 due to debris build-up and proximity to a highway bridge just downstream.

⁶ Milepost 0.00 to Milepost 1.00 will not be salvaged as although MRL’s common carrier obligation will be removed, that segment of the Line will be converted to 49 U.S.C. § 10906 track.

⁷ Due to MRL’s not serving customers on the Line since its purchase in 1987, MRL has observed that track on some segments of the Line at M.P. 6.02 (60 Feet of Track (“TFT”)), M.P. 6.58 (40 TFT), M.P. 7.29 (135 TFT), M.P. 7.85 (70 TFT), M.P. 11.70 (60 TFT), and M.P. 12.39 (75 TFT) appear to have been removed by third parties for irrigation purposes; track was also removed for a private driveway at M.P. 7.30 (135 TFT). In 1999, the Montana DOT removed track at M.P. 8.66 (1,600 TFT) for a public crossing on State Highway 1. The only track that MRL or its predecessor, BN, removed is at M.P. 8.90 (580 TFT). MRL is unaware of the reason for this removal as the ties are in place, but the rail has been removed. Further information regarding these Observed Locations of Removed Track are included in **Appendix D**.

This alternative is not satisfactory. MRL 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 Montana Historical Society (“MHS”) as part of a complete copy of this report. MRL understands that there are ten (10) railroad structures, all bridges, in place on the Line are believed to be 50 years old or older. One structure, a bridge at M.P. 10.32 (“Bridge No. 10”), has already been removed due to debris build-up and proximity to a State Highway bridge just downstream. See MRL’s Bridge Inventory, attached as **Appendix D**; see also a color photo of Bridge No. 10’s proximity to the State Highway in **Appendix E**.

- (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 MRL data and valuation maps, the 25.96 miles of right-of-way is primarily 100 feet (50 feet each side of centerline) in width at all locations except for industrial/spur track related to former mine operations and unique parcels of land. The right-of-way is in Granite County, ND. Overall, the right-of-way width varies between 100 feet to 200 feet along the main track centerline with the exception of the track in Philipsburg where there is a 50-foot right-of-way. 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, commercial, U.S. Forest Service Land, and agricultural 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;

MRL does not anticipate removing or dismantling any of the structures along the line that are 50 years old or older. MRL understands that there are ten (10) railroad structures, all bridges, on the Line that is believed to be 50 years old or older. MRL has also supplied railroad valuation maps to MHS, 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 MHS as part of Appendix A.) Aside from the materials, MRL 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 MRL’s possession, there are ten (10) structures, all bridges, along the Line. While these bridges might have been improved prior to MRL taking ownership in 1987, MRL has not undertaken any major improvements to this bridge during the time that MRL 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;

MRL has no historical records of its own relating to the Line. Based on research, however, MRL understands that the Line was originally constructed by the Northern Pacific Railway, which Congress chartered in 1864, with the goal of connecting the Great Lakes with Puget Sound on the Pacific. See Pacific Railroad Act, 13 Stat. 356 (July 2, 1864). Construction of the Northern Pacific Railway started in 1870 and was completed by 1883. 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 (“BN”), now BNSF. 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 (ICC served Nov. 30, 1967).

Following the merger, the Line was included in the 1987 ICC exemption authorizing MRL’s acquisition and operation of certain properties of BN, including the acquisition and operation of 286.32 miles of BN branch rail lines. The Line subject to MRL’s proposed abandonment here was part of the acquired BN branch rail lines and was noted in the 1987 Decision as extending from “Drummond, Montana (M.P. 0.00), to Philipsburg, Montana (M.P. 25.96).” See 1987 Transaction at 2. The Line was not included in the 2023 Discontinuance Decision, wherein MRL and BNSF mutually agreed that MRL terminate its lease and trackage rights operations with BNSF resuming service to shippers,⁸ nor was it an MRL-owned branch line stated to be maintained and operated by BNSF in the 2023 Trackage Rights Decision. As the Line is an MRL-owned branch rail line, MRL intends, upon the effectiveness of the exemption, to terminate its rail common carrier obligation over, and to abandon, the Line, which has been out of service for over two years.

(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 late 1800s, but MRL is one of many subsequent owners of these rail assets. MRL was not supplied with and does not have engineering drawings of the structures discussed above. In fact, the only relevant documents in MRL’s possession have been included as part of Appendix A.

⁸ Effectively, MRL became a subdivision of BNSF’s current operations and all MRL employees were offered employment with BNSF.

- (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, MRL's records indicate that there are ten (10) structures, all bridges, on or adjacent to the Line. These ten (10) bridges are all 50 years old or older with the bridges primarily being built between 1950 and 1964 except for the bridge at Milepost 14 being built in 1920. In MRL's opinion, these structures would not meet the criteria for listing on the National Register of Historic Places. As the photographs supplied to MHS 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. MRL 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 a recreational trail. MRL 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.**

MRL 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. Since there have been no freight operations over the Line since MRL took ownership in 1987, MRL has not performed any track work and/or construction under its ownership. As such, there has not been any work in the last three decades that 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**

AB-575 (Sub-No. 3X)

**MONTANA RAIL LINK, INC.
– ABANDONMENT EXEMPTION –
GRANITE COUNTY, MONTANA**

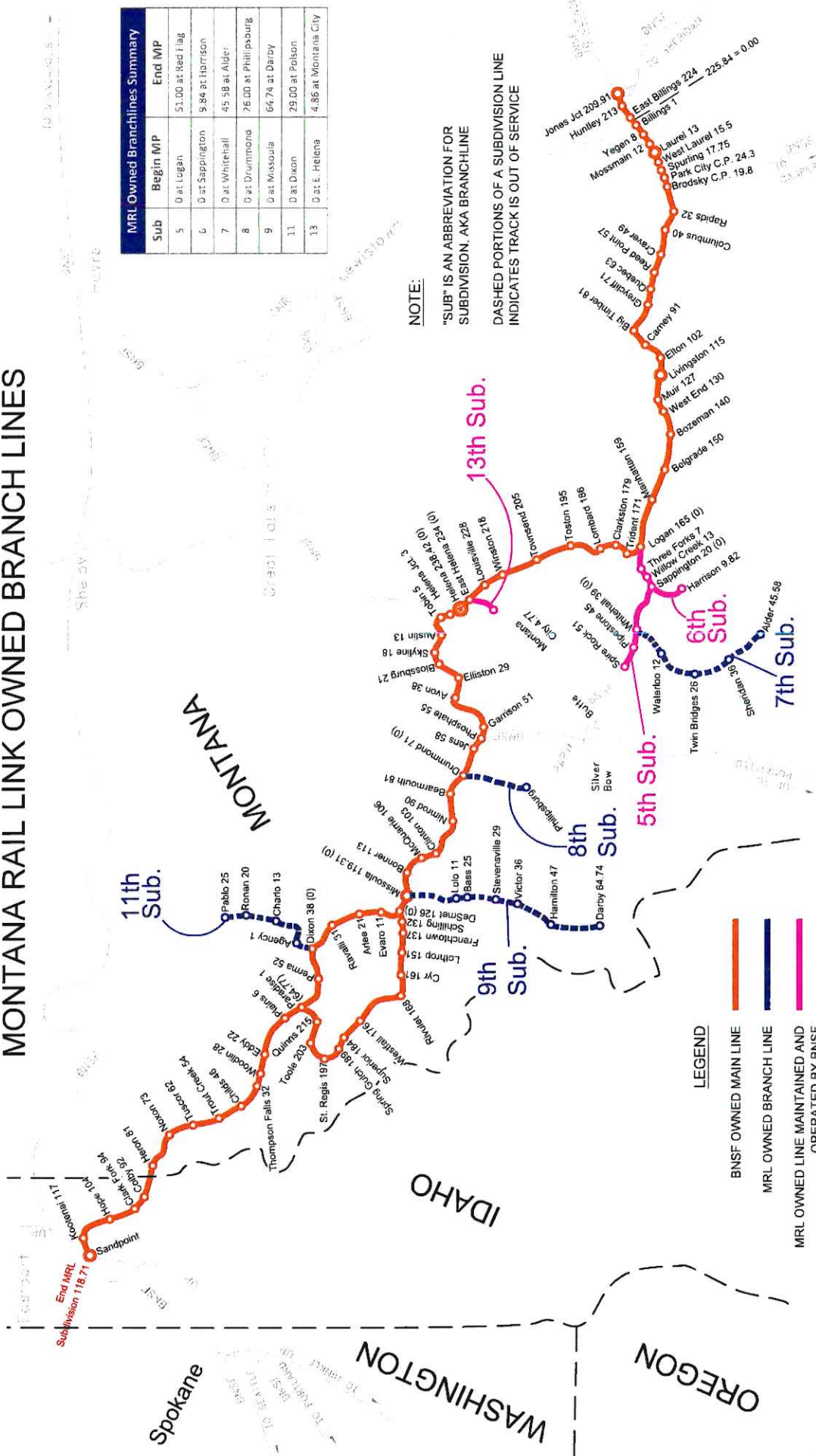
ENVIRONMENTAL AND HISTORIC REPORT

APPENDIX A – MAPS

MRL's Valuation Maps Are Available for Download in the Following Hightail Link:

<https://spaces.hightail.com/space/8c14G42JAd>

BNSF MRL SUBDIVISION MONTANA RAIL LINK OWNED BRANCH LINES



MRL Owned Branchlines Summary		
Sub	Begin MP	End MP
5	0 at Logan	51.00 at Red Flag
6	0 at Sappington	9.84 at Harrison
7	0 at Whitehall	45.58 at Alder
8	0 at Drummond	76.00 at Phillipsburg
9	0 at Missoula	64.74 at Darby
11	0 at Dixon	29.00 at Polson
13	0 at E. Helena	4.85 at Montana City

NOTE:
"SUB" IS AN ABBREVIATION FOR
SUBDIVISION, AKA BRANCHLINE
DASHED PORTIONS OF A SUBDIVISION LINE
INDICATES TRACK IS OUT OF SERVICE

- LEGEND**
- BNSF OWNED MAIN LINE
 - MRL OWNED BRANCH LINE
 - MRL OWNED LINE MAINTAINED AND OPERATED BY BNSF



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ENVIRONMENTAL AND HISTORIC REPORT

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

MULLINS LAW GROUP PLLC

Transportation Solutions for the 21st Century

2001 L Street N.W.
Suite 720
Washington, D.C. 20036

CRYSTAL ZORBAUGH
CZORBAUGH@MULLINSLAWGROUP.NET
MULLINSLAWGROUP.NET

Telephone: (202) 663-7850
Direct: (202) 663-7831
Facsimile: (202) 464-9123

December 5, 2024

[Insert Consulting Party]

**RE: Montana Rail Link, Inc. – Abandonment Exemption – In Granite County, MT,
AB 575 (Sub-No. 3X)**

Dir Sir or Madam,

On or about January 6, 2025, Montana Rail Link, Inc. (“MRL”) 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 MRL to abandon operations over an approximately 25.96 mile rail line (hereinafter, the “Line” or “8th Subdivision”) extending from Drummond, MT (M.P. 0.00) to Philipsburg, MT (M.P. 25.96) in Granite County, Montana.¹

Enclosed 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. A map of the proposed track abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it. **Appendix C** of this report lists the various agency responses. MRL’s Bridge Inventory and Observed Locations of Removed Track tables are attached as **Appendix D**. Topographical Maps and Color Photos are included in **Appendix E**.

The Report is being provided so that you may submit information that will form the basis for the STB’s independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think that is pertinent or missing, or if you have any questions about the Board’s environmental review process, please contact the Board’s Office of Environmental Analysis (“OEA”) by telephone at (202) 245-0245 or by mail to:

Surface Transportation Board
395 E Street, S.W., Room 1106
Washington DC 20423-0001

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,

¹ Milepost 0.00 to Milepost 1.00 will not be salvaged as although MRL’s common carrier obligation will be removed, that segment of the Line will be converted to 49 U.S.C. § 10906 track.

MULLINS LAW GROUP PLLC

December 5, 2024

Page 2

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 MRL's possession will be made available promptly to those requesting it. Please refer to the above Docket when contacting the STB.

Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason, your written comments (with a copy to us) would be appreciated within three weeks. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. For us to consider your input before filing with the STB, MRL must receive your comments within three weeks.

If there are any questions concerning this notice of intent, please contact me, MRL's representative, by mail: Crystal Zorbaugh, Mullins Law Group PLLC, 2001 L Street, NW, Suite 720, Washington, DC 20036; by FAX: (202) 663-7849; by e-mail: czorbaugh@mullinslawgroup.net; or by telephone: (202) 663-7831. If I am not available, you may also contact Spencer M. Naake, who can be reached at (202) 663-7829 or by e-mail at snaake@mullinslawgroup.net.

