

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-1068 (Sub-No. 2X)

235023
ENTERED
Office of Proceedings
October 30, 2013
Part of the Public
Record

**MISSOURI CENTRAL RAILROAD COMPANY
– DISCONTINUANCE OF TRACKAGE RIGHTS EXEMPTION –
IN CASS AND JACKSON COUNTIES, MISSOURI**

AMENDED 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**

October 30, 2013

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. AB-1068 (Sub-No. 2X)

**MISSOURI CENTRAL RAILROAD COMPANY
– DISCONTINUANCE OF TRackage RIGHTS EXEMPTION –
IN CASS AND JACKSON COUNTIES, MISSOURI**

AMENDED VERIFIED NOTICE OF EXEMPTION

The Missouri Central Railroad Company (“MCRR”) hereby submits this Amended Verified Notice of Exemption pursuant to 49 USC § 10502 and 49 CFR § 1152.50 for the discontinuance of trackage rights over a rail line owned by the Union Pacific Railroad Company (“UP”) between Pleasant Hill, MO (at milepost 263.5) and Leeds Junction, MO (at milepost 288.3).

MCRR had intended to file a Notice of Exemption on October 1, 2013 (see the attached Exhibits D and F). However, the federal government shutdown that began at midnight on September 30, 2013 prevented filing on October 1st because the Surface Transportation Board did not accept filings (even if electronic) during the shutdown. Nonetheless, filing of this Notice today is proper because, according to the Board’s website, “[a]ll deadlines requiring the submission of material to the Board during the pendency of the shutdown are tolled.”

MCRR previously filed a Notice of Exemption on October 17, 2013 in this proceeding, thereby complying with the date provided in the public notice related to this matter (see above paragraph regarding government shutdown). However, MCRR is today filing an amended

Notice of Exemption in order to clarify the issue raised in footnote #1, and otherwise show that the Central Midland Railway (“CMR”) agrees with the discontinuance sought herein. As described in footnote #1, a few years after MCRR obtained these trackage rights, CMR included a reference to them in STB Docket No. 33988 as part of an operation exemption sought by CMR. In order to remove any possible doubt regarding CMR’s consent to the discontinuance sought herein, MCRR has consulted with CMR and obtained CMR’s consent. CMR’s representative has been added as a signatory to this Amended Verified Notice of Exemption.

Compared to the Notice of Exemption filed on October 17th, the new material in this Amended Verified Notice of Exemption is on the cover page (addition of Lon Van Gemert as CMR representative; insertion of references to the fact that this Notice of Exemption is amended), pages 1-2 (this paragraph and the prior paragraph), edits to footnote #1 (deletion of second half of the last sentence), and the signature page. M&G has also updated Exhibit A.

As required by 49 CFR § 1152.50(d)(2), MCRR provides the following information:

I. Proposed consummation date.

The proposed consummation date is December 19, 2013, which is at least 50 days after the filing of this Notice, as required by § 1152.50(d)(2).

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

Certification is found at Exhibit A to this Notice.

III. Information required in 49 CFR §§ 1152.22(a)(1) through (4), (7), (8), and (e)(4).

(a)(1) – exact name of applicant

Missouri Central Railroad Company

(a)(2) – whether applicant is a common carrier by railroad subject to 49 USC Subtitle IV, chapter 105

MCRR is a common carrier by railroad subject to 49 USC Subtitle IV, chapter 105.

(a)(3) – relief sought

MCRR seeks to use the class exemption described in 49 CFR §1152.50 in order to discontinue trackage rights on a rail line owned by Union Pacific Railroad Company between Pleasant Hill, MO (milepost 263.5) and Leeds Junction, MO (milepost 288.3). MCRR obtained these trackage rights as part of the transaction involved in STB Docket 33508, Missouri Central Railroad Company – Acquisition and Operation Exemption – Lines of Union Pacific Railroad Company. MCRR has never utilized these trackage rights. No local or overhead traffic has operated on the line for at least two years.¹

(a)(4) – detailed map

A map is attached at Exhibit B to this Notice.

