

224493



Gabriel S Meyer  
Assistant General Attorney

February 5, 2009

**Via Electronic Filing**

The Honorable Anne Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S W  
Washington, D C 20423

**RE: STB Docket No. AB-33 (Sub-No. 261), Union Pacific Railroad Company - Abandonment - In New Madrid, Scott, and Stoddard Counties, Missouri (Essex to Miner Line)**

Dear Secretary Quinlan

Pursuant to 49 CFR § 1152 20(a)(1), attached is Union Pacific Railroad Company's ("UP's") Notice of Intent To Abandon ("Notice") for the Essex to Miner Line, in New Madrid, Scott, and Stoddard Counties, Missouri

The Notice is in the form prescribed at 49 CFR §1152 21, and it outlines actions that may be taken concerning UP's abandonment application, which it plans to file on or after February 24, 2009

Also enclosed is a Certificate of Service in compliance with 49 CFR §1152 20(a)(2), certifying service of the Notice on significant users of the Line, state officials and federal agencies, and headquarters of labor organizations

The following agency was not served for the reason stated

Amtrak - 49 CFR § 1152 20(a)(2)(x)  
(Does not operate on the Line)

Sincerely,

A handwritten signature in cursive script that reads "Gabriel S Meyer".

Gabriel S Meyer

Enclosures

**STB No. AB-33 (Sub-No. 261)**

**NOTICE OF INTENT TO ABANDON**

Union Pacific Railroad Company ("UP") gives notice that on or after February 24, 2009, it intends to file with the Surface Transportation Board (the "Board"), Washington, D C 20423, an application (the "Application") for permission to abandon a line of railroad known as the Essex to Miner Line extending from railroad Milepost 196.7 near Essex, to Milepost 216.27 near Miner, a distance of 19.57 miles in New Madrid, Scott, and Stoddard Counties, Missouri

The Line traverses U S Postal Service Zip Codes 63846, 63801, and 63868.

The Line includes the stations of Hunterville (Milepost 198.7), Morehouse (Milepost 205.4), Sikeston (Milepost 211.4), and Miner, MO (Milepost 214.5) None of the stations are agency stations

The reasons for the proposed abandonment are. (1) freight revenues on the line are insufficient to justify the costs of operation, maintenance and rehabilitation of the Line, and (2) there is no reasonable prospect that traffic and revenues will increase sufficiently in the foreseeable future to justify continued operation of the Line Based on information in UP's possession, the Line does not contain federally granted rights-of-way Any documentation in the UP's possession regarding this issue will be made available promptly to those requesting it

The Line has appeared on the system diagram map or has been included in the narrative in category 1 since January 16, 2008

The interest of UP's railroad employees will be protected as required by 49 U S C 10903(b)(2)

The Application will include the UP's entire case for abandonment (case in chief). Any interested person, after the Application is filed on or after February 24, 2008, may file with the Board written comments concerning the proposed abandonment or protests to it These filings are due 45 days from the date of filing of the Application. All interested persons should be aware that following any abandonment of rail service and salvage of the Line, the Line may be suitable for other public use, including interim trail use Any request for a public use condition under 49 U S C 10905 (§1152.28 of the Board's rules) and any request for a trail use condition under 16 U S C 1247(d) (§1152.29 of the Board's rules) must also be filed within 45 days from the date of filing of the Application Persons who may oppose the abandonment but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses, containing detailed evidence, should file comments Persons interested only in seeking public use or trail use conditions should also file

**comments Persons opposing the proposed abandonment that do wish to participate actively and fully in the process should file a protest**

**Protests must contain that party's entire case in opposition (case in chief) including the following**

- (1) Protestant's name, address and business**
- (2) A statement describing protestant's interest in the proceeding including
  - (i) a description of protestant's use of the Line;**
  - (ii) if protestant does not use the Line, information concerning the group or public interest it represents, and**
  - (iii) if protestant's interest is limited to the retention of service over a portion of the Line, a description of the portion of the Line subject to protestant's interest (with milepost designations if available) and evidence showing that the UP can operate the portion of the Line profitably, including an appropriate return on its investment for those operations.****
- (3) Specific reasons why protestant opposes the Application including information regarding protestant's reliance on the involved service (this information must be supported by affidavits of persons with personal knowledge of the facts).**
- (4) Any rebuttal of material submitted by Applicant**

**In addition, a commenting party or protestant may provide a statement of position and evidence regarding**

- (i) Intent to offer financial assistance pursuant to 49 U S C 10904;**
- (ii) *Environmental impact,***
- (iii) Impact on rural and community development,**
- (iv) Recommended provisions for protection of the interests of employees,**
- (v) Suitability of the properties for other public purposes pursuant to 49 U S C 10905, and**

- (vi) Prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. 1247(d) and §1152 29

A protest may demonstrate that (1) the protestant filed a feeder line application under 49 U.S.C. 10907; (2) the feeder line application involves any portion of the Line involved in the Application, (3) the feeder line application was filed prior to the date the Application was filed, and (4) the feeder line application is pending before the Board

Written comments and protests will be considered by the Board in determining what disposition to make of the Application. The commenting party or protestant may participate in the proceeding as its interests may appear

If an oral hearing is desired, the requester must make a request for an oral hearing and provide reasons why an oral hearing is necessary. Oral hearing requests must be filed with the Board no later than 10 days after the Application is filed