Sincerely,

/s/ Crystal M. Zorbaugh

Crystal M. Zorbaugh
Counsel for Montana Rail Link, Inc.

Enclosure

RECIPIENT LIST - AB-575 (Sub No. 3X)

STATE HISTORICAL SOCIETY
Montana Historical Society
225 N Roberts
P.O. Box 201201
Helena, MT 59620-1201

STATE DOT
Heather Kuklo
Rail, Transit and Planning
Montana Department of Transportation
2701 Prospect Avenue
Helena, MT 59601

US ENVIRONMENTAL PROTECTION
AGENCY
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

REGIONAL/STATE EPA
KC Becker
Regional Administrator
US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

EPA Montana Operations Office
Federal Building
10 West 15th Street
Suite 3200
Helena, MT 59626

Sonja Nowakowski, Director
Montana Department of
Environmental Quality
1520 E 6th Avenue
Helena, MT 59601

CITY/TOWNSHIP

Gail Leeper, Mayor
114 A Street
P.O. Box 195
Drummond, MT 59832

Daniel Reddish, Mayor
104 S. Sansome Street
P.O. Box 339
Philipsburg, MT 59858

COUNTIES

Scott C. Adler
Charles L. Hinkle
Blanche McLure
Commissioners
Granite County Courthouse
220 N. Sansome St.
P.O. Box 925
Philipsburg, MT 59858

US ARMY CORPS OF ENGINEERS

U.S. Army Corps of Engineers,
Omaha District
1616 Capitol Ave.
Suite 9000
Omaha, NE 68102

**STATE COASTAL ZONE
MANAGEMENT**

Lindsey Krywaruchka
Water Quality Division Administrator
Montana Department of
Environmental Quality
1520 E 6th Avenue
Helena, MT 59601

U.S. FISH AND WILDLIFE SERVICE

Matt Hogan, Regional Director
Mountain-Prairie Region
U.S. Fish & Wildlife Service
Region 6 (CO, KS, MT, NE, ND, SD, UT,
& WY)

Lake Plaza North
134 Union Boulevard
Lakewood, CO 80225

Montana Fish, Wildlife & Parks
1420 East Sixth Avenue
P.O. Box 200701
Helena, MT 59620-0701

NATIONAL PARK SERVICE

Mr. Bob Ratcliffe, Chief
Chief, Conservation and Outdoor Recreation
Division
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
Email: RRAE@noaa.gov

NATURAL RESOURCES
CONSERVATION SERVICE

Tom Watson
State Conservationist
10 E Babcock St, Rm 443
Bozeman, MT 59715-4704

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

AB-575 (Sub-No. 3X)

**MONTANA RAIL LINK, INC.
– ABANDONMENT EXEMPTION –
GRANITE COUNTY, MONTANA**

ENVIRONMENTAL AND HISTORIC REPORT

APPENDIX C – FEEDBACK RECEIVED

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

AB-575 (Sub-No. 3X)

**MONTANA RAIL LINK, INC.
– ABANDONMENT EXEMPTION –
GRANITE COUNTY, MONTANA**

ENVIRONMENTAL AND HISTORIC REPORT

**APPENDIX D –
MRL'S BRIDGE INVENTORY AND
OBSERVED LOCATIONS OF REMOVED TRACK**



Montana Rail Link

Observed Locations of Removed Track

Drummond to Phillipsburg
MRL 8th Subdivision
Date: 12/2/2024

MP	Description	Length (FT)	Over	Track Removed (TFT)	Status	Remarks
6.02	36" Dia. RCP	31.3	Irrigation	60	Removed, open channel	Appears to be 3rd party removal
6.58	24" CMP	24.0	Irrigation	40	Culvert Replaced with new	Appears to be 3rd party removal
7.29	36" CIP	24.3	Irrigation	135	Culvert Replaced with new Driveway	Appears to be 3rd party removal, 135' total with driveway
7.30	Private Crossing 24" CIP	N/A	N/A	135		Appears to be 3rd party removal, 135' total with culvert
7.85	Public Crossing	24	Irrigation	70	Culvert Replaced with new State Highway 1	Appears to be 3rd party removal Removed by MDT, 1999
8.66	None	N/A	N/A	1600	Ties in place, no rail	Appears to be from railroad removal, unknown reason
8.90	24" RCP	N/A	N/A	580	Culvert Replaced with new	Appears to be 3rd party removal
11.70	36" CMP	20	Irrigation	60	Culvert Replaced with new	Appears to be 3rd party removal
12.39		24.4	Irrigation	75	Culvert Replaced with new	Appears to be 3rd party removal

Notes:

1. "TFT" Stands for "Track Feet" or lineal feet of track
2. "RCP" Stand for "Reinforced Concrete Pipe"
3. "CMP" stands for "Corrugated Metal Pipe"
3. "CIP" stands for "Cast Iron Pipe"



Montana Rail Link

Bridge Inventory

Drummond to Phillipsburg
MRL 8th Subdivision
Date: 9/26/2024

Bridge Number	Milepost	Description	Length (FT)	Height (FT)	Date Built	Age (YR)	Over	Status	Remarks
0	0.35	4-15' Spans P.B.	60	12	1950	74	Highwater Channel	Out of Service	In Place
0.1	0.50	1-130' Howe Truss, 4-15' Spans P.B.	191	22	1952	72	Clark Fork R.	Out of Service	In Place
4	4.03	4-15' Spans P.B.	61	12	1952	72	Willow Creek	Out of Service	In Place
5	5.84	3-15' Spans Pile Trestle	46	11	1964	60	Creek	Out of Service	In Place
10	10.32	7-15' Spans P.B.	105	13	1962	62	Flint Creek	Out of Service	Removed, Removal Date Unknown
14	14.17	1-25' D.P.G., 1-50' D.P.G., 1-15' D.P.G.	91	13	1920	104	Boulder Creek	Out of Service	In Place, Built: 1920, Refurb: 1954
18	18.75	4-15' Spans P.B.	60	11	1963	61	Flint Creek	Out of Service	In Place
19	19.25	4-15' Spans P.B.	60	10	1950	74	Flint Creek	Out of Service	In Place
19.1	19.37	1-15' Span P.B.	15	6	1954	70	Washout '93	Out of Service	In Place
20	20.13	5-15' Spans P.B.	76	10	1964	60	Flint Creek	Out of Service	In Place
21	21.60	6-15' Spans P.B.	91	15	1964	60	Flint Creek	Out of Service	In Place

Notes:

- "P.B." Stands for "Pile Bridge" or "Pile Trestle", D.P.G. Stands for "Deck Plate Girder"
- Remarks regarding current bridge condition based off aerial imagery. A field survey needs to be performed to verify actual field conditions.
- This list was compiled from historical records dated March 1968 from the Northern Pacific Railway.

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**MONTANA RAIL LINK, INC.
- ABANDONMENT EXEMPTION -
GRANITE COUNTY, MONTANA**

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APPENDIX E – TOPOGRAPHICAL MAPS AND COLOR PHOTOS

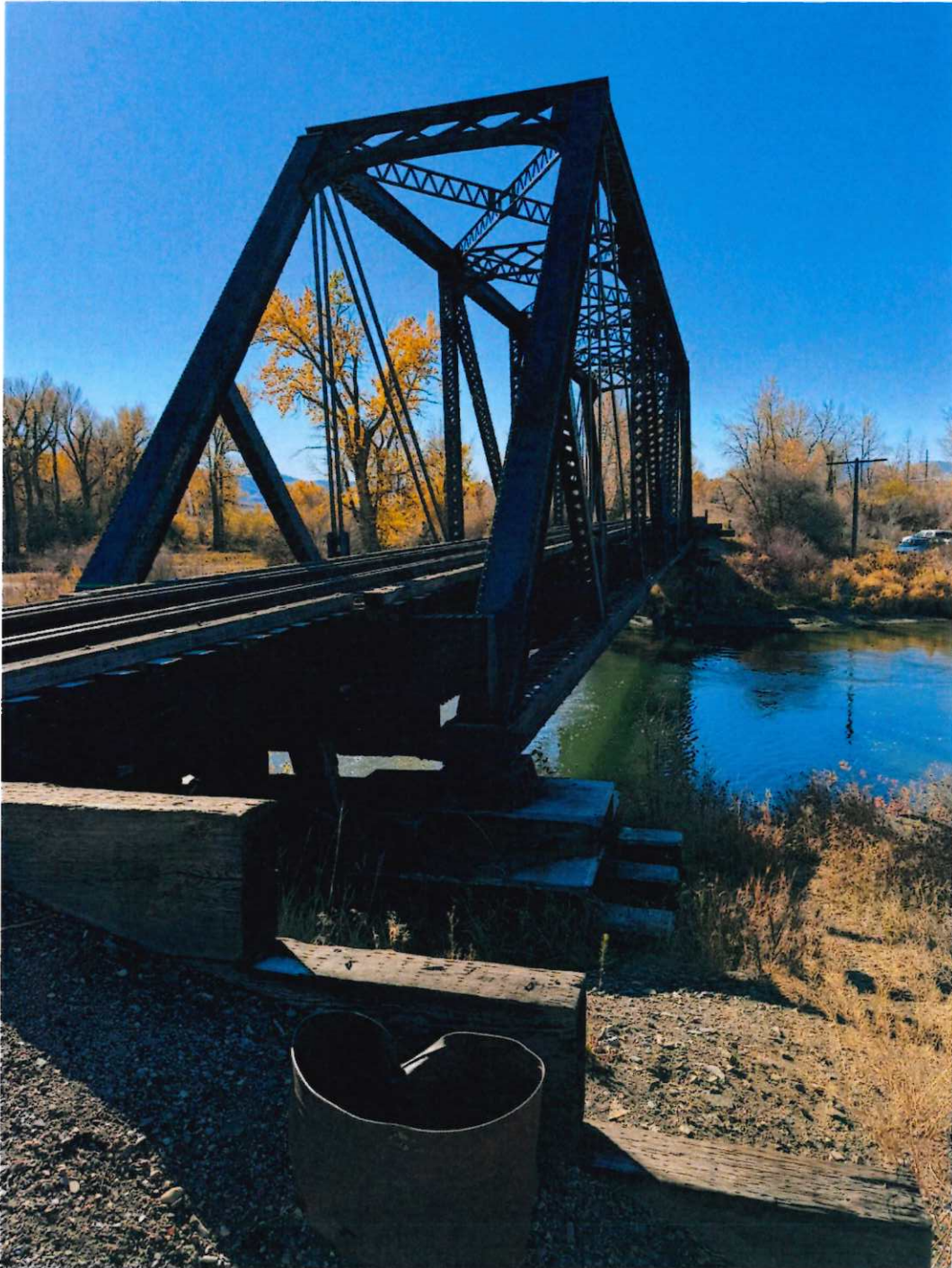
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Bridge Number 0 (Milepost 0.35)



