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May 13, 2013

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VIA OVERNIGHT FEDERAL EXPRESS

Ms. Cynthia T. Brown, Chief  
Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423-0001

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ENTERED  
Office of Proceedings  
May 14, 2013  
Part of  
Public Record



DECISION ID NO: 43115  
DECIDED DATE: 5/22/13  
SERVICE DATE: 5/23/13  
APPROVED: Rachel D. Campbell  
Director

Re: Jackson, Gordonville and Delta Railroad Company-  
Abandonment Exemption-Line in Cape Girardeau County, Missouri  
STB Docket No. AB-1088X  extended to 11/28/13.

Dear Ms. Brown:

I am writing on behalf of Jackson, Gordonville and Delta Railroad Company ("JGD Railroad") in connection with the above-referenced railroad abandonment proceeding, to request relief from the confirmation of abandonment notice requirements set forth at 49 C.F.R. § 1152.29(e)(2). Specifically, JGD Railroad hereby requests a 180-day extension of the applicable consummation notice deadline, for the reasons set forth below.

As the record in this case reflects, JGD Railroad filed a verified notice of exemption to abandon approximately 13.3 miles of rail line ("Line") situated in Cape Girardeau County, Missouri, between the Line's southern terminus at milepost 149.4 in the City of Delta and its northern terminus at milepost 157.9 near Gordonville. The notice of exemption was served and published in the *Federal Register* on June 1, 2012 (77 Fed. Reg. 32, 714). Pursuant to the decision of the Surface Transportation Board ("Board") dated June 1, 2012, the exemption was scheduled to become effective on July 3, 2012. However, in its decision served on July 2, 2012, the Board granted a request submitted by SEMO Greenways ("SEMO") on June 11, 2012, for the imposition of a public use condition under 49 U.S.C. § 10905. In granting this request, the Board modified the notice of exemption served and published in the *Federal Register*, to the extent necessary to permit public use negotiations between SEMO and JGD Railroad for a period of 180 days from the effective date of the exemption (July 3, 2012), i.e., until December 30, 2012.

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During the period identified by the Board for public use negotiations, the Board authorized JGD Railroad to discontinue service and to salvage track and related materials, but required that the right-of-way, including bridges, trestles, culverts and tunnels, be kept intact for the 180-day period, to enable any state or local government agency, or other interested person, to negotiate the acquisition of the line for public use. During this period of time, SEMO did not request negotiation with JGD Railroad for a public use condition, so the period for such negotiations expired on December 30, 2012.

As recited in the Combined Environmental and Historic Report filed in this docket, there are 22 bridges on the Line, including a lengthy steel bridge which traverses a diversion channel which flows into the Mississippi River. Although the Board's public use condition permitted JGD Railroad to salvage the track and related materials on the Line, it was determined by JGD Railroad that it was not cost effective to engage a salvage contractor to remove the tracks, ties and signal equipment without also removing the bridges, but as noted above, the public use condition imposed by the Board precluded removal of the bridges until after December 30, 2012. Thus, salvage operations were not initiated until after that date, and salvage operations could not be commenced until this spring because of severe winter weather conditions.

Although salvage operations have been commenced, they have been interrupted to a great extent by flooding of the Mississippi River. As noted above, the lengthy steel bridge on the Line traverses a diversion channel which flows into the Mississippi, and the streams traversed by the other bridges on the Line ultimately find their way to the Mississippi. Therefore, the flooding of the Mississippi has resulted in flooding of the Line. As of this date, approximately five miles of the Line is under water. This condition will prevent completion of salvage operations and consummation of abandonment by the consummation notice deadline of June 1, 2013, imposed by the Board in its order served on June 1, 2012.

Because of the flooding which has occurred, JGD Railroad believes that several months beyond the June 1<sup>st</sup> deadline will be required to complete salvage operations. Accordingly, for what it believes is good cause shown, JGD Railroad respectfully requests an extension of 180 days from the current deadline of June 1, 2013, for filing notice of consummation in this proceeding.

Please contact me if there are questions concerning this extension request.

Very truly yours,



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WRA:bjb  
cc: Robert L. Adams