(a)(7) – name, title, and address of applicant’s representative

MCRR’s representative is:

Sandra L. Brown
Thompson Hine LLP
1919 M St. NW, Suite 700
Washington, DC 20036

Attorney for Missouri Central Railroad Company

(a)(8) – list of ZIP codes traversed by the rail line

The rail line covered by MCRR’s trackage rights traverses the following United States

Postal Service ZIP codes in Missouri:

64080 in Cass County
64034 in Cass and Jackson Counties
64082 in Jackson County

¹ The Central Midland Railway Company (“CMR”) previously included a reference to these trackage rights as part of an operation exemption filed in Central Midland Railway Company – Operation Exemption – Lines of Missouri Central Railroad Company, STB Docket No. 33988 (served Jan. 29, 2001). CMR never had independent rights to operate on these trackage rights, and never did operate on the track. The operating agreement was later superseded by a lease between MCRR and CMR. Central Midland Railway Company – Lease and Operation Exemption – Missouri Central Railroad Company, STB Docket No. 34363 (served Feb. 11, 2004). The lease does not include the trackage rights between Pleasant Hill and Leeds Junction.

64081 in Jackson County
64138 in Jackson County
64133 in Jackson County
64129 in Jackson County

(e)(4) – whether the property is appropriate for other public purposes

MCRR is only discontinuing trackage rights on the line, which is owned and operated by the Union Pacific Railroad Company. Therefore, the line is not currently available for other public purposes. In the event that UP seeks to abandon the line, the issue of public use will be addressed in that proceeding.

IV. The level of labor protection.

The interests of railroad employees who may be adversely affected by the proposed discontinuance of trackage rights will be adequately protected by the labor protective conditions in Oregon Short Line Railroad et al. – Abandonment – Goshen Branch, 360 ICC 91 (1979).

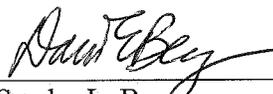
V. Certificate that the notice requirements of §§ 1152.50(d)(1) and 1105.11 have been met.

Certification regarding the notice requirement of § 1152.50(d)(1) is attached at Exhibit C hereto, and a copy of the notice is at Exhibit D. No certification regarding § 1105.11 is required because (1) under § 1105.6(c)(6), there is no environmental report, as MCRR is only discontinuing trackage rights and the line continues to be owned and operated by UP; and (2) under §§ 1105.8(a) and (b), there is no historic report, as MCRR is not leasing, transferring, or selling any part of the line, and any abandonment would require separate Board approval.

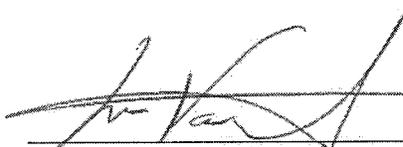
VI. Certificate that the notice requirement of § 1105.12 has been met.

Certification regarding the notice requirement of § 1105.12 is attached at Exhibit E hereto.

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 Company
c/o Progressive Rail Incorporated
21778 Highview Avenue
Lakeville, MN 55044
952.469.0323 (phone)
Representative for Central Midland Railway Company

October 30, 2013

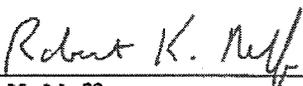
Exhibit A

Exhibit A

**CERTIFICATION AND VERIFICATION
REQUIRED BY 49 CFR § 1152.50(b)**

I, Robert K. Neff, President of Missouri Central Railroad Company, declare under penalty of perjury that (1) MCRR seeks to discontinue its trackage rights on the Union Pacific Railroad Company rail line between milepost 263.5 in Pleasant Hill, MO and milepost 288.3 in Leeds Junction, MO; (2) MCRR has not moved any local or overhead traffic over the line for at least two years; (3) overhead traffic, if there were any, could be rerouted over other lines; and (4) 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. 2X) 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.

