

UNION PACIFIC RAILROAD
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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

237106

November 25, 2014

VIA E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room 100
Washington, DC 20423-0001

ENTERED
Office of Proceedings
November 25, 2014
Part of
Public Record

RE: Union Pacific Railroad Company - Abandonment - From Milepost 196.7 near Essex, to Milepost 216.27 near Miner, a distance of 19.57 miles in New Madrid, Scott, and Stoddard Counties, Missouri (Essex to Miner Line); STB Docket No. AB-33 (Sub-No. 261)

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received the executed Joint Notice of Interim Trail Use / Rail Banking Agreement Between Union Pacific Railroad Company and City of Sikeston in Accordance with 49 C.F.R. 1152.29(h) which is attached hereto with this e-filing.

Sincerely,



Mack H. Shumate, Jr.
Senior General Attorney

Attachment

cc: City of Sikeston (via e-mail)

2014_11_25 STB 180-Day Ext.doc



VIA E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

**JOINT NOTICE OF INTERIM TRAIL USE / RAIL BANKING AGREEMENT
BETWEEN UNION PACIFIC RAILROAD COMPANY AND
CITY OF SIKESTON IN ACCORDANCE WITH 49 C.F.R. 1152.29(h)**

**Re: Abandonment of and Discontinuance of Service on the Miner Industrial Lead from
M.P. 208.95 to M.P. 216.27, Sikeston Subdivision, located in the City of Sikeston and
Scott County, Missouri; STB Docket No. AB-33 (Sub-No. 261)**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") and the City of Sikeston, Missouri ("City") have entered into a trail use/rail banking agreement (the "Trail Use Agreement") covering the rail line from milepost 208.95 to milepost 216.27, Sikeston Subdivision, located in the City of Sikeston and Scott County, Missouri for a total distance of 7.32 miles (the "Line"). Attached to this Joint Notice as **Exhibit A** and made a part hereof is a map depicting an accurate description of the Line, including mileposts, that is the subject of said Trail Use Agreement. In accordance with the requirements of 49 C.F.R. 1152.29(h), Union Pacific and City hereby certify that the Trail Use Agreement includes provisions requiring the trail sponsor, City of Sikeston, to fulfill the responsibilities described at 49 C.F.R. 1152.29(a)(3). A copy of City's Statement of Willingness to Assume Financial Responsibility under the Trail Use Agreement is attached hereto as **Exhibit B** and is hereby made a part hereof.

