

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

234271
234272

ENTERED
Office of Proceedings
May 20, 2013
Part of
Public Record

Docket No. AB-1068 (Sub-No. 1X)

**MISSOURI CENTRAL RAILROAD COMPANY
- ABANDONMENT EXEMPTION -
IN CASS, HENRY, JOHNSON, AND PETTIS COUNTIES, MISSOURI**

Docket No. AB-1070 (Sub-No. 1X)

**CENTRAL MIDLAND RAILWAY COMPANY
- DISCONTINUANCE OF SERVICE AND OPERATING RIGHTS EXEMPTION -
IN CASS, HENRY, JOHNSON, AND PETTIS COUNTIES, MISSOURI**

VERIFIED NOTICE OF EXEMPTION

Sandra L. Brown
David E. Benz
Thompson Hine LLP
1919 M Street, N.W., Suite 700
Washington, DC 20036
202.263.4101 (phone)
202.331.8330 (fax)
Counsel for Missouri Central Railroad Company

Lon Van Gemert, Chief Executive Officer
Central Midland Railway Company
c/o Progressive Rail Incorporated
21778 Highview Avenue
Lakeville, MN 55044
952.469.0323 (phone)
**Representative of Central Midland Railway
Company**

Dated: May 20, 2013

**FEE RECEIVED
May 20, 2012
SURFACE
TRANSPORTATION BOARD**

**FILED
May 20, 2012
SURFACE
TRANSPORTATION BOARD**

**BEFORE THE
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Docket No. AB-1068 (Sub-No. 1X)

**MISSOURI CENTRAL RAILROAD COMPANY
- ABANDONMENT EXEMPTION -
IN CASS, HENRY, JOHNSON AND PETTIS COUNTIES, MISSOURI**

Docket No. AB-1070 (Sub-No. 1X)

**CENTRAL MIDLAND RAILWAY COMPANY
- DISCONTINUANCE OF SERVICE AND OPERATING RIGHTS EXEMPTION -
IN CASS, HENRY, JOHNSON AND PETTIS COUNTIES, MISSOURI**

VERIFIED NOTICE OF EXEMPTION

The Missouri Central Railroad Company (“MCRR”) and Central Midland Railway Company (“CMR”) (collectively “Railroads”) submit this joint verified Notice of Exemption pursuant to 49 USC § 10502 and 49 CFR § 1152.50 for the abandonment and discontinuance of approximately 42 miles of rail line between milepost 257.283 (near Wingate) in Cass County and milepost 215.325 (near Windsor) in Pettis County, Missouri (the “Line”). MCRR proposes to abandon the Line, and CMR proposes to discontinue service and operating rights under its lease for the Line.

In support of the Notice, MCRR and CMR respectfully provide the following information to the Surface Transportation Board (“Board” or “STB”):

I. Proposed consummation date for the abandonment.

The Railroads propose to consummate the abandonment and discontinuance of the Line on or after July 9, 2013 (at least 50 days after the filing of this Notice of Exemption).

II. Certification required by 49 CFR § 1152.50(b).

As the attached certifications by MCRR President Robert Neff and CMR CEO Lon Van Gemert confirm, no traffic has originated, terminated, or moved overhead on the Line for at least two years, and no complaint is pending with the Board or a U.S. District Court or has been decided in favor of a complainant concerning cessation of service over the Line within the last two years. See Exhibits No. 1 and 2.

III. Information required by 49 CFR § 1152.50(d)(2): 49 CFR § 1152.22(a)(1-4), (7), (8), and (e)(4).

(a) General.

(1) Exact name of the Applicants. Missouri Central Railroad Company (“MCRR”) and Central Midland Railway Company (“CMR”).

(2) Common carriers. Both Applicants are common carriers by railroad subject to 49 USC Subtitle IV, Chapter 105.

(3) Relief sought. MCRR and CMR seek an exemption from Surface Transportation Board approval authorizing the abandonment and discontinuance of service of the Line from milepost 257.283 (near Wingate) to milepost 215.325 (near Windsor), a distance of approximately 42 miles and crosses portions of Cass, Henry, Johnson, and Pettis Counties, Missouri. Specifically, MCRR proposes to abandon the Line, and CMR proposes to discontinue service and operating rights under a lease.

