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SEC

SERVICE DATE - JUNE 20, 2000

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-39 (Sub-No. 18X)

THE ST. LOUIS SOUTHWESTERN RAILWAY COMPANY—ABANDONMENT  
EXEMPTION—IN GASCONADE, MARIES, OSAGE, MILLER, COLE, MORGAN,  
BENTON, PETTIS, HENRY, JOHNSON, CASS, AND JACKSON COUNTIES, MO

No. 41195 and No. 41195 (Sub-No. 1)

SAVE THE ROCK ISLAND COMMITTEE, INC.

v.

THE ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

Decided: June 15, 2000

In a letter filed on February 18, 2000, Save the Rock Island Committee, Inc. (STRICT), and MFA Incorporated (MFA)<sup>1</sup> state that Missouri Central Railroad Company (MCRC) has commenced operating the line it acquired pursuant to the exemption in Missouri Central Railroad Company—Acquisition and Operation Exemption—Line of Union Pacific Railroad Company, STB Finance Docket No. 33508 (served and published at 63 FR 3945 on Jan. 27, 1998) (MCRC

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<sup>1</sup> STRICT is an organization of local shippers and other parties formed to work for the restoration of service over the Kansas City-St. Louis, MO line that belonged to the former Chicago, Rock Island and Pacific Railroad Company (Rock Island). MFA is a farmer-owned cooperative association and agricultural services company with facilities on the Rock Island line.

Acquisition),<sup>2</sup> and expects to restore service to the entire line when rehabilitation is completed.<sup>3</sup> Asserting that their goal in filing the complaint in Docket No. 41195 and Docket No. 41195 (Sub-No. 1), Save the Rock Island Committee, Inc. v. The St. Louis Southwestern Railway Company (STRICT v. SSW), was to restore service over this line, they now request that STRICT v. SSW be dismissed, provided that the proposed abandonment exemption in Docket No. AB-39 (Sub-No. 18X), St. Louis Southwestern Railway Company—Abandonment Exemption—In Gasconade, Maries, Osage, Miller, Cole, Morgan, Benton, Pettis, Henry, Johnson, Cass, and

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<sup>2</sup> MCRC acquired 244.5 miles of the Rock Island Kansas City-St. Louis line between Pleasant Hill (milepost 263.5) and Vigus (milepost 19.0) from GRC Holdings Corporation (GRCH), a noncarrier, and 33.5 miles of incidental trackage rights over two other portions of the Kansas City-St. Louis line between Vigus (milepost 19.0) and Rock Island Junction (milepost 10.3) and between Pleasant Hill (milepost 263.5) and Leeds Junction (milepost 288.3) from Union Pacific Railroad Company (UP).

GRCH acquired the 244.5-mile line from UP pursuant to a simultaneously served and published notice of exemption in GRC Holdings Corporation—Acquisition Exemption—Union Pacific Railroad Company, STB Finance Docket No. 33537 (GRCH Acquisition). UP acquired the 244.5-mile line and the trackage rights segments through its merger with Southern Pacific Transportation Company (SP) and its subsidiary, St. Louis Southwestern Railway Company (SSW). See Union Pacific/Southern Pacific Merger, 1 S.T.B. 233 (1996). SSW had acquired the Kansas City-St. Louis line in 1980 as part of the purchase of the larger Rock Island line between St. Louis and Santa Rosa, NM. See St. Louis S.W. Ry.—Pur.—Rock Island (Tucumcari), 363 I.C.C. 320 (1980).

Rock Island's Kansas City-St. Louis line measured 295.4 miles in length. MCRC did not acquire the 9.7 miles of trackage rights over Kansas City Terminal Railway Company and Burlington Northern Railroad Company between Armourdale Yard (milepost 298), in Kansas City, and Leeds Junction (milepost 288.3) and the 7.7 miles of trackage rights over Terminal Railroad Association of St. Louis, between Rock Island Junction (milepost 10.3) and Carrie Avenue Yard (milepost 2.6), near St. Louis.

<sup>3</sup> A joint petition filed by the cities of Lee's Summit and Raytown, MO, to reject the notices of exemption filed in STB Finance Docket Nos. 33508 and 33537 was denied in Board decisions served on April 30, 1998, and September 14, 1999. An appeal of the Board's decisions is pending in Lee's Summit, MO and Raytown, MO v. STB, No. 99-1435 (D.C. Cir. Nov. 4, 1999).

Jackson Counties, MO (SSW Abandonment)<sup>4</sup> and any related abandonments are also dismissed.<sup>5</sup> A copy of the February 18 letter was served on the parties of record and MCRC.

No replies to the dismissal request were received, and there no longer appears to be reason to continue these proceedings. The request for dismissal will be granted.<sup>6</sup>

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

It is ordered:

1. The proposed abandonment exemption in Docket No. AB-39 (Sub-No. 18X), The St. Louis Southwestern Railway Company—Abandonment Exemption—In Gasconade, Maries, Osage, Miller, Cole, Morgan, Benton, Pettis, Henry, Johnson, Cass, and Jackson Counties, MO, and the complaint in Docket No. 41195 and Docket No. 41195 (Sub-No. 1), Save the Rock Island Committee, Inc. v. The St. Louis Southwestern Railway Company, are dismissed with prejudice.

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<sup>4</sup> In SSW Abandonment, a notice of exemption was served and published at 58 FR 59278 on November 8, 1993, for SSW to abandon 196.7 miles of Rock Island's Kansas City-St. Louis line between milepost 288.3 at Leeds Junction and milepost 91.6 at Owensville, MO. Because the Interstate Commerce Commission subsequently determined, in a decision served on April 1, 1994, that the line did not qualify for the expedited notice of exemption procedure, it vacated the notice of exemption and converted the proceeding into one that would treat SSW's filing as a petition for an abandonment exemption. On January 13, 1997, SSW (then a UP subsidiary, see supra note 2) filed a letter removing the 24.8-mile segment between Pleasant Hill and Leeds Junction from the proposed abandonment exemption.

<sup>5</sup> Docket No. 41195 was bifurcated in a decision served on July 19, 1994. Docket No. 41195 concerned inactive track that was the subject of SSW Abandonment, and Docket No. 41195 (Sub-No. 1) concerned the active remainder of the Rock Island Kansas City-St. Louis line.

<sup>6</sup> A related petition, filed by STRICT on June 22, 1994, seeking reopening of the decision in St. Louis Southwestern Railway Co.—Trackage Rights Over Missouri Pacific Railroad Co.—Kansas City to St. Louis, Finance Docket No. 30000 (Sub-No. 16) (SSW Trackage Rights) [embraced in the merger decision in Union Pacific—Control—Missouri Pacific; Western Pacific, 366 I.C.C.2d 409, 578-88 (1982) (UP-MP)], is being denied in a contemporaneously served decision of the Board. In SSW Trackage Rights, SSW was granted parallel trackage rights between Kansas City and St. Louis over the former Missouri Pacific Railroad Company as a UP-MP merger condition. The parallel trackage rights enabled SSW to avoid rehabilitating and operating Rock Island's Kansas City-St. Louis line.

2. This decision is effective on its service date.
3. A copy of this decision will be served on the parties in MCRC Acquisition and GRCH Acquisition.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary