



ATTORNEYS AT LAW

1666 K Street, NW  
Suite 500  
Washington, DC 20006  
T 202.887.1400  
F 202.466.3215

Justin J. Marks  
D 202.887.1412  
jmarks@nossaman.com

**VIA HAND DELIVERY**

239786

December 23, 2015

ENTERED

Office of Proceedings  
December 23, 2015  
Part of  
Public Record

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20423

Re: STB Finance Docket No. 35982, Jackson County, Missouri – Acquisition and Operation Exemption – Union Pacific Railroad Company

Dear Ms. Brown:

Attached for filing are the original and ten copies of a Verified Notice of Exemption under 49 C.F.R. § 1150.31 together with the \$1,900 filing fee. Also enclosed is a CD containing the Notice and Summary.

If you have any questions, please let me know.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Justin J. Marks".

Justin J. Marks

Enclosures

FEE RECEIVED  
December 23, 2015  
SURFACE  
TRANSPORTATION BOARD

FILED  
December 23, 2015  
SURFACE  
TRANSPORTATION BOARD

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**FINANCE DOCKET NO. 35982**

---

**JACKSON COUNTY, MISSOURI  
-- ACQUISITION AND OPERATION EXEMPTION--  
UNION PACIFIC RAILROAD COMPANY**

---

**VERIFIED NOTICE OF EXEMPTION  
PURSUANT TO 49 C.F.R. § 1150.31, Et Seq.**

---

Kevin M. Sheys  
Justin J. Marks  
Nossaman LLP  
1666 K Street, NW, Suite 500  
Washington, DC 20006  
(202) 887-1400

*Counsel for Jackson County, Missouri*

Dated: December 23, 2015

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**FINANCE DOCKET NO. 35982**

---

**JACKSON COUNTY, MISSOURI  
-- ACQUISITION AND OPERATION EXEMPTION--  
UNION PACIFIC RAILROAD COMPANY**

---

**VERIFIED NOTICE OF EXEMPTION  
PURSUANT TO 49 C.F.R. § 1150.31, Et Seq.**

---

Jackson County, Missouri (“Jackson County”), a non-carrier, files this Notice of Exemption pursuant to 49 C.F.R. Part 1150, Subpart D – Exempt Transactions, to permit Jackson County to acquire from Union Pacific Railroad Company (“UPRR”) and operate a rail line located in Jackson County, Missouri.

In Support of this Notice of Exemption, Jackson County submits the following information as required by 49 C.F.R. § 1150.33:

- (a) Full name and address of applicant:

Jackson County, Missouri  
415 E. 12<sup>th</sup> Street  
Kansas City MO 64106

- (b) Applicant’s Representative:

Kevin M. Sheys  
Attorney at Law  
NOSSAMAN LLP  
1666 K Street, NW, Suite 500  
Washington, DC 20006  
ksheys@nossaman.com  
(202) 887-1400

(c) Statement of Agreement:

Jackson County and UPRR are in the process of finalizing a Line Sale Agreement.

(d) The operator of the property:

Jackson County, doing business as the Rock Island Rail Corridor Authority, will provide service. Substantially all of the rail line is out of service and the rail line presently has no customers. If a customer requires service, Jackson County will provide service by engaging a contract operator.

(e) Summary of proposed transaction:

Jackson County is a political subdivision of the State of Missouri. In this proposed transaction, Jackson County seeks authority to acquire from UPRR and operate approximately 17.7 miles of rail line.

(1) The name and address of the railroad the subject property is:

Union Pacific Railroad Company  
1400 Douglas Street  
Omaha, NE 68179

(2) The involved transaction is expected to be consummated on or before March 31, 2016.

(3) Jackson County will acquire the rail line located between Milepost 288.3 and Milepost 270.6 in Jackson County, Missouri. Jackson County, doing business as the Rock Island Rail Corridor Authority, will provide service. As noted above, substantially all of the rail line is out of service and the rail line presently has no customers. If a customer requires service, Jackson County will provide service by engaging a contract operator.

(4) The length of the rail line that will be acquired is approximately 17.7 miles.

(f) A map of the rail line being acquired is attached as Exhibit A.