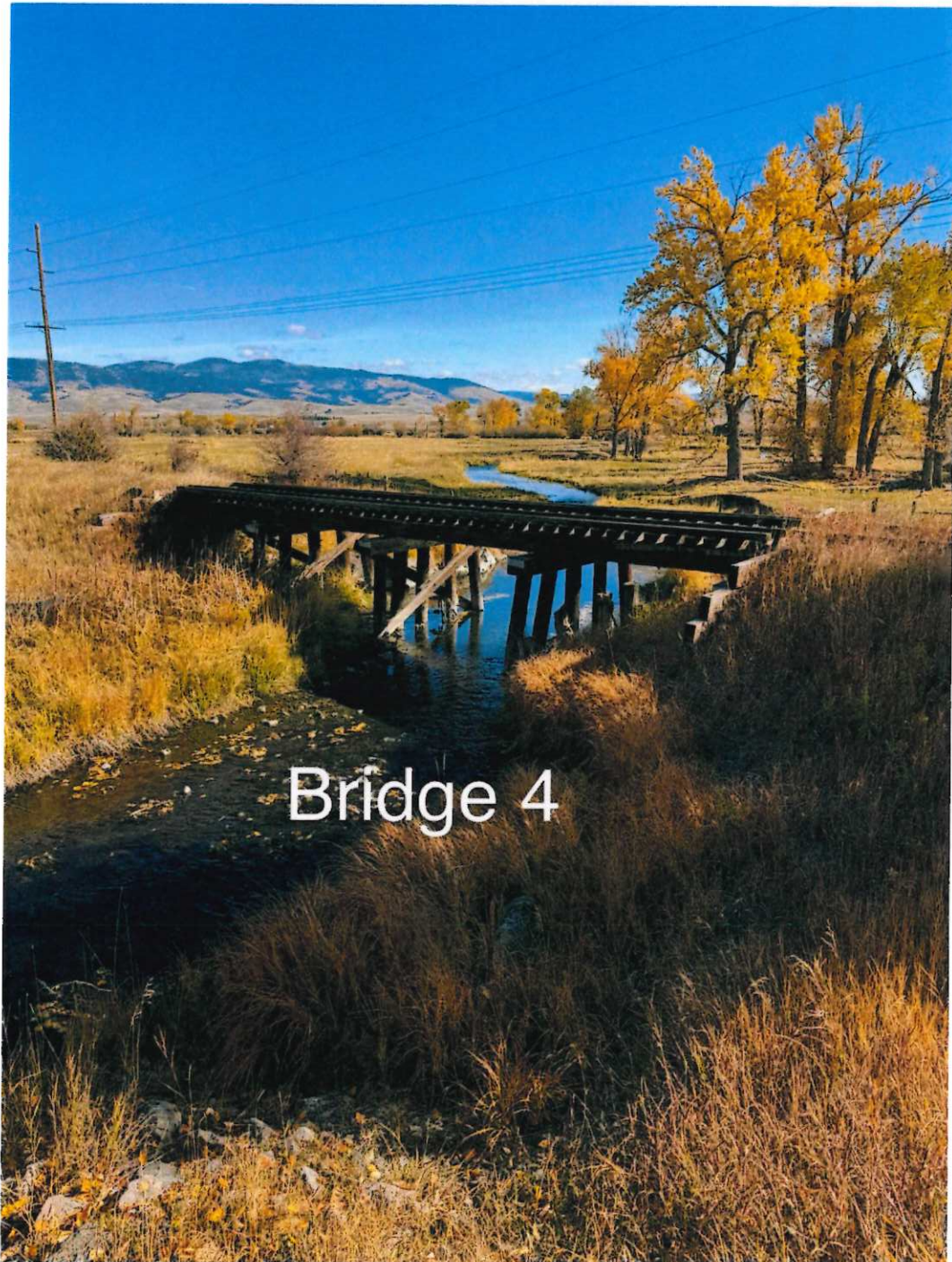
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Bridge Number 0.1 (Milepost 0.50)

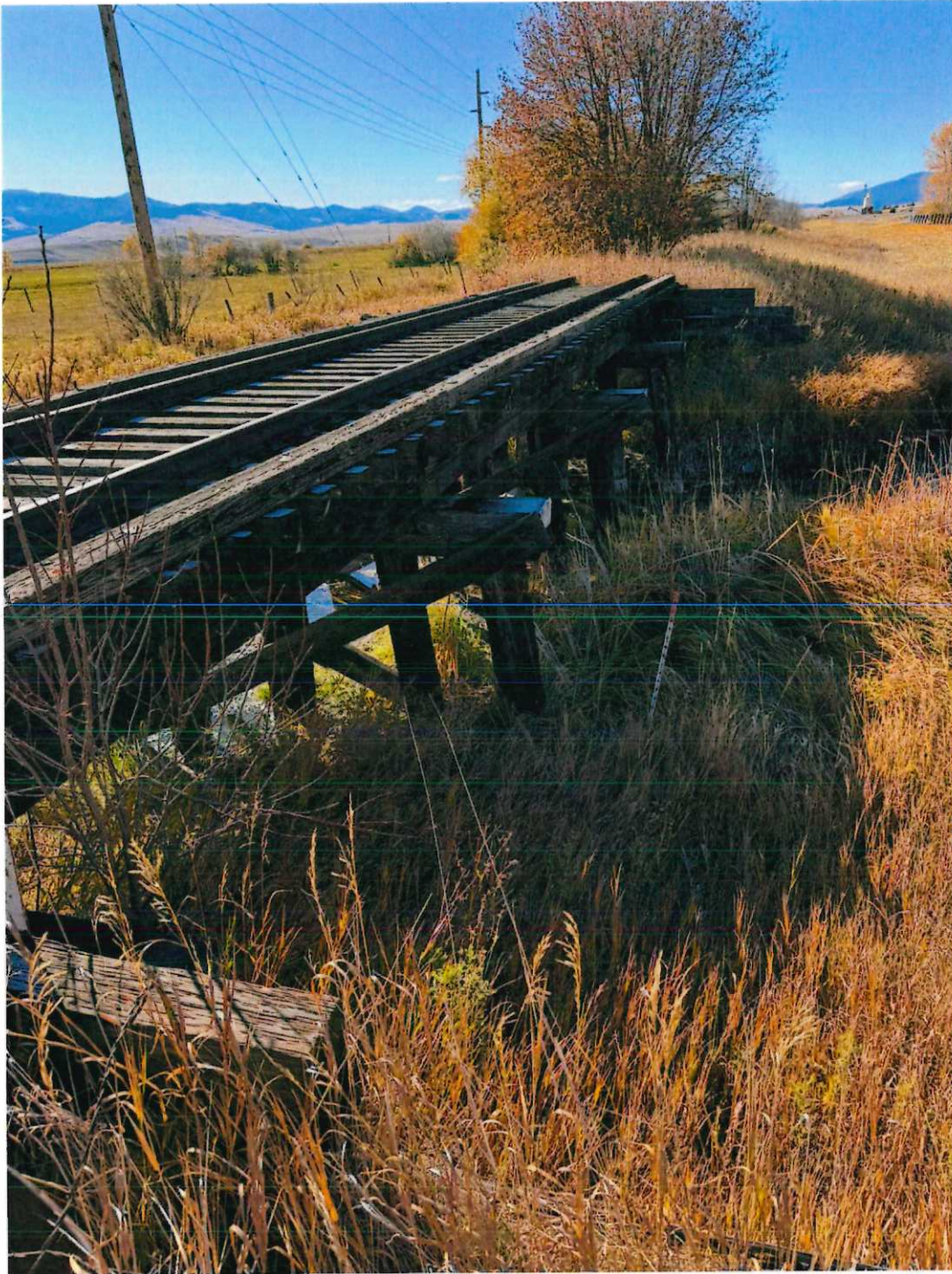


Bridge Number 4 (Milepost 4.03)



Bridge 4

Bridge Number 4 (Milepost 4.03)



Bridge Number 4 (Milepost 4.03)



Bridge Number 5 (Milepost 5.84)