(4) Map. A detailed map of the subject line and the surrounding area is attached as Exhibit No. 3.

(7) Representatives. The representatives to whom correspondence should be sent:

<u>for MCRR:</u> Sandra L. Brown Thompson Hine LLP 1919 M St. NW, Suite 700 Washington, DC 20036 <i>Attorney for Missouri Central Railroad Company</i>	<u>for CMR:</u> Lon Van Gemert, Chief Executive Officer Central Midland Railway c/o Progressive Rail Incorporated 21778 Highview Avenue Lakeville, MN 55044.
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(8) Zip codes. The Line traverses U.S. Postal Service zip codes 64080, 64061, and 64040 in Cass County; U.S. Postal Service zip codes 64061, 64040, 64733, 64726, 64761, and 65360 in Johnson County; U.S. Postal Service zip code 65360 in Henry County; and U.S. Postal Service zip code 65360 in Pettis County. All of these zip codes are in Missouri.

(e)(4) Rural and community impact. The right of way may be suitable for use for other public purposes such as trail use. The Railroads understand that a request for Notice of Interim Trail Use (“NITU”) will be filed by the Missouri Department of Natural Resources (“MDNR”) for the Line. MCRR is willing to negotiate with MDNR under the NITU for rails-to-trails conversion. MCRR is not aware of any restriction on the title to the property that would affect the transfer of title or other public uses of the property but MCRR will provide all title information in its possession promptly if it receives a proposal to acquire the property for public purposes. Based upon information in MCRR’s possession, the Line does not contain any federally granted rights-of-way.

IV. Level of Labor Protection.

Since the Line has been out of service for over two years, the Railroads believe no employees will be adversely affected. However, the Railroads will accept the imposition of standard labor protective conditions discussed in Oregon Short Line Railroad Co. – Abandonment- Goshen, 360 ICC 91 (1979).

V. Certification that the notice requirements of 49 CFR §§ 1152.50(d)(1), 1105.7, 1105.8, 1105.11, and 1105.12 have been met.

The attached Certification of Service and Publication certifies compliance with the notice requirements in 49 CFR §§ 1152.50(d)(1), 1105.7, 1105.8, 1105.11, and 1105.12. The Certification incorporates by reference the following Exhibits:

Exhibit No. 4 is a copy of the 10-day notice letter required pursuant to 49 CFR § 1152.50(d)(1). Attached as Exhibit No. 5 is a copy of the transmittal letter that accompanied the combined environmental and historic report (“EHR”) required by 49 CFR § 1105.7 and 49 CFR § 1105.8 and delivered in accordance with 49 CFR § 1105.11. The original EHR was filed with the Board on March 21, 2013. Attached as Exhibits No.6-9 are the affidavit of publication certifying the publication of the newspaper notice required by 49 CFR § 1105.12.

VI. Conclusion.

For the foregoing reasons, MCRR and CMR state that the proposed abandonment and discontinuance of service and operating rights under a lease over the subject Line is exempt from the prior approval requirements of 49 USC § 10903 pursuant to the class exemption set forth in 49 CFR § 1152.50, and they request that the Board serve the appropriate notice of exemption.

Respectfully submitted,



Sandra L. Brown

David E. Benz

Thompson Hine LLP

1919 M Street, NW, Suite 700

Washington, DC 20036

202.263.4101 (phone)

202.331.8330 (fax)

Counsel for Missouri Central Railroad Company



Lon Van Gemert, Chief Executive Officer

Central Midland Railway, c/o Progressive Rail

21778 Highview Avenue

Lakeville, MN 55044

952.469.0323 (phone)

Representative for Central Midland Railway Company

May 20, 2013

CERTIFICATES OF SERVICE AND PUBLICATION

49 CFR § 1152.50(d)(1)

The undersigned hereby certifies that on May 9, 2013 (at least 10 days prior to filing this Notice of Exemption), written notice was provided to the following entities regarding the intent to use the Notice of Exemption procedures to abandon and discontinue service on the rail line between milepost 257.283 (near Wingate in Cass County, Missouri) and milepost 215.325 (near Windsor in Pettis County, Missouri). A copy of the notice is attached as Exhibit No. 4.

