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SERVICE DATE – JUNE 1, 2012

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 1088X]

Jackson, Gordonville and Delta Railroad Company—Abandonment Exemption—in Cape Girardeau County, Mo.

Jackson, Gordonville and Delta Railroad Company (JGDR) has filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 13.3 miles of rail line between its southern terminus at milepost 149.4 in the City of Delta and its northern terminus at milepost 157.9 near Gordonville, in Cape Girardeau County, Mo. (the line).¹ The line traverses United States Postal Service Zip Codes 63740, 63744, and 63752.

JGDR has certified that: (1) no local traffic has moved over the line for the past 2 years; (2) there is no overhead traffic on the line that has been, or would need to be, rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period;

¹ JGDR states that, due to the way the mileposts on the line historically were numbered, from milepost 149.4 at the City of Delta to milepost 147.0 at Allenville is approximately 2.4 miles, and from milepost 147.0 at Allenville to milepost 157.9 near Gordonville is 10.9 miles, for a total of approximately 13.3 miles.

and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on July 3, 2012, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),³ and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by June 11, 2012. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28⁴ must

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Each OFA must be accompanied by the filing fee, which is currently set at \$1,500. See 49 C.F.R. § 1002.2(f)(25).

⁴ JGDR states that it has undertaken no separate analysis to determine the line's suitability for use for other public purposes. It further states that it is unaware of any

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be filed by June 21, 2012, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to JGDR's representative: W. Robert Alderson, Alderson, Alderson, Weiler, Conklin, Burghart & Crow, L.L.C., 2101 S.W. 21st Street, Topeka, KS 66604.

If the verified notice contains false or misleading information, the exemption is void ab initio.

JGDR has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by June 8, 2012. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), JGDR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and

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impediment or restriction of title that would bar the use of the line's right-of-way for other public purposes.

fully abandoned the line. If consummation has not been effected by JGDR's filing of a notice of consummation by June 1, 2013, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at
“WWW.STB.DOT.GOV.”

Decided: May 25, 2012.

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