Sincerely,

UNION PACIFIC RAILROAD COMPANY



General Attorney PATRICK R. MCGILL
SENIOR COUNSEL- REAL ESTATE

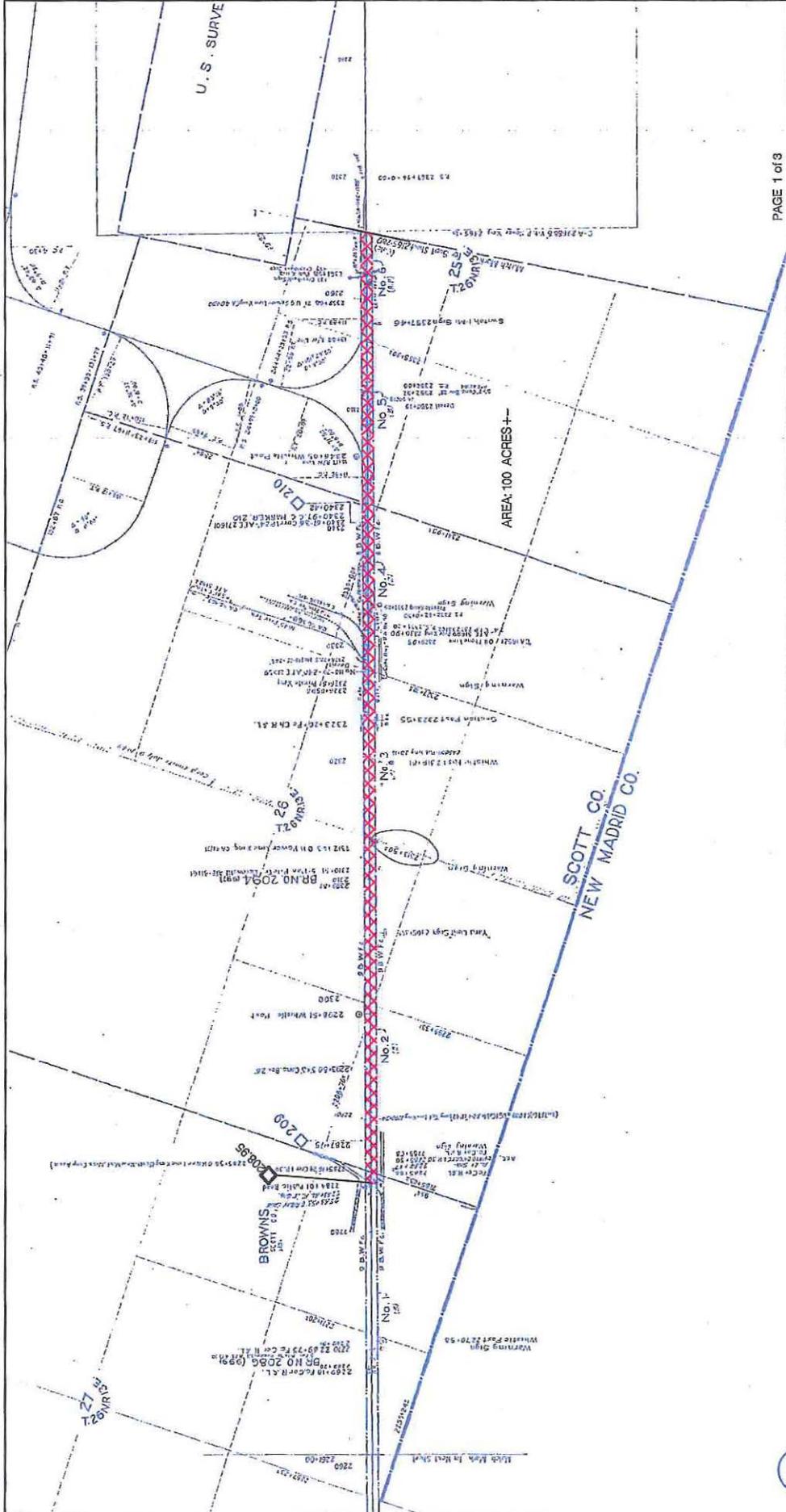
Sincerely,

CITY OF SIKESTON

By: 
Title: Mayor

Enclosure

EXHIBIT A



PAGE 1 of 3
EXHIBIT "A"
UNION PACIFIC RAILROAD CO.
 TO ACCOMPANY AGREEMENT WITH
 CITY OF SIKESTON
 SCOTT COUNTY, MO.
 M.P. 208.95 - 216.27 +/- - SIKESTON SUB.
 MP MO V 18 / 12 - 13
 REAL ESTATE DEPARTMENT OMAHA NE.
 FILE #2748-43 DATE: 3-5-2013 T.D.A.