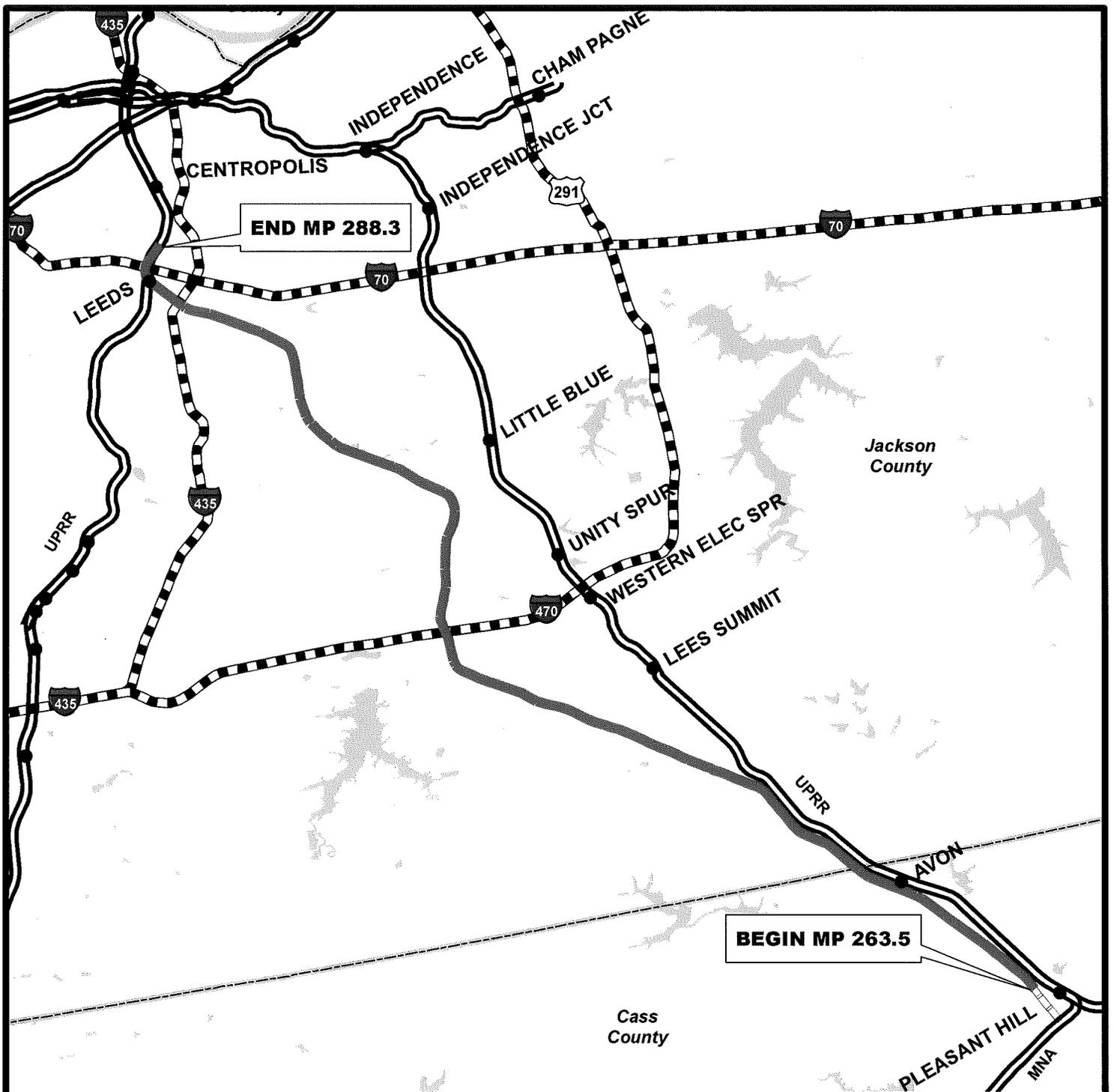


Robert K. Neff

10/30/13

Date

Exhibit B



Legend

-  MCRR RIGHTS TO BE DISCONTINUED
-  OTHER MCRR TRACK
-  OTHER LINES (UPRR, MNA, ETC.)
-  PRINCIPAL HIGHWAYS

MISSOURI CENTRAL RAILROAD COMPANY

TRACKAGE RIGHTS OVER UNION PACIFIC RAILROAD COMPANY
 MP 263.5 TO MP 288.3
 TOTAL OF 24.8 MILES IN CASS AND JACKSON COUNTIES, MO.

