



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

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Request for Public Use Condition and Trail Use

December 16, 2014

237257

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

ENTERED
Office of Proceedings
December 17, 2014
Part of
Public Record

Re: STB Docket AB-1068 (Sub-No. 3X), Missouri Central Railroad Company – Abandonment Exemption – Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Missouri

Dear Ms. Brown:

The Missouri Department of Natural Resources (“MDNR”) hereby files this request for a Notice of Interim Trail Use (“NITU”) in the above-captioned proceeding. MDNR requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright exempted abandonment authorization. It is MDNR’s understanding that no fee is required as this request is by a public agency and for public use.

A. Request For Public Use Condition

MDNR asks the Surface Transportation Board (“STB”) to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the exempted abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties, and signal equipment, except for public use on reasonable terms. Justification for this condition is that the corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the

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corridor provides an important wildlife habitat and open space and its preservation as a recreational trail would be consistent with those purposes. The time period sought is 180 days from the effective date of the exempted abandonment authorization. MDNR needs this much time to complete a trail plan and negotiate with the Missouri Central Railroad Company ("MCRR") on the terms and conditions of the interim trail use.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts, and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, MDNR also makes the following statement:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 USC § 1247(d), and 49 CFR § 1152.29 with respect to the right-of-way owned by MCRR, MDNR is willing to assume full responsibility for (1) managing the right-of-way; (2) any legal liability arising out of the transfer or use of the right-of-way; and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way.

The property in this proceeding consists of approximately 144 miles in two segments. The first short segment covers the railroad line between mileposts 263.5 and 262.906 in Cass County, Missouri. The second segment covers the railroad line between milepost 215.325 in Pettis County, Missouri and milepost 71.6 in Franklin County, Missouri. The right-of-way is all of the line of railroad proposed for exempted abandonment in STB Docket No. AB-1068 (Sub-No. 3X). A map depicting the right-of-way is attached.

MDNR acknowledges that use of the right-of-way is subject to the trail sponsor'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 MCRR.

By my signature below, I certify service upon MCRR, by U.S. Mail, postage pre-paid, first class, this 16th day of December, 2014.

Respectfully submitted,

MISSOURI DEPARTMENT OF NATURAL RESOURCES



Mary Moulton Bryan
R.E. Manager/Attorney, Division of State Parks

Enclosure (map)

c: Sandra Brown, Thompson Hine LLP
Bill Bryan, Director, DSP
Denny Bopp, DSP/OD
Chris Crocker, DSP/P&D

Missouri Central Railroad Company

STB Docket No. AB-1068 (Sub-No. 3X)

STB Docket No. AB-1070 (Sub-No. 3X)

