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SERVICE DATE – NOVEMBER 26, 2010

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 1068X]

Missouri Central Railroad Company—Abandonment and Discontinuance of Service
Exemption—in Cass County, Mo.

[Docket No. AB 1070X]

Central Midland Railway Company—Discontinuance of Service and Operating Rights
Exemption—in Cass County, Mo.

Missouri Central Railroad Company (MCRR) and Central Midland Railway Company (CMR) (collectively, applicants) have jointly filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments and Discontinuances of Service for MCRR to abandon and discontinue, and for CMR to discontinue, service over approximately 5.6 miles of rail line extending between milepost 257.283 (near Wingate) and milepost 262.906 (near Pleasant Hill) in Cass County, Mo. Specifically, MCRR proposes to: (1) abandon the line extending between milepost 257.283 and milepost 262.906; and (2) discontinue service over a portion of the line extending between milepost 262.8 and milepost 262.906, the portion not covered by CMR leased operating rights. CMR proposes to discontinue service and operating rights

on the portion of the line extending between milepost 257.283 and milepost 262.8.¹ The line traverses United States Postal Service Zip Code 64080.

Applicants have certified that: (1) no local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line for at least 2 years and overhead traffic, if there were any, could be rerouted over other lines; (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; 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 these exemptions, any employee adversely affected by the abandonment or discontinuance shall be protected under Oregon Short Line—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.

¹ In 2004, CMR received an exemption to lease and operate a 243.8-mile line of railroad that includes this portion of line. See Cent. Midland Ry.—Lease and Operation Exemption—Missouri Cent. Ry., FD 34363 (STB served Feb.11, 2004).

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be effective on December 28, 2010, 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 December 6, 2010. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by December 16, 2010, 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 applicants' representatives: For MCRR, Sandra L. Brown, Thompson Hine LLP, 1920 N Street, N.W., Suite 800, Washington, DC 20036; for CMR, Lon Van Gemert, Chief Executive Officer, Central Midland Railway, c/o Progressive Rail Incorporated, 21778 Highview Avenue, Lakeville, MN 55044.

If the verified notice contains false or misleading information, the exemptions are void ab initio.

Applicants have filed a combined environmental and historic report that addresses the effects, if any, of the abandonment and discontinuances on the environment and

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).

historic resources. OEA will issue an environmental assessment (EA) by December 3, 2010. 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 (FIRS) 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), MCRR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by MCRR's filing of a notice of consummation by November 26, 2011, 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: November 19, 2010.

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