STB DOCKET NO. AB-1068 (SUB-NO. 2X)



Exhibit C

Exhibit C

**CERTIFICATION
REQUIRED BY 49 CFR § 1152.50(d)(2)**

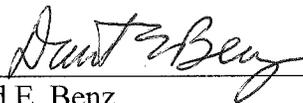
As required by 49 CFR § 1152.50(d)(1), the undersigned hereby certifies that on September 18, 2013 (at least 10 days prior to filing this Notice of Exemption), written notice was provided to the following entities regarding the intent to use the Notice of Exemption procedure to discontinue trackage rights on the Union Pacific Railroad Company rail line between milepost 263.5 in Pleasant Hill, MO and milepost 288.3 in Leeds Junction, MO. A copy of the notice is attached as Exhibit D.

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



David E. Benz

Attorney for Missouri Central Railroad Company

October 1, 2013

Exhibit D

September 18, 2013

Via Federal Express

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

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

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

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. 2X), Missouri Central Railroad Company –
Discontinuance of Trackage Rights Exemption – in Cass and Jackson Counties,
Missouri**

To Whom It May Concern:

The Missouri Central Railroad Company (“MCRR”) gives notice that on or about October 1, 2013, it intends to file with the Surface Transportation Board (“STB”), 395 E St. SW, Washington, DC 20423, a notice of exemption under 49 CFR 1152 (Subpart F—Exempt Abandonments) permitting MCRR to discontinue trackage rights over an approximately 24.8 mile line of railroad owned and operated by Union Pacific Railroad Company between railroad milepost 263.5, near Pleasant Hill, MO, and railroad milepost 288.3, near Leeds Junction, MO. Notice is being provided to you pursuant to 49 CFR § 1152.50(d)(1).

The rail line over which MCRR proposes to cease trackage rights (the “Line”) is currently owned and operated by Union Pacific Railroad Company. The Line traverses through United States Postal Service ZIP Codes 64080 in Cass County, 64034 in Cass and Jackson Counties, and 64082, 64081, 64138, 64133, and 64129 in Jackson County. The discontinuance of trackage rights proceeding will be docketed as No. AB-1068 (Sub-No. 2X) at the STB.

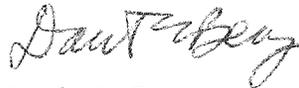
A map is attached. Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

September 18, 2013

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Please contact me if you have any questions.