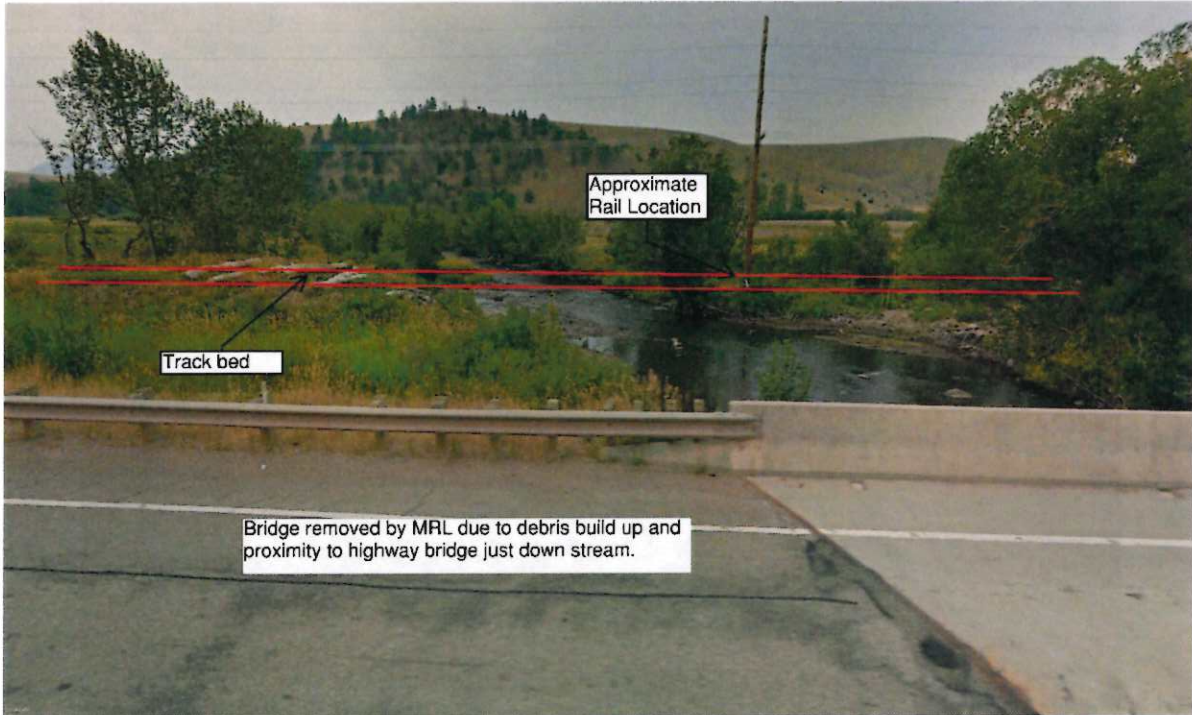
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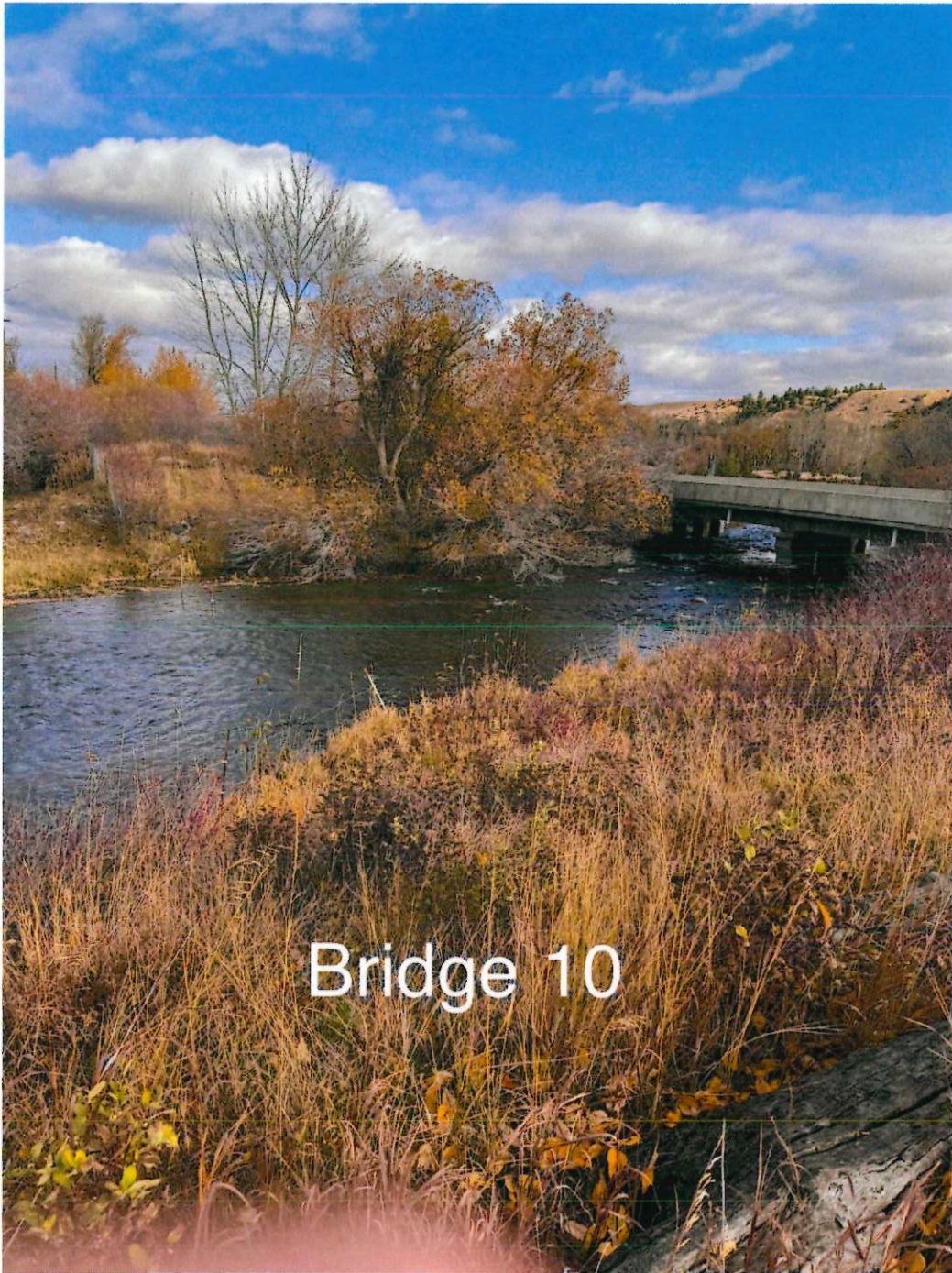
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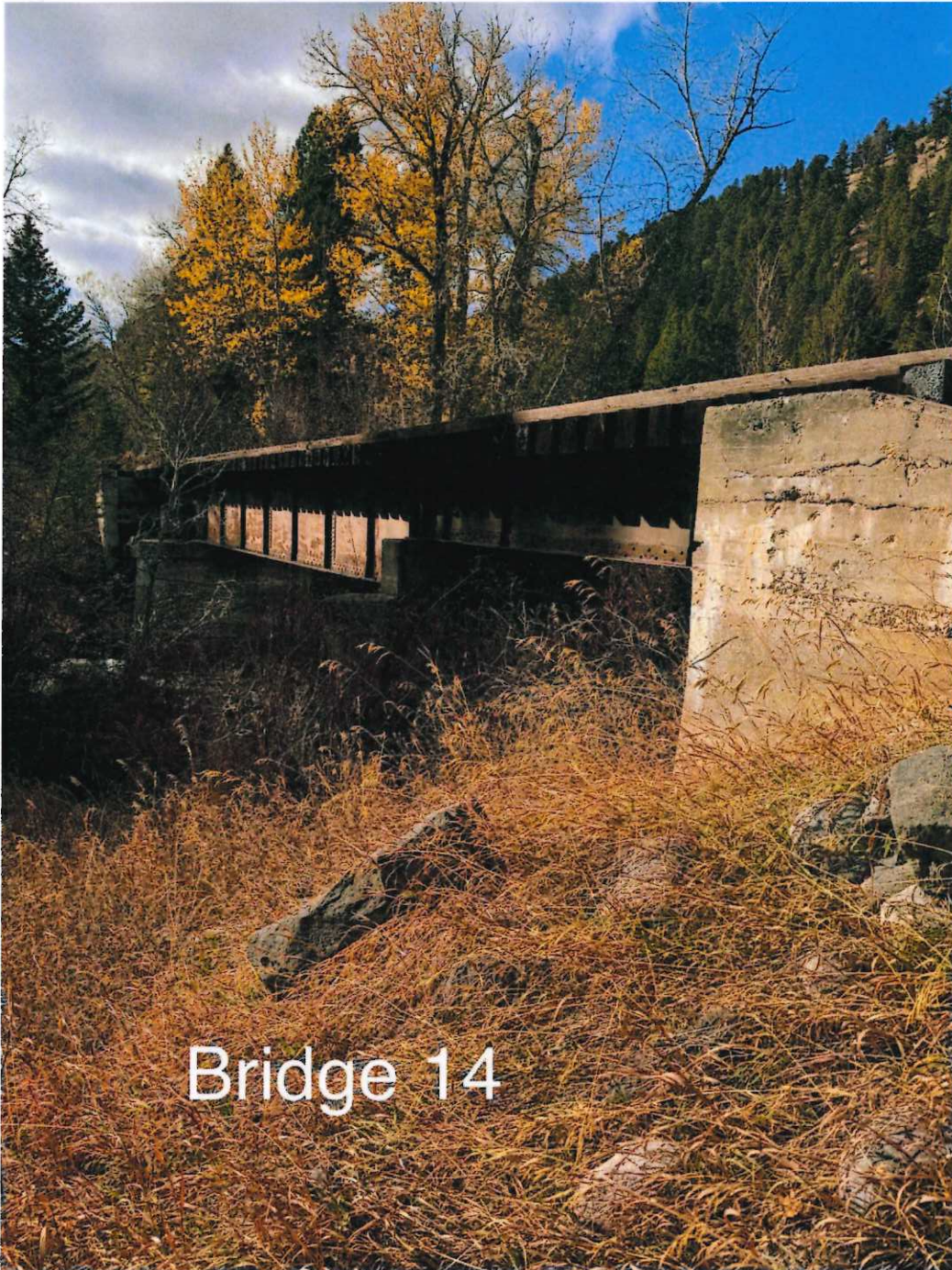
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Bridge Number 10 (Milepost 10.32)



