

229039



City of Lexington

November 22, 2010

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E. Street S.W.
Washington, D.C 20423-0001



RE: Union Pacific Railroad Abandonment in Lafayette, Missouri, AB33

Sub-no. 297X

Dear Mrs. Quinlan:

This request is filed on behalf of the City of Lexington which is a political subdivision interested in transportation, natural resources, conservation and recreation, etc., which is hereinafter referred to as 'proponent'.

While not taking a position on the merits of this abandonment, proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between endpoint mpz 246.49 and endpoint mpz 43.58.

A. Public Use Condition

Proponent requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. Furthermore, this corridor connects to a specific historic area within the historic city where a major civil war battle was conducted. In the master plan for the City of Lexington the corridor will provide support to a future industrial park as well as an MFA elevator that is currently in use. In addition, the corridor provides important wildlife habitat and green space and its preservation as a recreational trail is consistent with that end. The time period sought is

FILE FEE WAIVED

180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had time to review title information, complete a trail plan or commence negotiations with the carrier.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

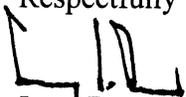
In order to establish interim trail use and railbanking under Section 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d), and 49 C.F.R. §1152.29, the City of Lexington is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of said right-of-way, to the extent permissible by law, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Union Pacific Railroad Company and operated by the same company.

The property, known as the Lexington Industrial Lead extends from railroad milepost 246.49 near 246.49 to railroad milepost 243.58 near 243.58 a distance of 2.31 miles in Lafayette County, Missouri. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 297x. A map depicting the right-of-way is attached.

The City of Lexington acknowledges that use of the right-of-way is subject to the user's ability to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Union Pacific Railroad 1400 Douglas St, Stop 1580, Omaha, NE 68179-1580.

Respectfully submitted,



Jerry Brown, Mayor

On behalf of the City of Lexington

Missouri

Ray County

RIVER STB

LEXINGTON

END
ABANDONMENT
MP 243.58

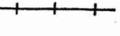
BEGIN
ABANDONMENT
MP 246.49

MYRICK

LEXINGTON

Lafayette County

Legend

-  UPRR TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS
-  STRUCTURES

BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
246.1	1-SPAN TIMBER PILE TRESTLE OPEN DECK (TSTOD)	12	1939

LEXINGTON INDUSTRIAL LEAD

MP 243.58 TO MP 246.49
2.91 MILES IN LAFAYETTE COUNTY
IN MISSOURI

UNION PACIFIC RAILROAD CO.
LEXINGTON INDUSTRIAL LEAD
MISSOURI