(g) Jackson County hereby certifies that this transaction will not result in Jackson County becoming a Class II or Class I rail carrier. Upon consummation of this transaction, Jackson County will become a Class III carrier. Jackson County further certifies that its annual rail freight revenue as a result of this transaction will not exceed \$5 million. Accordingly, the requirements of 49 C.F.R. § 1150.32(e) do not apply to this transaction.

(h) The Agreement between Jackson County and UPRR does not contain any provision that prohibits Jackson County from interchanging traffic with a third party or limits Jackson County's ability to interchange with a third party.

A caption summary, as required by 49 C.F.R. § 1150.34, is attached as Exhibit B.

#### **Environmental and Historic Impacts**

Jackson County is acquiring the rail line from UPRR. Further Board approval is required for Jackson County to abandon any service and there are no plans to dispose of or alter properties subject to Board jurisdiction that are 50 years old or older. Therefore, this Notice of Exemption does not require an historic report under 49 C.F.R. § 1105.8(b)(1).

Jackson County's acquisition of the rail line will not result in significant changes in carrier operations. There will not be a diversion of: (1) more than 1,000 rail carloads a year to motor carriage; or (2) an average of 50 carloads per mile per year for any part of this line to motor carriage. This transaction will not result in: (1) an increase in rail traffic of at least 100 percent or an increase of at least eight trains a day on the line; (2) an increase of rail yard activity of at least 100 percent; or (3) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day. Jackson County's acquisition of the rail line will not affect a Class 1 or nonattainment area under the Clean Air Act. The thresholds of 49 C.F.R.

§1105.7(e)(5)(ii) will not be exceeded as a result of this transaction. Finally, this transaction does not contemplate the transportation of any ozone depleting materials. Therefore, no environmental documentation is required under 49 C.F.R. § 1105.6(c)(2).

This action will not significantly affect the quality of the human environment or energy conservation.

Respectfully submitted,



Kevin M. Sheys  
Justin J. Marks  
Nossaman LLP  
1666 K Street, NW, Suite 500  
Washington, DC 20006  
(202) 887-1400

*Counsel for Jackson County, Missouri*

Dated: December 23, 2015

**VERIFICATION**

State of Missouri

County of Jackson

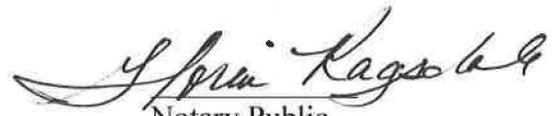
I, Mike Sanders, being duly sworn depose and state that I am the County Executive, Jackson County and that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

  
Mike Sanders

SUBSCRIBED AND SWORN TO before me this 18<sup>th</sup> day of December, in the County of Jackson, State of Missouri.