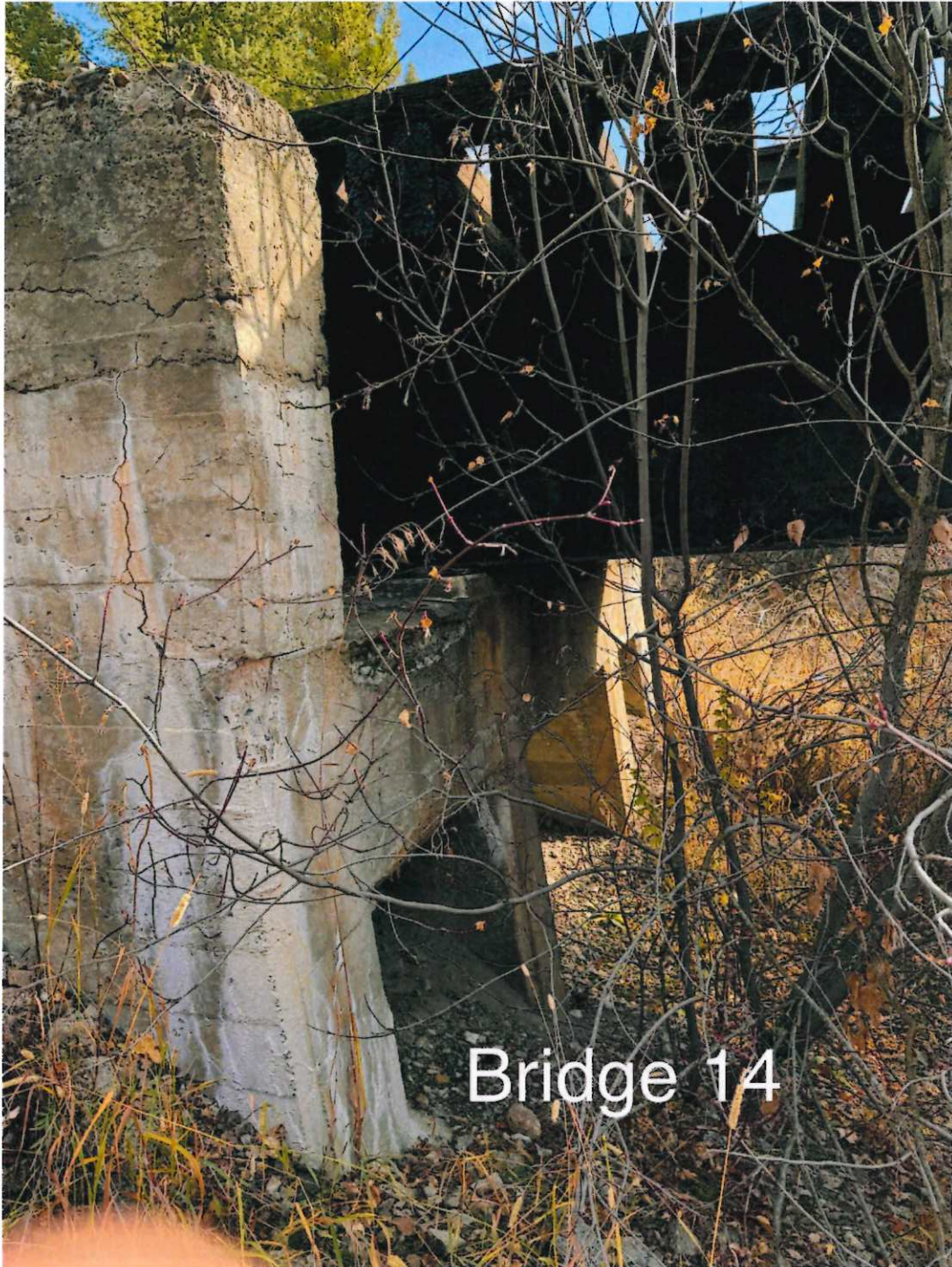
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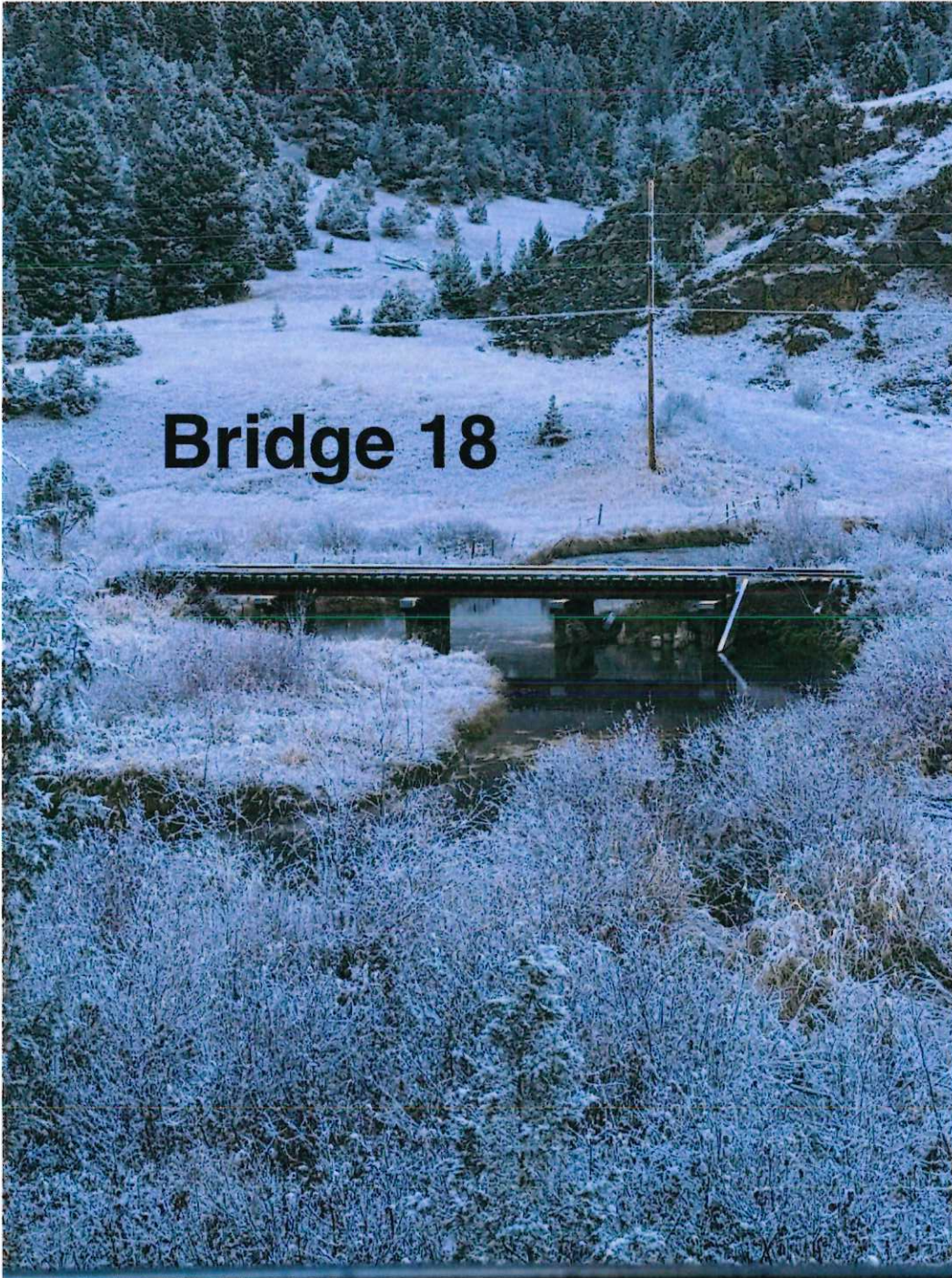
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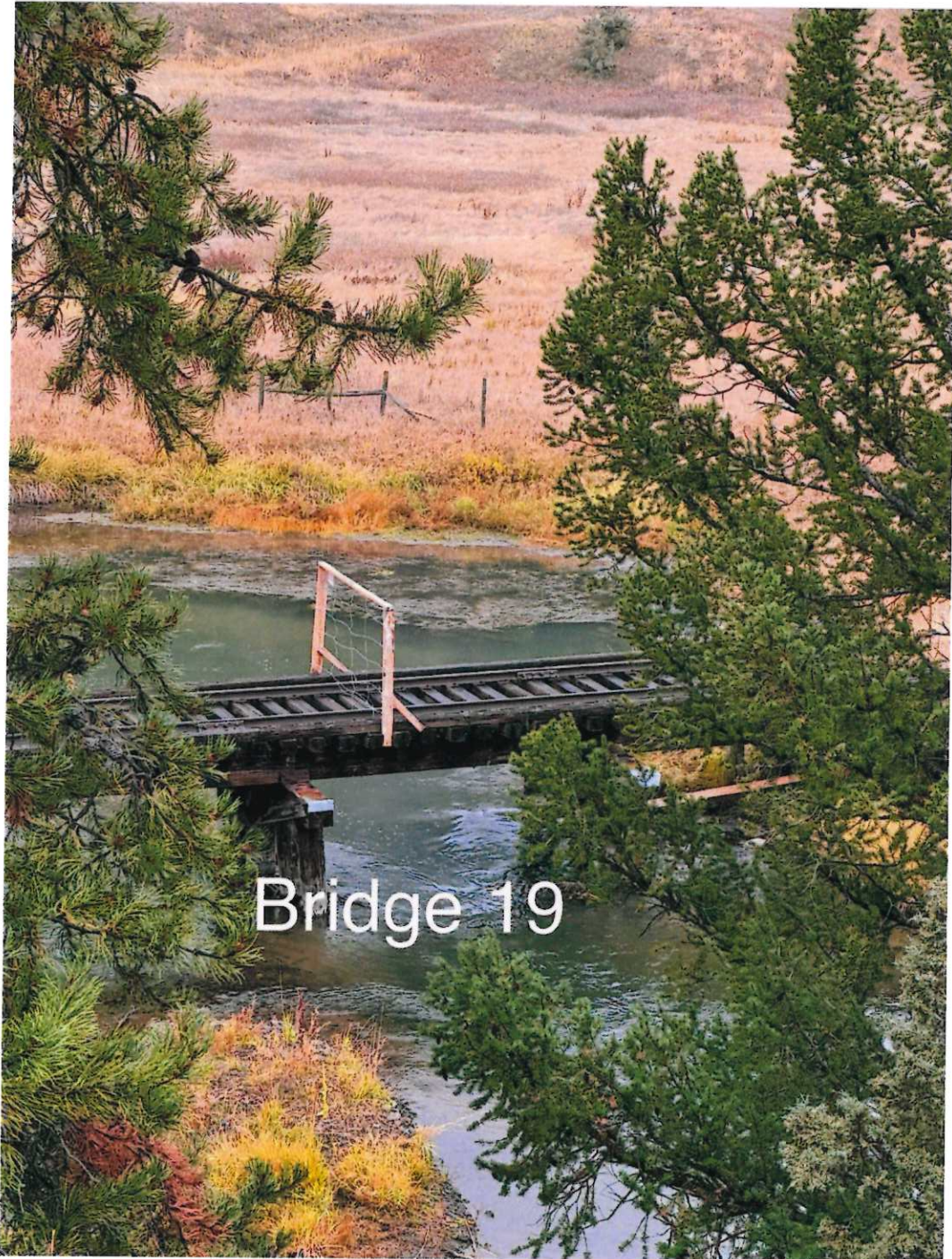
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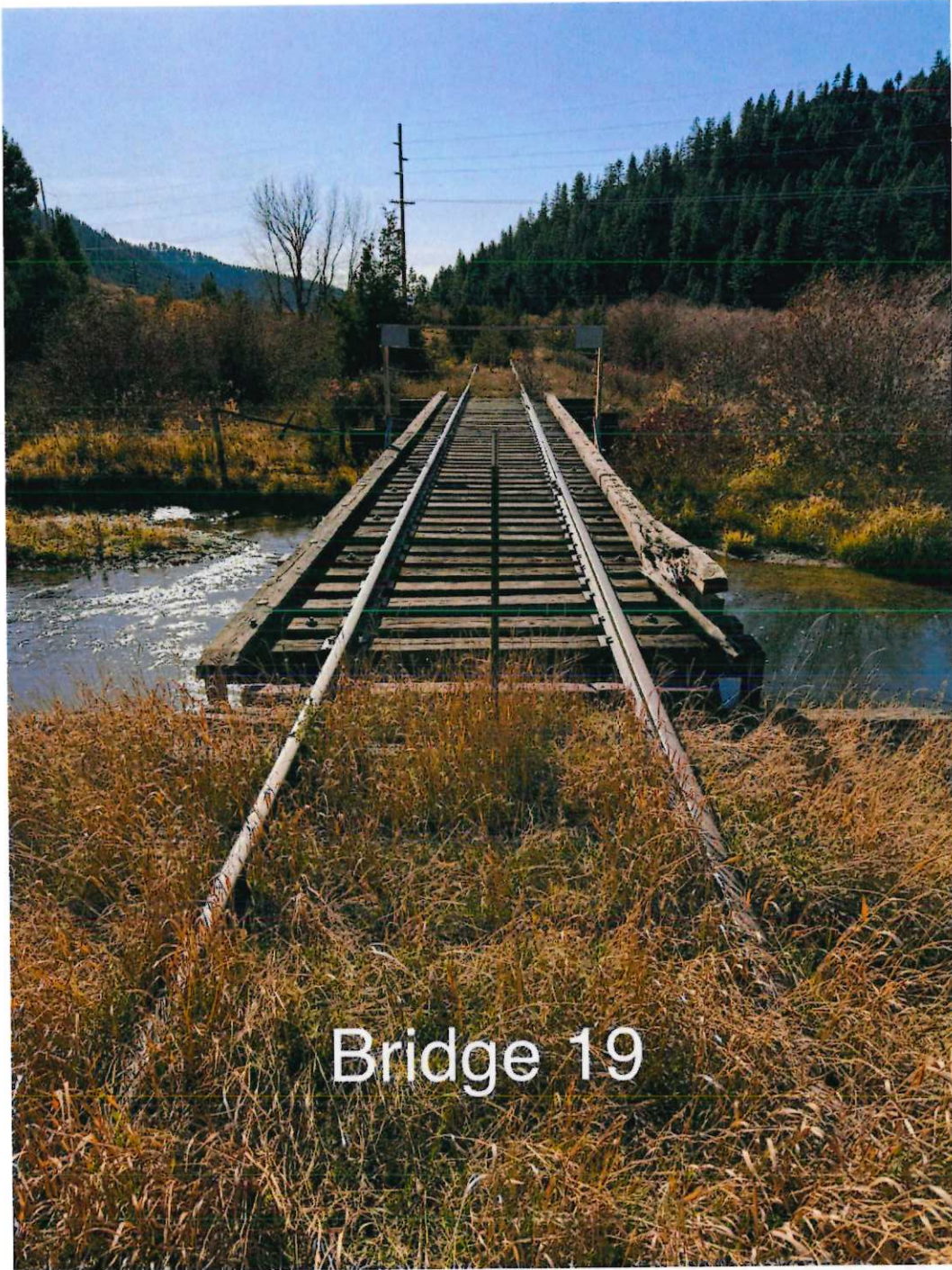
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Bridge Number 19 (Milepost 19.25)



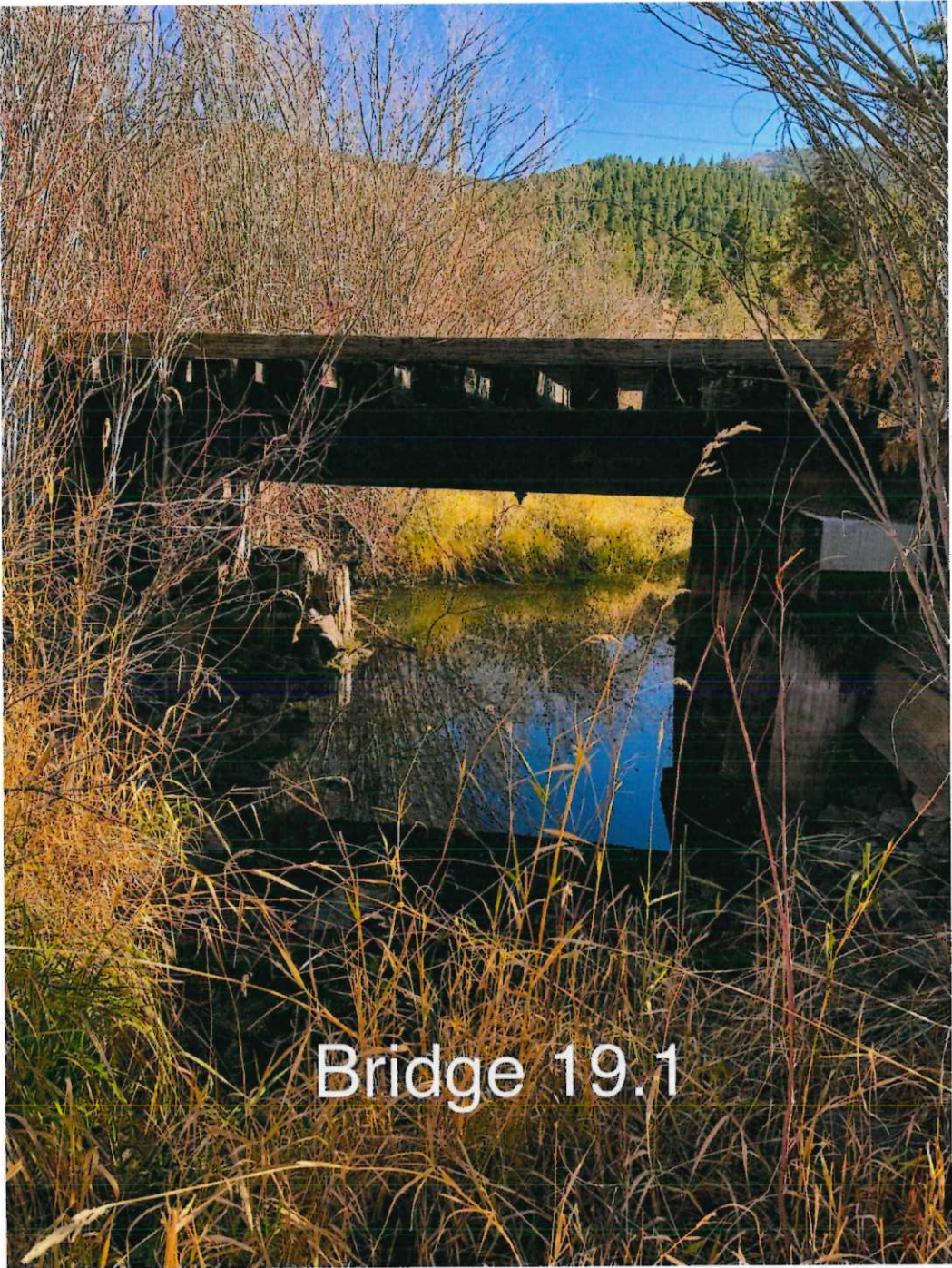
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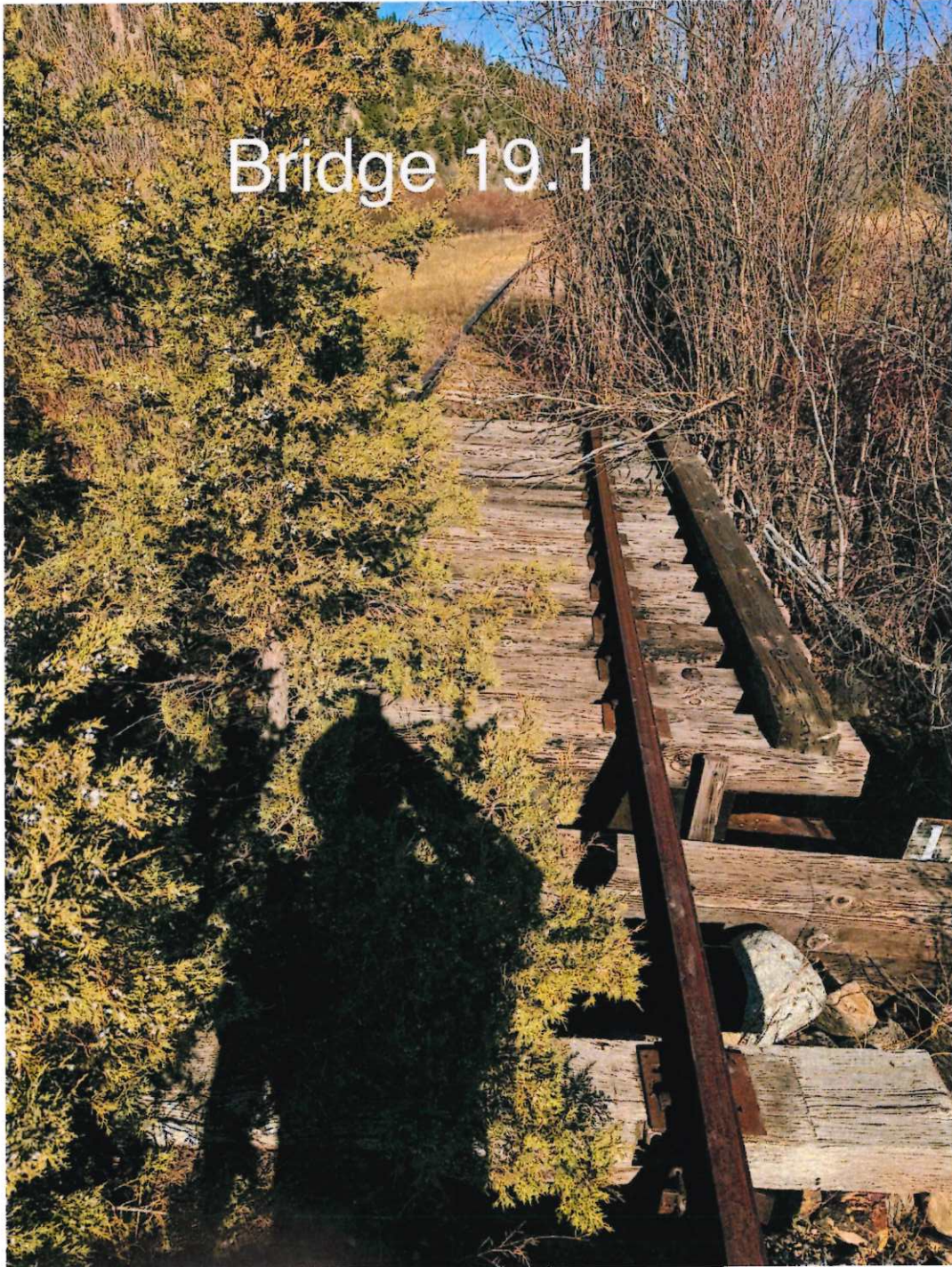
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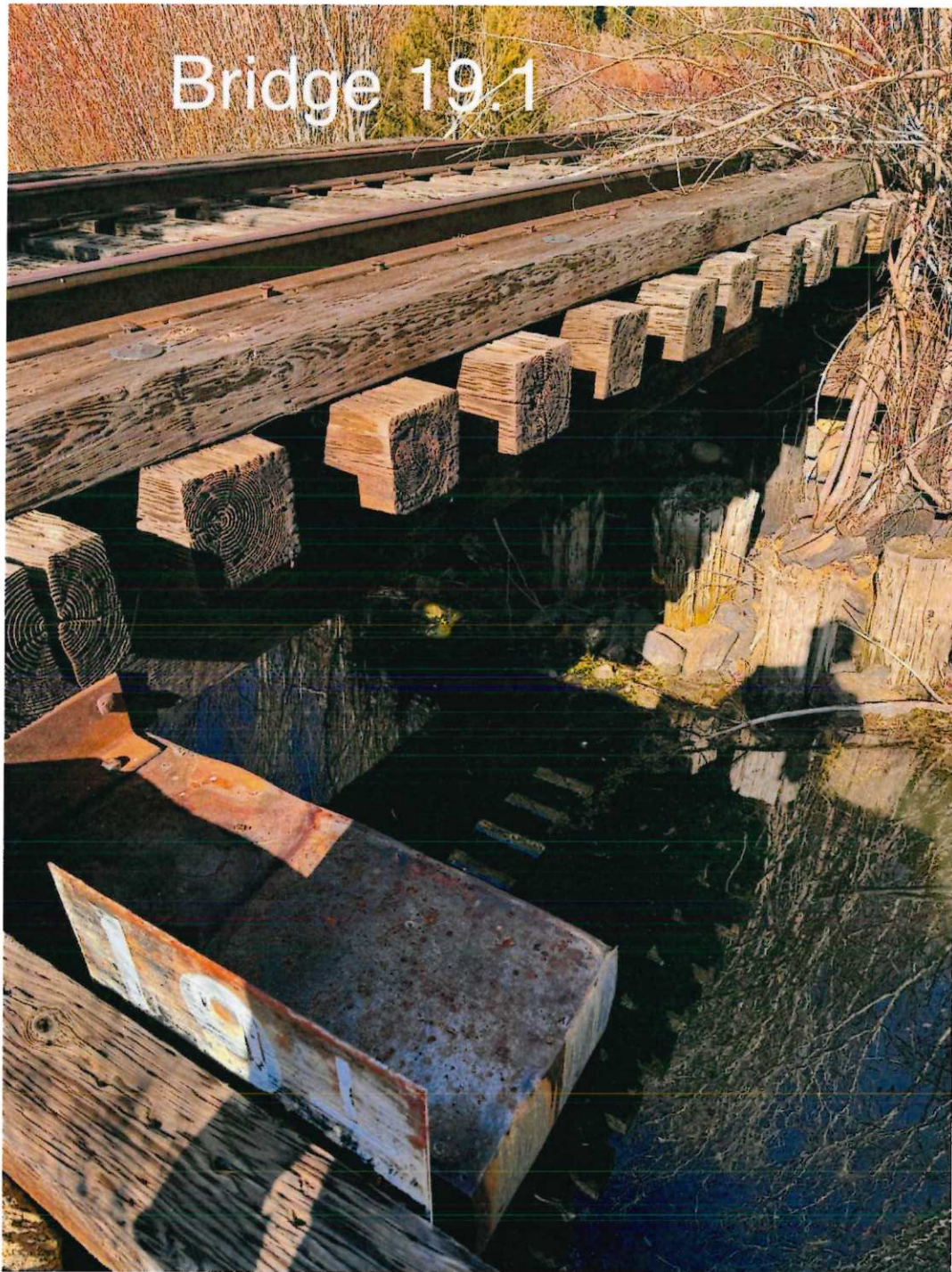
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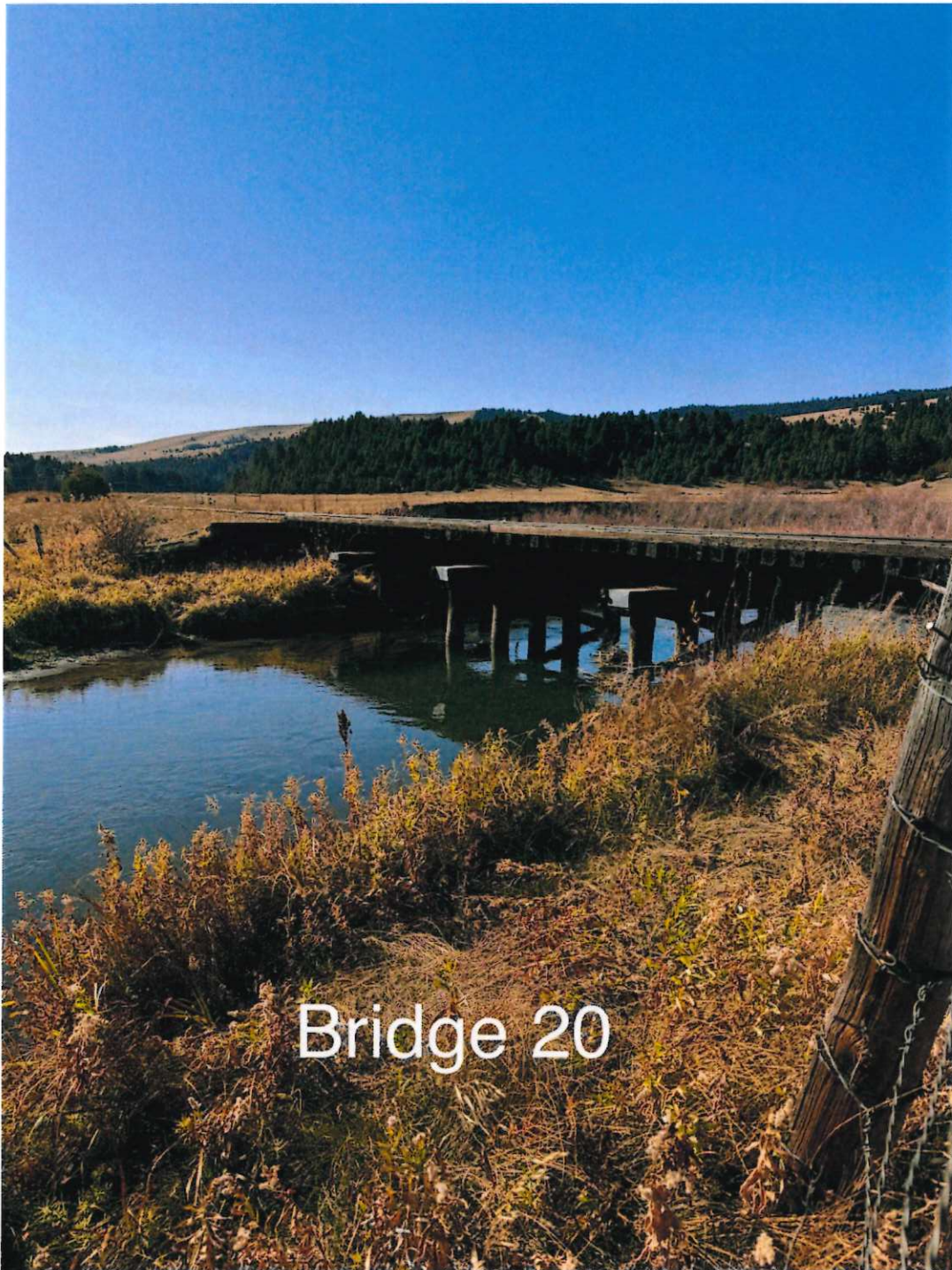