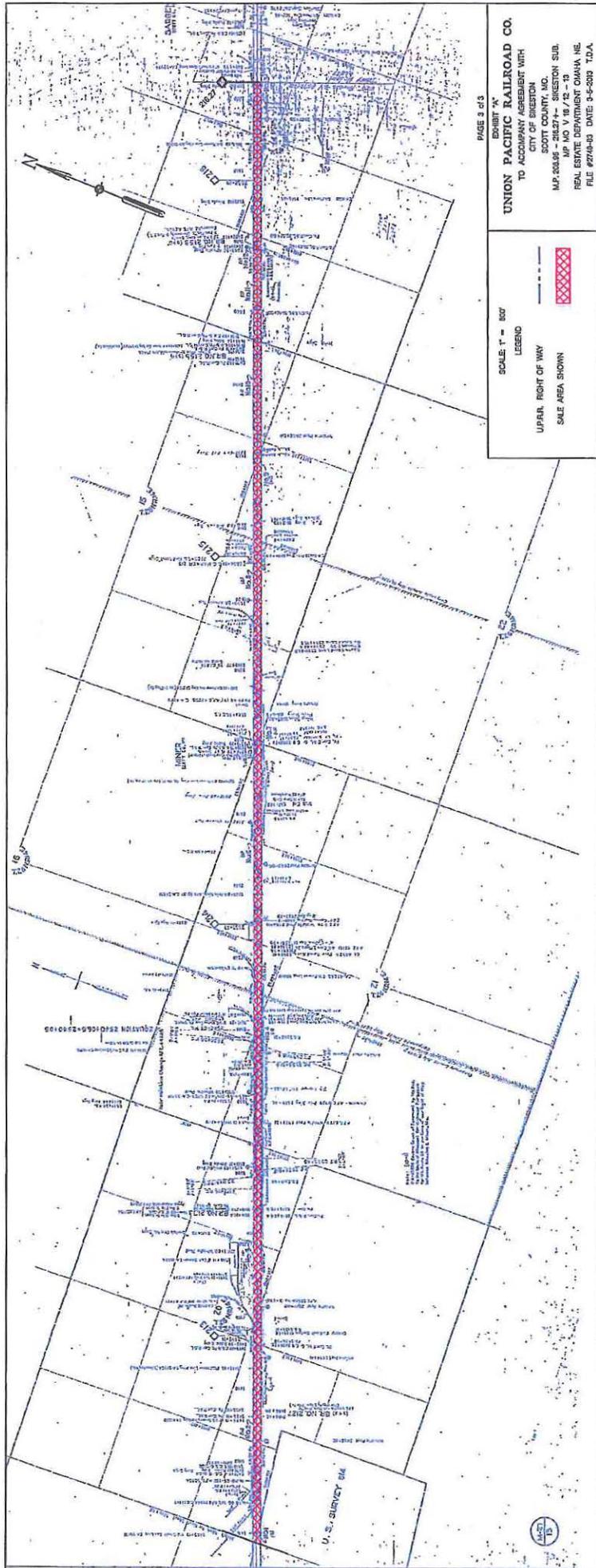
SCALE: 1" = 800'

LEGEND

U.P.R.R. RIGHT OF WAY

SALE AREA SHOWN





PAGE 3 OF 3

EXHIBIT "A"
 UNION PACIFIC RAILROAD CO.
 TO ACCOMPANY AGREEMENT WITH
 CITY OF BRISTON
 SCOTT COUNTY, MO.
 MAP 20248 - 20274 - BRISTON SUB.
 REAL ESTATE DEPARTMENT OMAHA, NE.
 FILE #270-03 DATE: 9-5-2013 T.P.A.

SCALE: 1" = 800'

LEGEND

- UPPER RIGHT OF WAY
- SALE AREA SHOWN



EXHIBIT B TO
JOINT NOTICE

City of Sikeston Statement of Willingness To Assume Financial Responsibility

City of Sikeston, through authorization by the Mayor and City Council, acquired the Line as defined below on November 24, 2014 under a Donation and Purchase and Sale Agreement between Union Pacific Railroad Company and City of Sikeston dated October 27, 2014.

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned by Union Pacific Railroad Company (see Discontinuance of Service AB-33 (Sub-No. 261), City of Sikeston hereby represents to the Surface Transportation Board and Union Pacific Railroad Company that the City of Sikeston assumes responsibility for (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify Union Pacific Railroad Company against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right of way. The right of way is known as the Miner Industrial Lead on the Sikeston Subdivision from milepost 208.95 to milepost 216.27, and extends for a total distance of 7.32 miles in Scott County, Missouri (the "Line"). The right-of-way is part of a line of railroad proposed for abandonment by Union Pacific Railroad Company in Docket No. STB AB 33 (Sub No. 261). A map of the property depicting the right-of-way is attached hereto as **Exhibit A** and is hereby made a part hereof.

The City of Sikeston acknowledges that use of the right-of-way is subject to the City of Sikeston's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Surface Transportation Board.

CITY OF SIKESTON

By: James Dale
Title: Mayor

Agreed to and Acknowledged by Union Pacific Railroad Company this 24th day of November, 2014.

By: Pat R. MUI
Title: SENIOR COUNSEL - REAL ESTATE