Public Service Commission
Governor Office Building
200 Madison Street
Jefferson City, MO 65102

Recreation Resources Assistance Division
National Park Service
1201 Eye Street NW, 9th floor
Washington, DC 20005

Chief Tom Tidwell
United States Forest Service
Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Railroads for National Defense Program
Surface Deployment and Distribution Command
Transportation Engineering Agency
Department of Defense
1 Soldier Way
Scott AFB, IL 62225

49 CFR §§ 1105.7(b) and 1105.8(c)

The undersigned hereby certifies that on March 21, 2013 a copy of the Combined Environmental and Historic Report was served on the entities listed below. A copy of the transmittal letter is attached at Exhibit No. 5.

State Clearinghouse (or alternate):

Federal Assistance Clearinghouse
Office of Administration
State Capitol Building, Room 125
201 West Capitol Avenue
Jefferson City, MO 65101

National Geodetic Survey:

NGS Information Services
NOAA, N/NGS12
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, MD 20910-3282

State Environmental Protection Agency:

Missouri Department of Natural Resources
1659 E. Elm Street
Jefferson City, MO 65101

National Park Service:

Midwest Regional Office
National Park Service
601 Riverfront Drive
Omaha, NE 68102

Head of County (Planning):

Cass County Commissioners
102 East Wall Street
Harrisonville, MO 64701

Henry County Commissioners
100 West Franklin Street
Clinton, MO 64735

Johnson County Commissioners
300 N. Holden Street
Warrensburg, MO 64093

Pettis County Commissioners
415 S. Ohio Avenue, Ste. 212
Pettis County Courthouse
Sedalia, Missouri 65301

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region 7
901 N. 5th Street
Kansas City, KS 66101

U.S. Fish and Wildlife:

U.S. Fish and Wildlife Service
Region 3
5600 American Blvd. West
Bloomington, MN 55437-1458

U.S. Natural Resources

Conservation Service:

State Conservationist
USDA, Natural Resources
Conservation Service
Missouri State Office
Parkade Center, Suite 250
601 Business Loop 70 West
Columbia, MO 65203-2546

State Coastal Zone Management

Agency (if applicable):

Not applicable.

State Historic Preservation Office:

Mr. Mark Miles
Director, State Historic
Preservation Office
Department of Natural Resources
1659 E. Elm Street
Jefferson City, MO 65101

U.S. Army Corps of Engineers:

Department of the Army
Corps of Engineers, Kansas City District
601 East 12th Street
Kansas City, MO 64106

49 CFR § 1105.12

The undersigned hereby certifies that a “Notice of Intent to Abandon or Discontinue Rail Service” was published in the form prescribed by the Board’s regulations at the appendix to 49 CFR § 1105.12 for a Notice of Exemption. The Notice of Intent was published one time in a major newspaper in each county in which the Line is located, as described below. A copy of the newspaper Notice of Intent and the respective Affidavits of Publication are attached at Exhibit No. 6-9.

county	newspaper	publish date
Cass	Cass County Democrat-Missourian (Ex. 6)	April 19, 2013
Henry	Clinton Daily Democrat (Ex. 7)	April 19, 2013
Johnson	Daily Star-Journal (Warrensburg, MO) (Ex. 8)	April 19, 2013
Pettis	Sedalia Democrat (Ex. 9)	April 19, 2013

May 20, 2013



Sandra L. Brown

Attorney for Missouri Central Railroad Company

Exhibit 1

CERTIFICATION AND VERIFICATION

I, Robert K. Neff, am President of Missouri Central Railroad Company, which is filing a Notice of Exemption to abandon its rail line between milepost 257.283 in Cass County, Missouri and milepost 215.325 in Pettis County, Missouri. Under penalty of perjury, I declare that no local traffic has moved over the line for at least two years; that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending before the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period.

Further, I declare under penalty of perjury that I have read the foregoing Notice of Exemption in STB Docket No. AB-1068 (Sub-No. 1X) and that its assertions are true and correct to the best of my knowledge, information, and belief. I certify that I am qualified and authorized to file this Notice of Exemption.

Robert K. Neff

Robert K. Neff

Dated: _____

5/15/13

Exhibit 2

CERTIFICATION AND VERIFICATION

I, Lon Van Gemert, am the Chief Executive Officer for the Central Midland Railway, which is filing a Notice of Exemption to discontinue its service and operating rights on a rail line between milepost 257.283 in Cass County, Missouri and milepost 215.325 in Pettis County, Missouri. Under penalty of perjury, I declare that no local traffic has moved over the line for at least two years; that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending before the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period.