My Commission Expires: \_\_\_\_\_

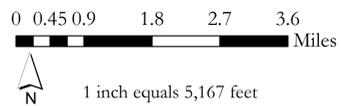
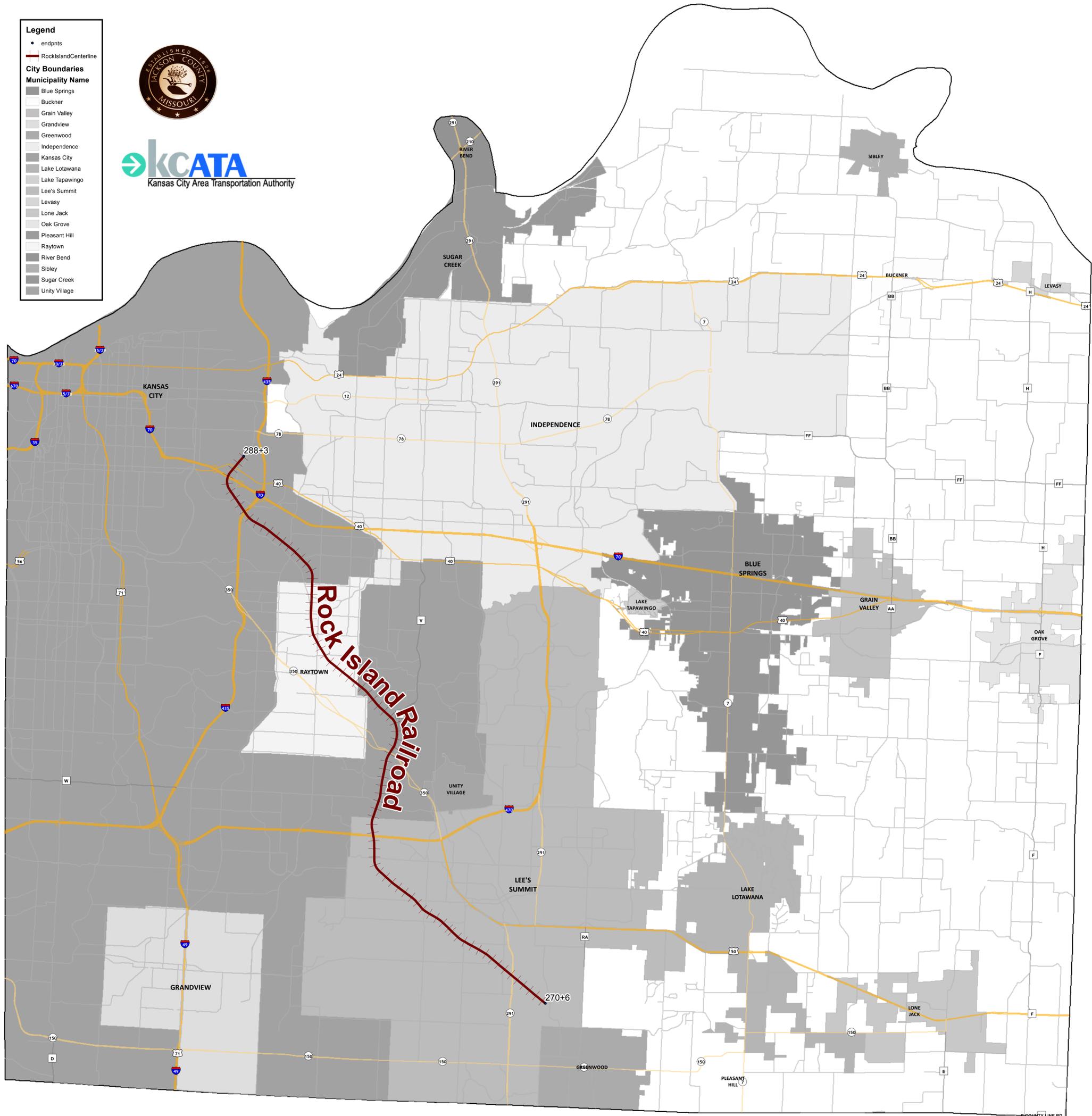
GLORIA RAGSDALE Notary Public - Notary Seal State of Missouri Commissioned for Jackson County My Commission Expires: December 03, 2018 Commission Number: 14631857
---

  
Notary Public  
12/18/15

**Exhibit A**

Map

- Legend**
- endpoints
  - RockIslandCenterline
- City Boundaries**
- Municipality Name**
- Blue Springs
  - Buckner
  - Grain Valley
  - Grandview
  - Greenwood
  - Independence
  - Kansas City
  - Lake Lotawana
  - Lake Tapawingo
  - Lee's Summit
  - Levasy
  - Lone Jack
  - Oak Grove
  - Pleasant Hill
  - Raytown
  - River Bend
  - Sibley
  - Sugar Creek
  - Unity Village



**Jackson County, Missouri**

**GIS Department**

303 W Walnut Independence, MO 64050 816-881-4561 [gis@jacksongov.org](mailto:gis@jacksongov.org)

September 29, 2015

Disclaimer: These maps are NOT SURVEY ACCURATE. Information is used for tax purposes only.

**Exhibit B**

Caption Summary

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FINANCE DOCKET NO. 35982

JACKSON COUNTY, MISSOURI  
--ACQUISITION AND OPERATION EXEMPTION--  
UNION PACIFIC RAILROAD COMPANY

---

Jackson County, Missouri (“Jackson County”), a non-carrier, has filed a verified notice of exemption to acquire from the Union Pacific Railroad Company (“UPRR”) and operate the rail line located between Milepost 288.3 and Milepost 270.6 in Jackson County, Missouri. Substantially all of the rail line is out of service and the rail line presently has no customers.

Comments must be filed with the Board and served on Kevin Sheys, Nossaman, LLP, Suite 500, 1666 K Street, N.W., Washington, DC 20006, (202) 887-1400.

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