

SURFACE TRANSPORTATION BOARD

DECISION AND CERTIFICATE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-33 (Sub-No. 261)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT—IN NEW MADRID,  
SCOTT, AND STODDARD COUNTIES, MO

Decided: June 22, 2009

By decision and certificate of interim trail use or abandonment served on June 17, 2009, the Board, under 49 U.S.C. 10903, granted the abandonment application by Union Pacific Railroad Company (UP) of its Essex-to-Miner Line, extending 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, MO (the Line),<sup>1</sup> subject to trail use, public use, environmental, and standard employee protective conditions.

The decision and certificate was scheduled to become effective on July 17, 2009, unless it was stayed by the Board or a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(1) was filed by June 26, 2009. On June 16, 2009, Mississippi Central Railroad Co. (MSCI), filed a notice of intent to file an OFA. In the notice, MSCI requests that UP provide the information set forth in 49 CFR 1152.27(a). That includes the minimum purchase price required to acquire the Line, all data necessary to determine the net liquidation value (NLV) of the Line (together with supporting data reflecting available real estate appraisals), assessments of the quality and quantity of track material in the Line, and removal cost estimates used to obtain the NLV. MSCI also asks that the Board toll the period for submitting OFAs for an additional 30 days to provide MSCI with an adequate opportunity to review and analyze the material provided by UP and to prepare the OFA.

The Board will consider requests to toll the period for filing an OFA when an applicant has failed to provide a potential offeror with the information necessary to the development of an OFA and that information is not contained in the application. See 49 CFR 1152.27(c)(1)(i)(C). In this case, because the information necessary to formulate the OFA has not been provided to a potential offeror, MSCI's request for tolling of the OFA filing deadline will be granted. The due date for MSCI to submit an OFA will be tolled for 30 days, until July 24, 2009,<sup>2</sup> and the effective

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<sup>1</sup> In addition to the 19.57 miles of branch line, the Line includes approximately 4.4 miles of sidings and industrial track.

<sup>2</sup> As stated in 49 CFR 1152.25(d)(4), OFAs in abandonment application procedures must be filed on or before the statutory or regulatory due date, regardless of whether that date is a Saturday, Sunday, or a legal holiday in the District of Columbia. In this proceeding, the original due date for an OFA to be filed fell on June 27, 2009, a Saturday. Therefore, the date for an OFA to be filed was set at June 26, 2009. The new due date, 30 days after June 26, 2009, will

date of the abandonment will be extended until 10 days after the due date of filing the OFA (until August 3, 2009).

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

It is ordered:

1. The time period for MCSI to file an OFA is tolled until July 24, 2009.
2. The effective date of the exemption is postponed until 10 days after the due date for the filing of OFAs (until August 3, 2009).
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Anne K. Quinlan  
Acting Secretary

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( . . . continued)

fall on a Sunday, July 26, 2009. Therefore, the due date for MCSI to file an OFA will be Friday, July 24, 2009.