Further, I declare under penalty of perjury that I have read the foregoing Notice of Exemption in STB Docket No. AB-1070 (Sub-No. 1X) and that its assertions are true and correct to the best of my knowledge, information, and belief. I certify that I am qualified and authorized to file this Notice of Exemption.



Lon Van Gemert

Dated: _____

5/17/13

Exhibit 3

Exhibit 4

May 9, 2013

Via Federal Express

Public Service Commission
Governor Office Building
200 Madison Street, P.O. Box 360
Jefferson City, MO 65102

Recreation Resources Assistance Division
National Park Service
1201 Eye Street NW, 9th floor
Washington, DC 20005

Chief Tom Tidwell
United States Forest Service
Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Railroads for National Defense Program
Surface Deployment and Distribution Command
Transportation Engineering Agency
Department of Defense
1 Soldier Way
Scott AFB, IL 62225

Re: STB Docket No. AB-1068 (Sub-No. 1X, Missouri Central Railroad Company – Abandonment and Discontinuance of Service Exemption – in Cass, Henry, Johnson, and Pettis Counties, Missouri; STB Docket No. AB-1070 (Sub-No. 1X), Central Midland Railway Company – Discontinuance of Service and Operating Rights Exemption – in Cass, Henry, Johnson, and Pettis Counties, Missouri

To Whom It May Concern:

The Missouri Central Railroad Company (“MCRR”) and Central Midland Railway Company (“CMRC”) give notice that on or about May 20, 2013, they intend to file with the Surface Transportation Board (“STB”), 395 E St. SW, Washington, DC 20423, notices of exemption under 49 CFR 1152 (Subpart F—Exempt Abandonments) permitting MCRR to abandon and discontinue service, and CMRC to discontinue service and operating rights, over an approximately 42 mile line of railroad between railroad milepost 257.283, near Wingate, MO, and railroad milepost 215.325, near Windsor, MO. Notice is being provided to you pursuant to 49 CFR § 1152.50(d)(1).

The rail line proposed for abandonment (the “Line”) is frequently described as part of the Rock Island Corridor. The Line traverses through United States Postal Service ZIP Codes 64080, 64061, and 64040 in Cass County; United States Postal Service ZIP Codes 64061, 64040, 64733, 64726, 64761, and 65360 in Johnson County; and United States Postal Service ZIP Code 65360 in Henry County and Pettis County. The proceedings will be docketed as No. AB-1068 (Sub-No. 1X) for MCRR and No. AB-1070 (Sub-No. 1X) for CMRC.

**THOMPSON
HINE**

May 9, 2013

Page - 2 -

A map is attached. Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Please contact me if you have any questions.

Yours very truly,



Sandra L. Brown
Thompson Hine LLP
1919 M Street NW, Suite 700
Washington, D.C. 20036
(202) 263-4101 (telephone)
(202) 331-8330 (facsimile)

Attorney for Missouri Central Railroad Company

enclosure (map)

Exhibit 5

March 21, 2013

Surface Transportation Board
State Clearinghouse (or alternate)
State Environmental Protection Agency
Head of County (Planning)
Environmental Protection Agency
(regional office)
U.S. Fish and Wildlife

National Geodetic Survey
National Park Service
U.S. Natural Resources
Conservation Service
State Historic Preservation Office
U.S. Army Corps of Engineers

Re: Proposed Abandonment and Discontinuance of Service of 42 miles of Missouri Central Railroad Company track in Cass, Johnson, Henry and Pettis Counties, Missouri, STB Docket AB-1068 (Sub-No. 1X) and STB Docket AB-1070 (Sub-No. 1X)

To Whom It May Concern:

The Missouri Central Railroad Company ("MCRR") is planning to file a Notice of Exempt Abandonment with the Surface Transportation Board ("STB") for approval to abandon an approximately 42 mile line of railroad between milepost 257.283 in Cass County, Missouri and milepost 215.325 in Pettis County, Missouri in STB Docket No. AB-1068 (Sub-No. 1X).¹ The Central Midland Railway Company ("CMR") is planning to jointly file a Notice of Exemption to Discontinue service and operating rights over the same rail line in STB Docket No. AB-1070 (Sub-No. 1X).

