

February 19, 2015

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

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Office of Proceedings
February 19, 2015
Part of
Public Record

Re: STB Docket AB-1068 (Sub-No. 3X), Missouri Central Railroad Company – Abandonment Exemption – In Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Missouri

Dear Ms. Brown:

On February 13, 2015, Missouri Central Railroad Company (“MCRR”) received an email copy of a letter dated February 12, 2015 and addressed to the Surface Transportation Board (“Board”) from the Missouri Farm Bureau Federation (“MFBF”). This letter was apparently filed with the Board in the above-captioned docket, though it does not currently appear on the Board website in either the “filings” section or the environmental correspondence file.

In its February 12th letter, the MFBF requested that the Board hold public hearings on the trail to hear concerns of the adjacent landowners and to consider whether viable offers for the railroad have been made. The MFBF expressed its belief that a resumption of commercial rail traffic should be considered for the rail line that is the subject of this abandonment proceeding. This request should be denied.

The deadline for expressing interest in providing assistance for continued rail operations expired two months ago. MCRR received no expressions of intent to file an OFA by the requisite deadline, nor has MCRR received any OFA. This is understandable since there have been no shippers or service on the line for many years. The STB’s abandonment authority, subject to environmental conditions, was effective on January 7, 2015. In reliance on that decision MCRR has moved forward by expending funds toward fulfilling the environmental conditions that will lead to salvage and rail-banking.

As the record shows, MCRR filed its Notice of Exemption in this case on November 18, 2014 after having properly published public notices regarding the proposed abandonment in newspapers in 10 different counties in October 2014. Further public notice of this proceeding was published in the Federal Register on December 8, 2014. at 79 Fed. Reg. 72757. As the Board’s regulations state, the Federal Register notice “serve[s] as notice to persons with a potential interest in providing financial assistance to assure continued rail service.” See 49 CFR § 1152.27(b)(2)(ii). Pursuant to 49 CFR § 1152.27(c)(2) and the Board’s decision of

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December 8, 2014 (“December 8 Decision”), expressions of intent to file an Offer of Financial Assistance (“OFA”) for continued rail service were due on December 18, 2014. Moreover, pursuant to 49 CFR § 1152.27(b)(2)(ii) and the December 8 Decision, all OFAs were due on January 7, 2015.

In conclusion, no OFA was received and the abandonment authority has become effective. MCRR has moved forward with its planning for abandonment and/or rail-banking of the subject rail line. Consequently, the MFBF February 12th letter must be denied.

In addition, the STB should expeditiously issue the Notice of Interim Trail Use (“NITU”) which was due to be issued under the Board’s regulations no later than January 7, 2015. As the Board has previously stated, its administration of the National Trails Act is ministerial. A formal request for a NITU that meets all the requisites has been timely filed and MCRR has filed a letter stating that it agrees to negotiate with the Missouri Department of Natural Resources. Thus, the Board’s delay in issuing the NITU is not permitted.

Please do not hesitate to contact the undersigned if you have any questions.

Respectfully submitted,



Sandra L. Brown
*Attorney for Missouri Central Railroad
Company*

cc: parties of record