Those parties filing protests to the proposed abandonment should be prepared to participate actively either in an oral hearing or through the submission of their entire opposition case in the form of verified statements and arguments at the time they file a protest. Parties seeking information concerning the filing of protests should refer to §1152 25

Written comments and protests, including all requests for public use and trail use conditions, should indicate the proceeding designation STB No. AB-33 (Sub-No. 261) and must be filed with the Secretary, Surface Transportation Board, Washington, D.C. 20423, no later than April 10, 2009. Interested persons may file a written comment or protest with the Board to become a party to this abandonment and discontinuance proceeding. A copy of each written comment or protest shall be served upon the representative of UP, Gabriel S. Meyer, Assistant General Attorney, 1400 Douglas Street, STOP 1580, Omaha, NE 68179, Telephone (402) 544-1658, FAX (402) 501-3393. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, each document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a)

The Line sought to be abandoned will be available for subsidy or sale for continued rail use, if the Board decides to permit the abandonment, in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). No subsidy arrangement approved under 49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise mutually agreed by the parties (49 U.S.C. 10904(f)(4)(B)). UP will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the Line in operation. The UP representative to whom inquiries may be made concerning sale or subsidy terms is Gabriel S. Meyer, Assistant General Attorney, 1400 Douglas Street, STOP 1580, Omaha, NE 68179

Persons seeking further information concerning abandonment procedures may contact the Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

A copy of the Application will be available for public inspection on or after February 24, 2009 at each agency station or terminal on the Line proposed to be abandoned or discontinued. If there is no agency station on the Line (and there is none) the Application shall be deposited at any agency station through which business for the Line is received or forwarded, which is Union Pacific Center, located at 1400 Douglas Street, Omaha, NE 68179. The telephone number is (402) 544-5000. Business hours are Monday through Friday, from 8 a.m. to 5 p.m., Central Time. UP shall furnish a copy of the Application to any interested person proposing to file a protest or comment, upon request.

An environmental assessment ("EA") (or environmental impact statement ("EIS"), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA or EIS may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 33 days of the filing of the Application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

**CERTIFICATE OF SERVICE**  
**FOR**  
**NOTICE OF INTENT TO ABANDON**

The undersigned hereby certifies that a copy of the foregoing Notice of Intent to Abandon in Docket No AB-33 (Sub-No 262), over Union Pacific Railroad Company's Essex to Miner Line, from Milepost 196.7 near Essex, to Milepost 216.27 near Miner, a distance of 19.57 miles in New Madrid, Scott, and Stoddard Counties, Missouri, was served by First Class Mail (or by Certified Mail, if indicated) on the 5th day of February, 2009

**Significant Users**  
[49 C.F.R. 1152.20(a)(2)(i)]

Tetra Pak  
2200 E Malone Ave.  
Sikeston, MO 63801

Steward Steel Supply  
P O Box 551  
Sikeston, MO 63801

Cargill Ag Horizons  
410 W Malone Ave.  
Sikeston, MO 63801

River Bend Ag  
P O Box 126  
New Madrid, MO 63869

**State Officials and Federal Agencies**  
[49 C F R. 1152 20(a)(2)(ii)-(xi)]

**(VIA CERTIFIED MAIL)**

Officer of Governor Jay Nixon  
200 Madison Street  
Jefferson City, MO 65102

Missouri Department of  
Transportation  
Central Office  
105 W Capital Avenue  
Jefferson City, MO 65102

Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102

Missouri Department of Economic  
Development  
301 W high St  
PO Box 1157  
Jefferson City, MO 65102

Department of Natural Resources  
Division of Parks and Recreation  
PO Box 176  
Jefferson City, MO 65102

National Park Service  
Midwest Region  
1709 Jackson St  
Omaha, NE 68102

UM Extension South East Region  
6458 State Highway 77  
Benton, MO 63738

U S Department of Transportation  
Federal Railroad Administration  
1200 New Jersey Ave., SE  
Washington, D C. 20590

MTMCTEA  
Attn: Railroads for National Defense  
720 Thimble Shoals Boulevard, #130  
Newport News, Virginia 23560-2574

USDA Forest Service  
1400 Independence Ave , SW  
Washington, D. C 20250-0003

U S Department of the Interior  
National Park Service  
Recreation Resources Assistance Div  
1849 C Street, N W  
Washington, D C 20240

U S Railroad Retirement Board  
844 North Rush Street  
Chicago, IL 60611-2092

Headquarters – Railway Labor  
Executive Association  
400 North Capitol Street, Suite 850  
Washington, D C 20001

**Headquarters of Labor Organizations Representing Employees**  
**[49 CFR 1152 20(a)(2)(xii)]**

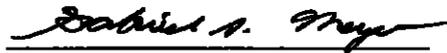
**BLET**  
1370 Ontario St  
Cleveland, Ohio 44113

**UTU**  
14600 Detroit Ave  
Cleveland, Ohio 44107

**BMWED**  
753 State Ave  
Kansas City, Kansas 66101

**BRS**  
Shenandoah Shores Rd  
Front Royal, VA 22630

Dated this 5th day of February, 2009



**Gabriel S Meyer**  
Assistant General Attorney  
1400 Douglas Street, Mail Stop 1580  
Omaha, Nebraska 68179  
(402) 544-1658  
(402) 501-3393 FAX