Enclosed is a Combined Environmental and Historic Report ("Report") which describes the proposed actions and other pertinent environmental and historic information. A map of the impacted rail line is attached to the Report as Exhibit No. 1. A list of agencies receiving this Report can be found in the Service List at the end of the Report.

We are providing this Report so that you may review the information that will form the basis of the STB's independent environmental and historical analysis of these proceedings. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact their Office of Environmental Review ("OEA"), at the Surface Transportation Board, 395 E Street, S.W., Washington, D.C. 20423, telephone number (202) 245-0295, and refer to the above docket numbers.

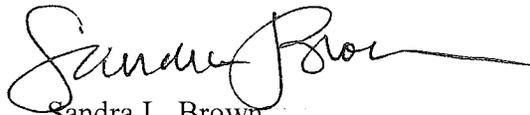
¹ The State of Missouri is interested in establishing a trail on the right-of-way, and MCRR is willing to negotiate rail-banking the line pursuant to the National Trails System Act at 16 USC § 1247(d). The trail would be separate action by the State and would be an extension of a trail currently being developed on the previously abandoned portion of the MCRR right-of-way between mileposts 262.906 and 257.283.

**THOMPSON
HINE**

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to the undersigned) would be appreciated within three (3) weeks. Your comments will be considered by the STB in evaluating the environmental and historic preservation impacts of the proposed abandonment and discontinuance of service.

If you have any other questions concerning this proposal, please contact me per the contact information below. Thank you for your assistance.

Yours very truly,



Sandra L. Brown
Thompson Hine LLP
Suite 700
1919 M Street, NW
Washington, D.C. 20036
(202) 263-4101 (telephone)
(202) 331-8330 (facsimile)
Attorney for Missouri Central Railroad Company

Enclosure (Report)

Exhibit 6

AFFIDAVIT OF PUBLICATION

(Space above for recording information)

STATE OF MISSOURI
COUNTY OF CASS ss.

I, Janis Anslinger, being duly sworn according to law, state that I am the Classified Ad Manager of the Cass County Democrat-Missourian, a weekly newspaper of general circulation in the County of Cass, State of Missouri, where located; which newspaper has been admitted to the Post Office as periodical class matter in the City of Harrisonville, Missouri, the city of publication; which newspaper has been published regularly and consecutively for a period of three years and has a list of bonafide subscribers, voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 493.050, Revised Statutes of Missouri 2000, and Section 59.310, Revised Statutes of Missouri 2000. The affixed notice appeared in said newspaper in the following consecutive issues:

- 1st Insertion: Vol. 133 No. 27, 19 day of Apr 2013.
- 2nd Insertion: Vol. _____ No. _____, _____ day of _____ 20_____.
- 3rd Insertion: Vol. _____ No. _____, _____ day of _____ 20_____.
- 4th Insertion: Vol. _____ No. _____, _____ day of _____ 20_____.
- 5th Insertion: Vol. _____ No. _____, _____ day of _____ 20_____.

Janis Anslinger
Janis Anslinger, Classified Ad Manager

Subscribed and sworn to before me on this 19 day of April, 2013

Julie M. Hicks



NOTICE OF INTENT TO ABANDON AND TO DISCONTINUE RAIL SERVICE AND OPERATING RIGHTS
Missouri Central Railroad Company ("MCRR") and Central Midland Railway Company ("CMRC") give notice that on or about May 20, 2013, they intend to file with the Surface Transportation Board ("Board"), Washington, DC 20423, notices of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting MCRR to abandon and discontinue service and CMRC to discontinue service and operating rights over an approximately 42 mile line of railroad between railroad milepost 257.283, near Wingate, MO, and railroad milepost 215.325, near Windsor, MO. This rail line traverses through United States Postal Service ZIP Codes 64080, 64061, and 64040 in Cass County; United States Postal Service ZIP Codes 64061, 64040, 64733, 64726, 64761, and 65360 in Johnson County; and United States Postal Service ZIP Code 65360 in Henry County and Pettis County. The proceedings will be docketed as No. AB-1068 (Sub-No. 1X) for MCRR and No. AB-1070 (Sub-No. 1X) for CMRC.

