

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. 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**

ENTERED
Office of Proceedings
December 20, 2019
Part of
Public Record

NOTICE OF INTERIM TRAIL USE AGREEMENT

Pursuant to 49 CFR § 1152.29(h), the Missouri Central Railroad Company (“MCRR”) and the Missouri Department of Natural Resources (“MDNR”) hereby notify the Surface Transportation Board that they have reached a trail use agreement for rail-banking of the rail line encompassed in the above-captioned proceeding. The rail line traverses Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Missouri, (1) between milepost 215.325, near Windsor, Missouri, and milepost 71.6 near Beaufort, Missouri, and (2) between mileposts 263.5 and 262.906 near Pleasant Hill, Missouri. This ITUA covers a large and complex project, with this portion alone consisting of an approximately 144-mile rail corridor. Along with the existing 240-mile Katy Trail, also in Missouri, and other portions of the former Rock Island line corridor, development of this portion into a trail could ultimately lead to the creation of a 400-mile rail-to-trail loop in the state of Missouri. A map of the rail line subject to this docket is attached.

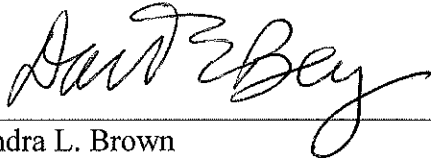
The trail use agreement was executed on December 17, 2019. Pursuant to 49 CFR §§ 1152.29(a)(2) and 1152.29(h), MCRR and MDNR hereby certify that the trail use agreement includes provisions requiring MDNR, the trail sponsor, upon closing, to be responsible for (1)

managing the right-of-way; (2) any legal liability arising out of the transfer or use of the right-of-way; and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way. The parties recognize that the conversion of the approximately 144-mile rail line into a recreational trail stands to be a significant undertaking that will require substantial financial resources. MDNR takes seriously the financial commitments required of a trail sponsor as part of the signing of the ITUA. As previously reported, the Governor of Missouri signed a bill creating a new dedicated “Rock Island Trail State Park Endowment Fund” in the Missouri state treasury, in which all donations, grants, and other support funding for the trail will be deposited for MDNR’s use. The Missouri State Park Foundation, a nonprofit organization established for the purpose of supporting the Missouri state park system, has developed a fundraising strategy for the project and MDNR, Ameren, and many other entities are working together to fulfill that fundraising strategy. As noted in extension requests of the Notice of Interim Trail Use (“NITU”), the ITUA entails closing and transfer of the property once certain conditions precedent have been fulfilled, including a fundraising goal to be completed on or before December 31, 2021. MDNR and MCRR will notify the Board upon transfer of the property.¹

MDNR, MCRR, Ameren, and numerous elected officials and other parties took part in a public signing and celebration on December 17, 2019, in Eldon, Missouri.

¹ This sort of two-stage process has been previously utilized for rail-banking. See, e.g., Sunflower Rails-Trails Conservancy, Inc. – Petition for Declaratory Order – Sale of Railbanked Right-of-Way, STB Docket No. 36034, slip op. at 2 (served Feb. 23, 2017).

Respectfully submitted,



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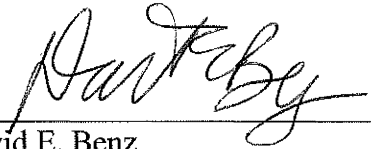
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Missouri Department of Natural Resources

December 20, 2019

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of December 2019, I served a copy of the foregoing upon all parties of record via U.S. first-class mail, postage prepaid.



David E. Benz

Missouri Central Railroad Company

STB Docket No. AB-1068 (Sub-No. 3X)

STB Docket No. AB-1070 (Sub-No. 3X)