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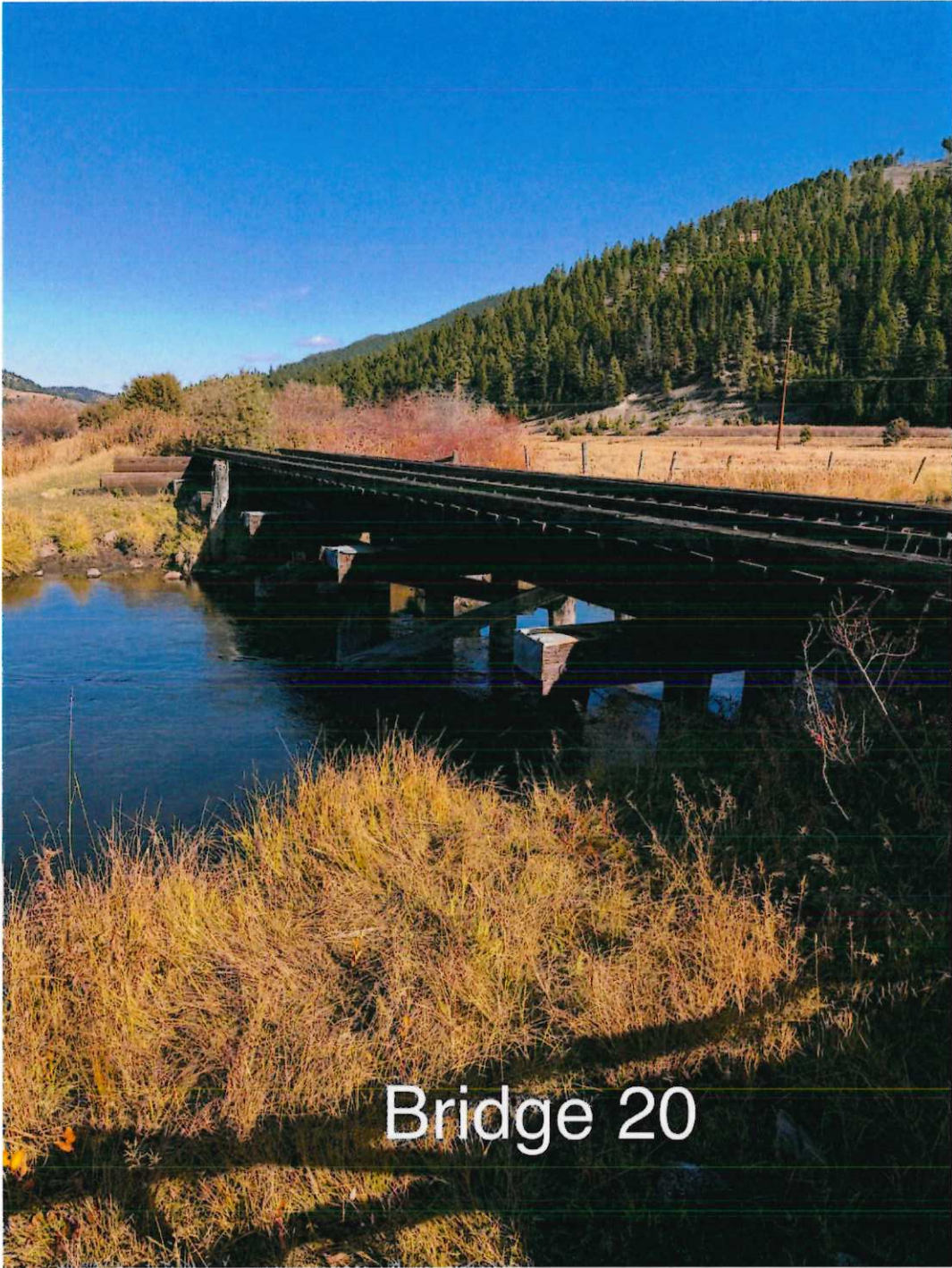
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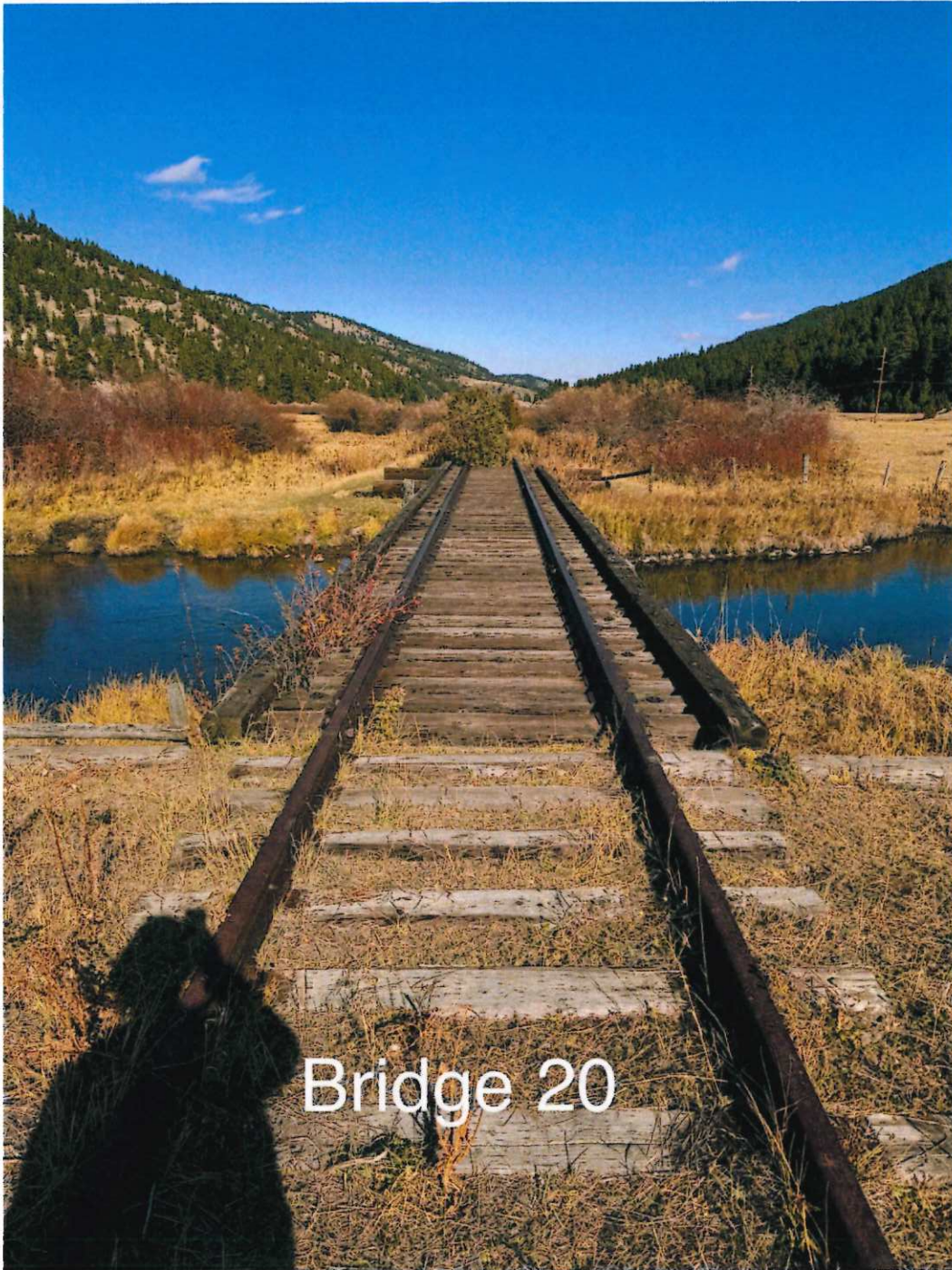
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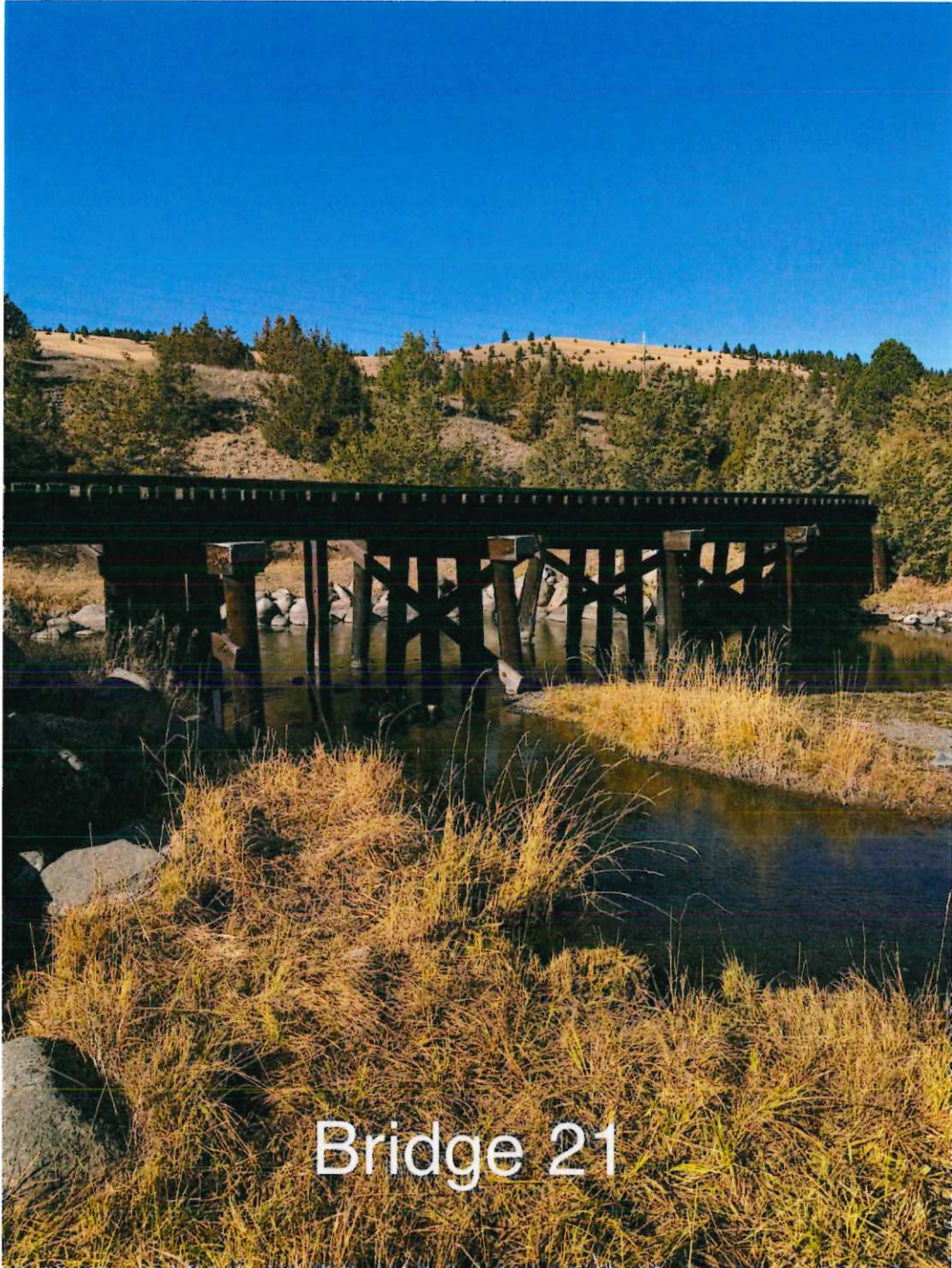
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Bridge Number 20 (Milepost 20.13)

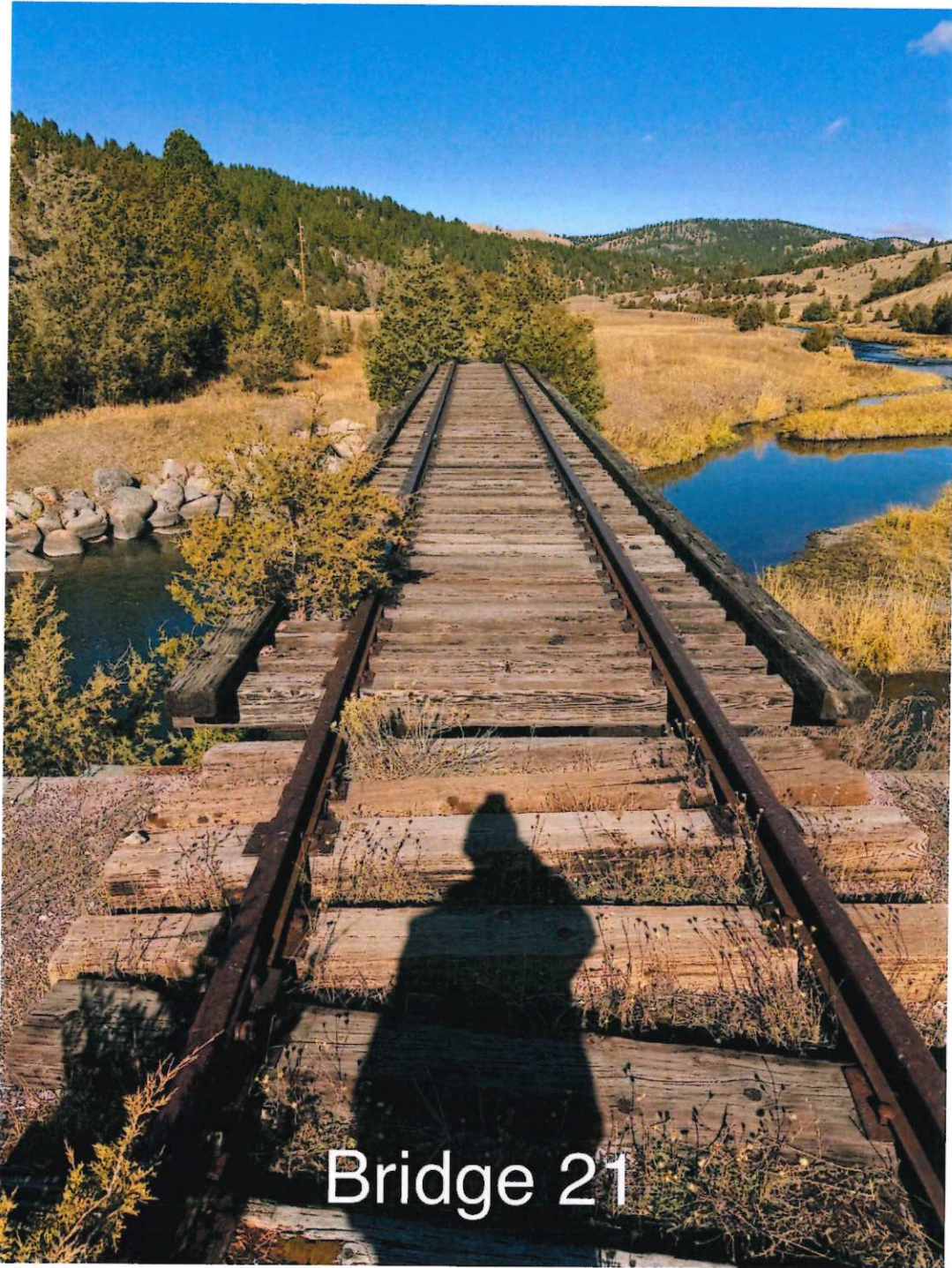


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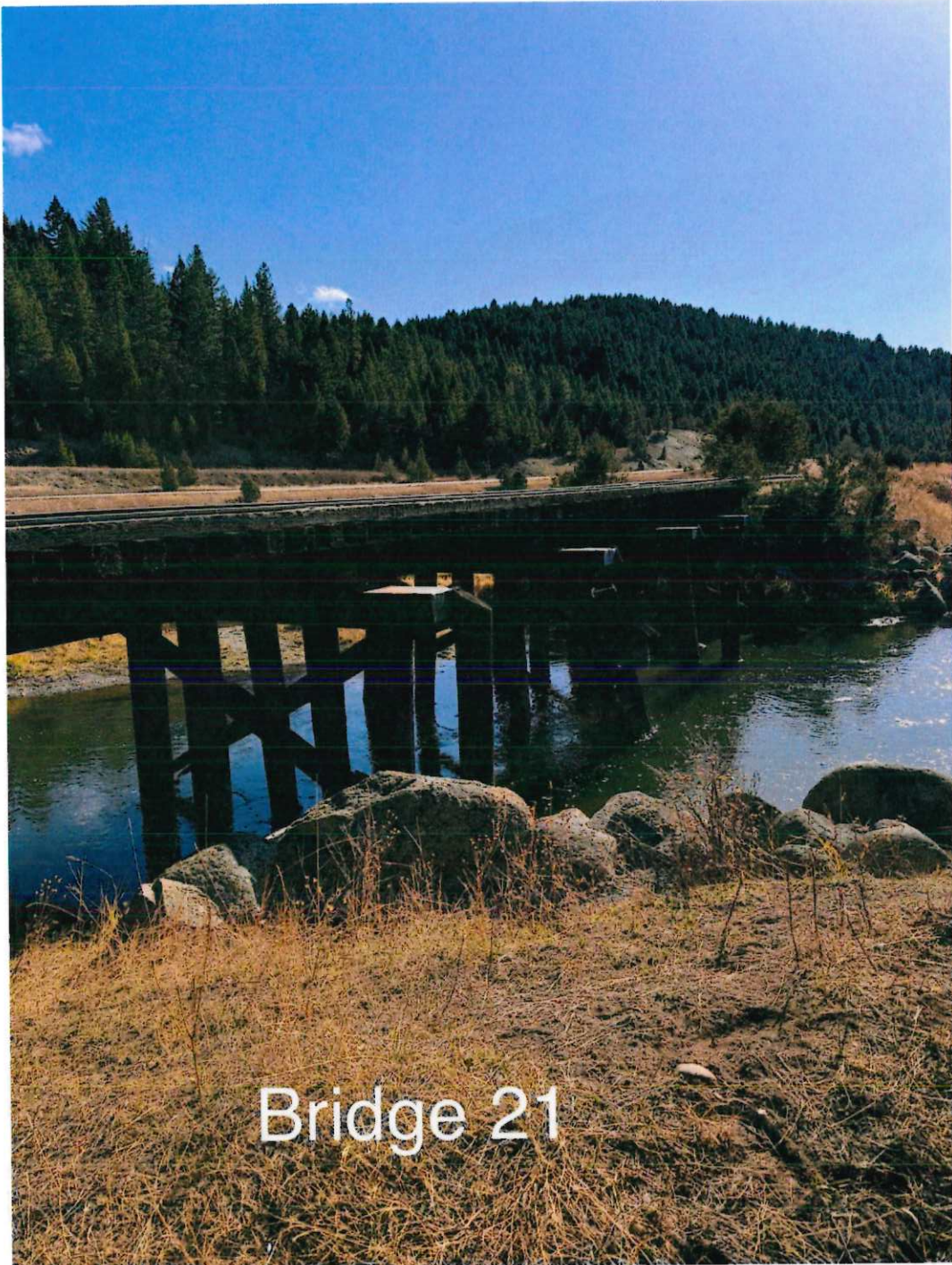


Bridge 21

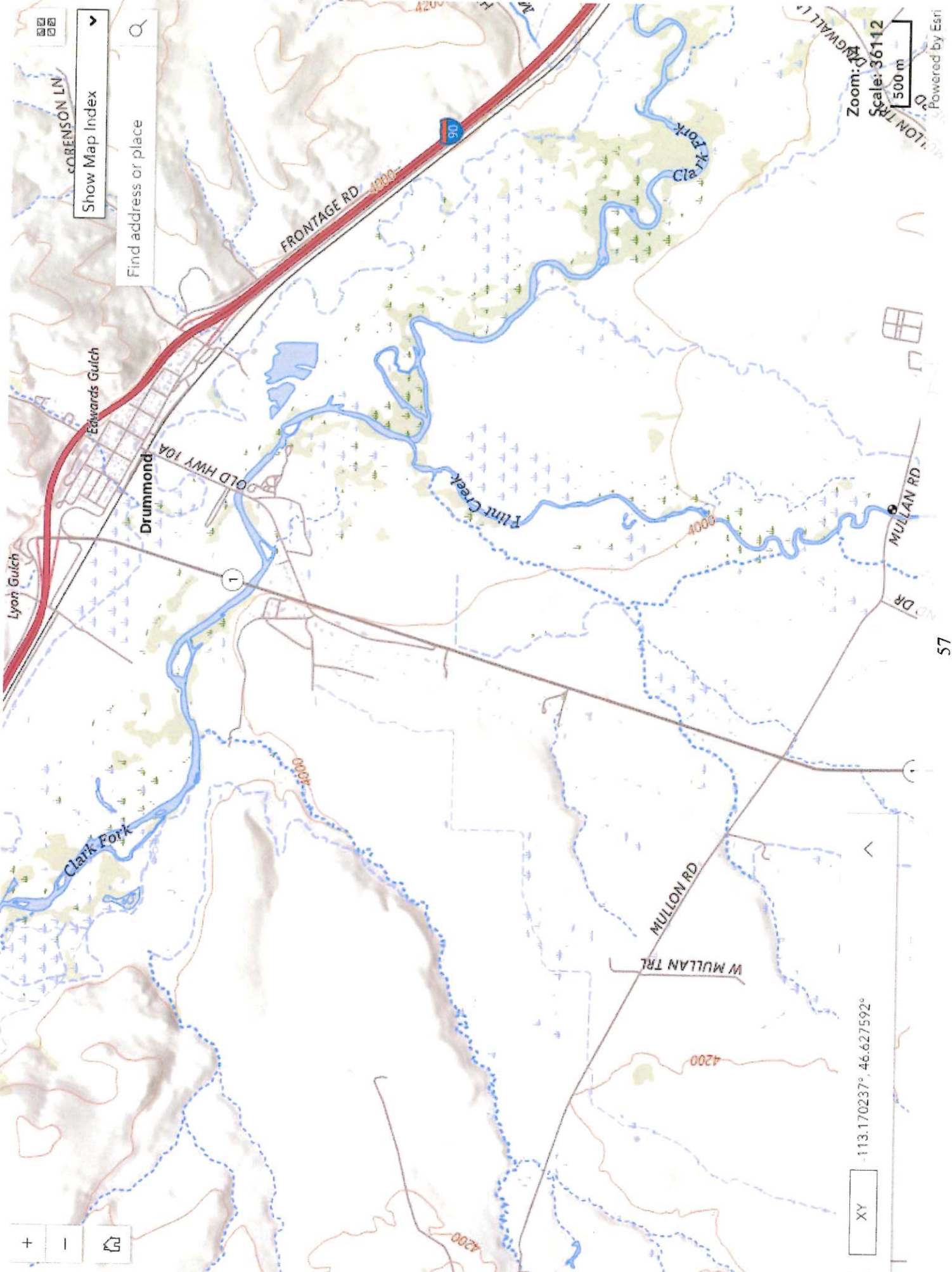
Bridge Number 21 (Milepost 21.60)



Bridge Number 21 (Milepost 21.60)



Bridge 21



Show Map Index

Find address or place

Zoom: 10
Scale: 36112
500 m

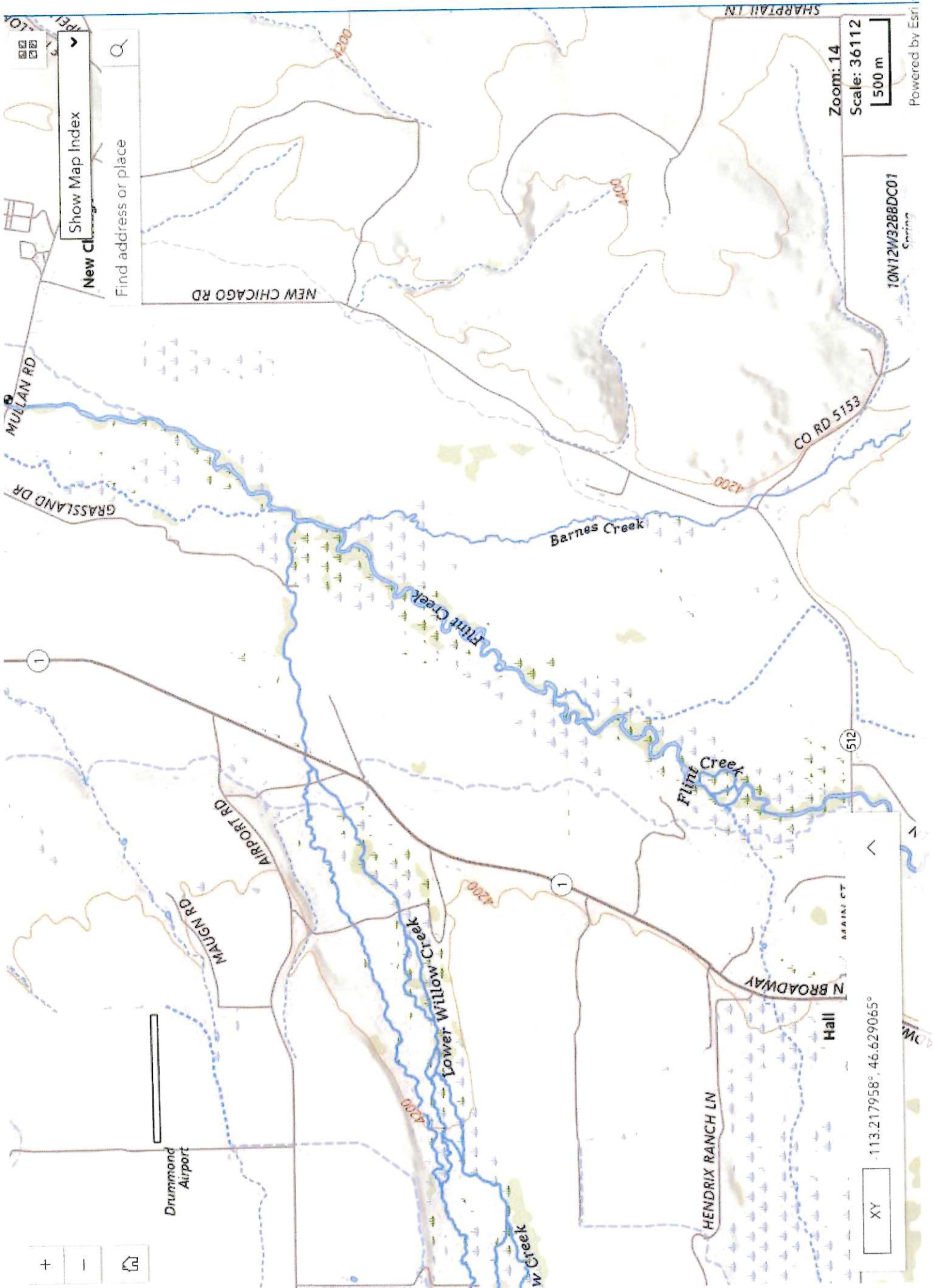
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