The Board's Office of Environmental Analysis will generally prepare an Environmental Assessment ("EA"), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after

the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on appli-

cants' representatives [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use, or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238 or (866) 254-1792. Assistance for the hearing-impaired is available through the Federal Information Relay Service ("FIRS") at (800) 877-8339. Copies of any comments or requests for conditions should be served on applicants' representatives: Sandra L. Brown, Thompson Hine LLP, Suite 700, 1919 M Street NW, Washington, DC 20036. Telephone: (202) 263-4101; and Lon Van Gemert, Chief Executive Officer, Central Midland Railway, c/o Progressive Rail Incorporated, 21778 Highview Avenue, Lakeville, MN 55044. Telephone: (952) 469-0323.

27-1tc

Exhibit 7

AFFIDAVIT OF PUBLICATION

Date: 4-19-13

(Space above for recording information)

STATE OF MISSOURI }
COUNTY OF HENRY } ss.

I, Daniel Black Miles, Jr., being duly sworn according to law, state that I am the Publisher of The Clinton Daily Democrat, a daily newspaper of general circulation in the County of Henry, State of Missouri, where located; which newspaper has been admitted to the Post Office as periodical class matter in the City of Clinton, Missouri, the city of publication; which newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers, voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 493.050, Revised Statutes of Missouri 2000, and Section 59.310, Revised statutes of Missouri 2000. The affixed notice appeared in said newspaper in the following consecutive issues:

- 1st
Insertion: Vol 131 No. 78, 19 day of April 2013
- 2nd
Insertion: Vol _____ No. _____, _____ day of _____ 20____
- 3rd
Insertion: Vol _____ No. _____, _____ day of _____ 20____
- 4th
Insertion: Vol _____ No. _____, _____ day of _____ 20____

91³⁵

Daniel Black Miles Jr.
Publisher's Signature, Daniel Black Miles Jr.

Subscribed and sworn to before me on this 24 day of
April, 2013.

Leland M. Gregory
Notary Public



My Commission expires 8-5-2015.

Notice of Intent To Abandon and To Discontinue Rail Service and Operating Rights
Missouri Central Railroad Company ("MCRR") and Central Midland Railway Company ("CMRC") give notice that on or about May 20, 2013, they intend to file with the Surface Transportation Board ("Board"), Washington, DC 20423, notices of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting MCRR to abandon and discontinue service and CMRC to discontinue service and operating rights over an approximately 42 mile line of railroad between railroad milepost 257.283, near Wingate, MO, and railroad milepost 215.325, near Windsor, MO. This rail line traverses through United States Postal Service ZIP Codes 64080, 64061, and 64040 in Cass County; United States Postal Service ZIP Codes 64061, 64040, 64733, 64726, 64761, and 65360 in Johnson County; and United States Postal Service ZIP Code 65360 in Henry County and Pettis County. The proceedings will be docketed as No. AB-1068 (Sub-No. 1X) for MCRR and No. AB-1070 (Sub-No. 1X) for CMRC.

The Board's Office of Environmental Analysis will generally prepare an Environmental Assessment ("EA"), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representatives [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use, or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238 or (866) 254-1792. Assistance for the hearing impaired is available through the Federal Information Relay Service ("FIRS") at (800) 877-8339. Copies of any comments or requests for conditions should be served on applicants' representatives: Sandra L. Brown, Thompson Hine LLP, Suite 700, 1919 M Street NW, Washington, DC 20036. Telephone: (202) 263-4101; and Lon Van Gemert, Chief Executive Officer, Central Midland Railway, c/o Progressive Rail Incorporated, 21778 Highview Avenue, Lakeville, MN 55044. Telephone: (952) 469-0323.