Yours very truly,



Sandra L. Brown

David E. Benz

Thompson Hine LLP

1919 M Street NW, Suite 700

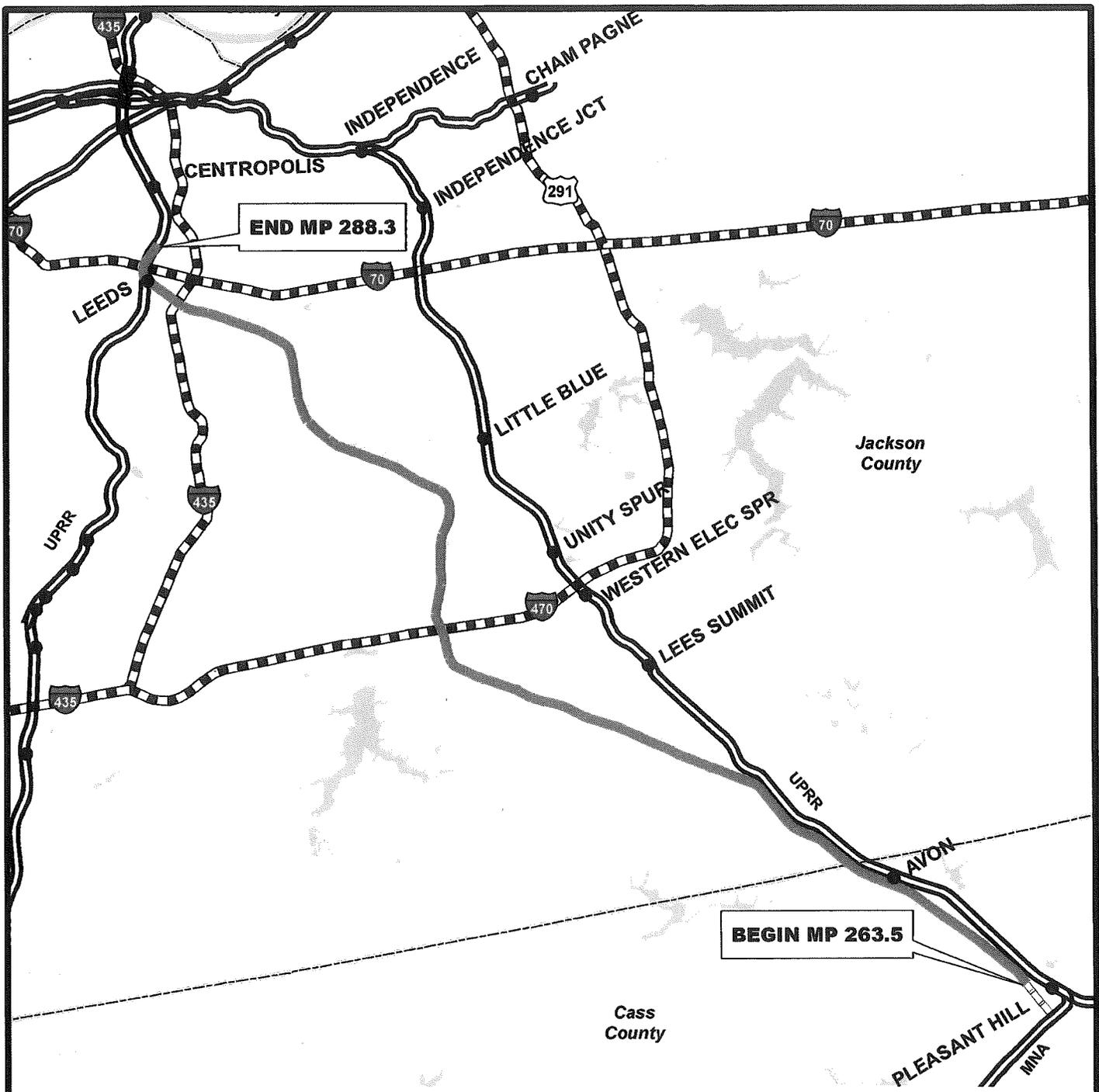
Washington, D.C. 20036

(202) 263-4101 (telephone)

(202) 331-8330 (facsimile)

Attorneys for Missouri Central Railroad Company

enclosure (map)



Legend

-  MCRR RIGHTS TO BE DISCONTINUED
-  OTHER MCRR TRACK
-  OTHER LINES (UPRR, MNA, ETC.)
-  PRINCIPAL HIGHWAYS

MISSOURI CENTRAL RAILROAD COMPANY

TRACKAGE RIGHTS OVER UNION PACIFIC RAILROAD COMPANY
 MP 263.5 TO MP 288.3
 TOTAL OF 24.8 MILES IN CASS AND JACKSON COUNTIES, MO.

STB DOCKET NO. AB-1068 (SUB-NO. 2X)

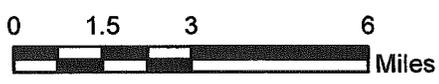


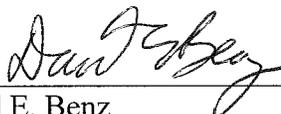
Exhibit E

Exhibit E

**CERTIFICATION
REQUIRED BY 49 CFR § 1105.12**

As required by 49 CFR § 1105.12, the undersigned hereby certifies that a “Notice of Intent to 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 subject rail line is located, as described below. A copy of the newspaper Notice of Intent and the respective Affidavits of Publication are attached at Exhibit F.

