

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1068X

MISSOURI CENTRAL RAILROAD COMPANY—ABANDONMENT AND  
DISCONTINUANCE OF SERVICE EXEMPTION—IN CASS COUNTY, MO.

Decided: March 12, 2012

Missouri Central Railroad Company (MCRR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a 5.6-mile railroad line extending between milepost 257.283 (near Wingate) and milepost 262.906 (near Pleasant Hill) in Cass County, Mo. Notice of the exemption was served and published in the Federal Register on November 26, 2010 (75 Fed. Reg. 72,861). The exemption became effective on December 28, 2010, subject to standard employee protective conditions, and subject to environmental, historic preservation, interim trail use/rail banking (NITU), and public use conditions imposed by a decision served on December 27, 2010 (December 2010 decision).<sup>1</sup>

The December 2010 decision imposed five environmental conditions that had been recommended by the Board's Office of Environmental Analysis (OEA) in an Environmental Assessment (EA) served on December 3, 2010. One of the conditions, a historic preservation condition, required MCRR to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f (NHPA). The condition also required MCRR to report back to OEA regarding any consultations with the Missouri Department of Natural Resources (State Historic Preservation Office or SHPO), federally recognized tribes or the public and prohibited from filing its consummation notice or initiating any salvage activities related to abandonment (including removal of track and ties) until the Section 106 process had been completed and the Board had removed the condition. In this decision, the Board is removing the historic preservation condition.

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<sup>1</sup> A decision served on March 6, 2012, extended the negotiating period under the NITU until June 19, 2012. The public use condition expired on June 26, 2011, and may not be extended. The environmental conditions remain in effect.

In a supplemental EA dated February 23, 2012, OEA advises that, on February 21, 2012, it submitted to the Advisory Council on Historic Preservation an executed Memorandum of Agreement (MOA) among the Board, the SHPO, and MCRR, which resolves any adverse effects to historic properties and completes the Board's compliance responsibilities under Section 106 of NHPA. The SHPO's Division of State Parks also signed the MOA as an invited signatory, and the Osage Nation, Peoria Tribe of Indians of Oklahoma, and the City of Pleasant Hill signed as concurring parties. Therefore, OEA recommends that the Section 106 historic preservation condition imposed in the December 2010 decision be removed.

Accordingly, based on OEA's recommendation, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the Section 106 historic preservation condition imposed in the December 2010 decision is removed. The other four environmental conditions remain in effect.
3. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.