a19daltc

Exhibit 8

AFFIDAVIT OF PUBLICATION

Daily Star Journal, 135 East Market St., Warrensburg, MO 64093

Reference: 301274
Ad ID: 6117456

P.O. :
DESC. : Notice of Intent To Abandon and To D

DAVID BENZ

1919 M STREET, NW
WASHINGTON, DC 20036

County of Johnson
State of Missouri

I, CAROLYN SIVILS, being duly sworn according to law, state that I am an Agent of THE DAILY STAR JOURNAL, a daily newspaper of general circulation in the County of Johnson, State of Missouri, where located; which newspaper has been admitted to the Post Office as periodical class matter in the City of Warrensburg, Missouri, the city publication; which newspaper has been published regularly and consecutively for a period of more than three years and has a list of bona fide subscribers, voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 493.050, revised Statutes of Missouri 2000, and Section 59.310, revised Statutes of Missouri 2000. The affixed notice appears in said newspaper on the following consecutive dates:

Run Dates: 04/19/13 to 04/19/13
Appearances: 1
AD SPACE: 190

(Signed Carolyn Sivils

Subscribed and sworn before me
this 24th day of April 2013

CLARA D. YOUNG
Notary Public



My Commission Expires: 08-05-15

Notice of Intent To Abandon and To Discontinue Rail Service and Operating Rights

Missouri Central Railroad Company ("MCRR") and Central Midland Railway Company ("CMRC") give notice that on or about May 20, 2013, they intend to file with the Surface Transportation Board ("Board"), Washington, DC 20423, notices of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting MCRR to abandon and discontinue service and CMRC to discontinue service and operating rights over an approximately 42 mile line of railroad between railroad milepost 257.283, near Wingate, MO, and railroad milepost 215.325, near Windsor, MO. This rail line traverses through United States Postal Service ZIP Codes 64080, 64061, and 64040 in Cass County; United States Postal Service ZIP Codes

64061, 64040, 64733, 64726, 64761, and 65360 in Johnson County; and United States Postal Service ZIP Code 65360 in Henry County and Pettis County. The proceedings will be docketed as No. AB-1068 (Sub-No. 1X) for MCRR and No. AB-1070 (Sub-No. 1X) for CMRC.

The Board's Office of Environmental Analysis will generally prepare an Environmental Assessment ("EA"), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis, Surface

Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representatives [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use, or trails use may be directed to the Board's Office of

Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238 or (866) 254-1792. Assistance for the hearing impaired is available through the Federal Information Relay Service ("FIRS") at (800) 877-8339. Copies of any comments or requests for conditions should be served on applicants' representatives: Sandra L. Brown, Thompson Hine LLP, Suite 700, 1919 M Street NW, Washington, DC 20036. Telephone: (202) 263-4101; and Lon Van Gemert, Chief Executive Officer, Central Midland Railway, c/o Progressive Rail Incorporated, 21778 Highview Avenue, Lakeville, MN 55044. Telephone: (952) 469-0323.

Exhibit 9

AFFIDAVIT OF PUBLICATION

(Space above for recording information)

STATE OF MISSOURI) ss.
COUNTY OF PETTIS)

I, J. Lynn Kidd, being duly sworn according to law, state that I am the Publisher of the Sedalia Democrat a daily newspaper of general circulation in the County of Pettis, State of Missouri, where located; which newspaper has been admitted to the Post Office as periodical class matter in the City of Sedalia, Missouri, the city of publication, which newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers, voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provision of Section 493.050, Revised Statutes of Missouri 2000, and Section 59.310, Revised Statutes of Missouri 2000.

The affixed notice appeared in said newspaper for one time as follows:

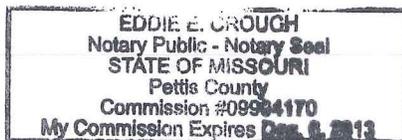
1st Insertion: Vol.	<u>145</u>	No. <u>109</u>	<u>19th</u> day of <u>April</u>	<u>20</u>	<u>13</u>
2nd Insertion: Vol.	_____	No. _____	_____ day of _____	20	_____
3rd Insertion: Vol.	_____	No. _____	_____ day of _____	20	_____
4th Insertion: Vol.	_____	No. _____	_____ day of _____	20	_____
5th Insertion: Vol.	_____	No. _____	_____ day of _____	20	_____
6th Insertion: Vol.	_____	No. _____	_____ day of _____	20	_____
7th Insertion: Vol.	_____	No. _____	_____ day of _____	20	_____

Signed [Signature]

Subscribed and sworn to before me this 1st day of May 20 13

[Signature]
Eddie E. Crouch, Notary Public

My commission expires 12-6-2013



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1x- 4/19, 2013