county	newspaper	publish date
Cass	Cass County Democrat-Missourian	September 13, 2013
Jackson	Independence Examiner	September 13, 2013



David E. Benz
Attorney for Missouri Central Railroad Company

October 1, 2013

Exhibit F

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. 48, 13 day of Sept 20 13.
- 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 13 day of Sept, 20 13
Julie M Hicks



JULIE M. HICKS
My Commission Expires
June 12, 2017
Cass County
Commission #13727108

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE

Missouri Central Railroad Company ("MCRR") gives notice that on or about October 1, 2013, it intends to file with the Surface Transportation Board ("Board"), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments permitting MCRR to discontinue trackage rights over an approximately 24.8-mile line of railroad between railroad milepost 263.5 near Pleasant Hill, MO, and railroad milepost 288.3 near Leeds Junction, MO. This rail line traverses through United States Postal Service ZIP Code 64080 in Cass County, United States Postal Service ZIP Code 64034 in Cass and Jackson Counties, and United States Postal Service ZIP Codes 64082, 64081, 64138, 64133, and 64129 in Jackson County. The proceeding will be docketed as No. AB-1068 (Sub-No. 2X).

The proposed discontinuance is not subject to the Board's environmental and historic reporting requirements. [See 49 CFR 1105.6(c) and 1105.8(b)] Interested parties may 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.
Public use conditions and
rail banking/trails use are
not available in proceedings
involving only discontinu-
ance and not an abandon-
ment. An original and 10
copies of any pleading that
raises matters other than
environmental issues (such
as offers of financial assis-
tance) 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 applicant's rep-
resentative [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 applicant's representa-
tive: Sandra L. Brown,
Thompson Hine LLP, Suite
700, 1919 M Street NW,
Washington, DC 20036.
Telephone: (202) 263-
4101.

AFFIDAVIT OF PUBLICATION

STATE OF MISSOURI)
County of Jackson) SS.

I, **KATHERINE M. JONES**, being duly sworn according to law, state that I am the LEGAL CLERK and agent of THE EXAMINER, a daily newspaper of general circulation in the County of Jackson, State of Missouri, where located; which newspaper has been admitted to the Post Office as a periodical class matter in the City of Independence, 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 issues: September 13, 2013
Commencing on _____

and ending on September 13, 2013, being the issues of:
September 13, 2013

being Volume 109 Numbers: 83

Signed Kath M. Jones
Legal Clerk, Katherine M. Jones

Subscribed and sworn to before me on this 13th day of
September, 2013.

Gail Cianciolo
Notary Public,

My commission expires 2-19-2015.

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE
Missouri Central Railroad Company ("MCRR") gives notice that on or about October 1, 2013, it intends to file with the Surface Transportation Board ("Board"), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments permitting MCRR to discontinue trackage rights over an approximately 24.8 mile line of railroad between railroad milepost 263.5 near Pleasant Hill, MO, and railroad milepost 288.3, near Leeds Junction, MO. This rail line traverses through United States Postal Service ZIP Code 64080 in Cass County, United States Postal Service ZIP Code 64034 in Cass and Jackson Counties, and United States Postal Service ZIP Codes 64082, 64081, 64138, 64133, and 64129 in Jackson County. The proceeding will be docketed as No. AB-1068 (Sub-No. 2X).
The proposed discontinuance is not subject to the Board's environmental and historic reporting requirements. [See 49 CFR 1105.6(c) and 1105.8(b)] Interested parties may 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. Public use conditions and rail banking/trails use are not available in proceedings involving only discontinuance and not an abandonment. An original and 10 copies of any pleading that raises matters other than environmental issues (such as 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 applicant's representative [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 applicant's representative: Sandra L. Brown, Thompson Hine LLP, Suite 700, 1919 M Street NW, Washington, DC 20036. Telephone: (202) 263-4101.
September 13, 2013

GAIL CIANCILO
Notary Public-Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires Feb. 19, 2015
Commission # 11390879

Publishing Fee: _____

Received payment _____ per _____