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ENTERED
Office of Chief Counsel
October 16, 2026
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Public Record

October 16, 2026

VIA E-FILING

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: V and S Railway, LLC – Abandonment Exemption –
in Franklin County, Missouri
Surface Transportation Board Docket No. AB 603 (Sub-No. 5X)
Petition to Substitute Trail User

Dear Chief of Case Administration:

American Trails Association, Inc. ("American Trails") is filing this letter for American Trails to obtain Board approval to substitute as trail sponsor, in accordance with the requirements of 49 C.F.R. §1152.29(f). Missouri Department of Natural Resources ("DNR") is the current trail sponsor of record and American Trails understands that DNR does not oppose this petition.

By decision served November 18, 2022, the Board issued a notice of interim trail use ("NITU") in favor of DNR as trail sponsor with respect to the line of railroad extending from Milepost 61.89 at Union and Milepost 71.6 at Beaufort in Franklin County, Missouri (the "Rail Line").

In accordance with 49 C.F.R. §1152.29(f), DNR and American Trails hereby jointly notify the Board as follows:

(1) Copies of the initial NITU decision served November 18, 2022, are enclosed as Exhibit A.

(2) A Statement of Willingness to Assume Financial Responsibility of American Trails is enclosed as Exhibit B.

(3) American Trails acknowledges that interim trail use is subject to reconstruction and reactivation of the right-of-way of the Rail Line for rail service.

(4) DNR and American Trails intend that the formal transfer of responsibility for the right-of-way of the Rail Line to be effective upon the date the Board issues a replacement NITU.

Based on the foregoing, DNR and American Trails request that the Board reopen the abandonment exemption, vacate the existing NITU and issue an appropriate replacement NITU to American Trails as the substitute trail sponsor.

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DNR and American Trails respectfully request expedited consideration of this petition. DNR and V and S Railway, LLC ("V and S") have yet to enter into a trail use agreement. The Board has granted DNR three extensions to negotiate trail use. The Board's authority under this NITU will expire on November 18, 2026. Once the Board grants this petition, American Trails and V and S will enter into a trail use agreement and will provide notice to the Board that the parties have done so.

If there are any questions related to this filing, please let me know.

Sincerely,

Nathan Mitchler
Counsel to American Trails

cc: Parties of Record
Elliott Usher, Missouri DNR

Enclosures

EXHIBIT A

51493 SERVICE DATE – NOVEMBER 18, 2022
DO

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB 603 (Sub-No. 5X)

V AND S RAILWAY, LLC
—ABANDONMENT EXEMPTION—
IN FRANKLIN COUNTY, MO.

Decided: November 17, 2022

V and S Railway, LLC (V&S), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 9.71-mile segment of rail line in Franklin County, Mo., between approximately milepost 61.89 at Union and milepost 71.6 at Beaufort (the Line). Notice of the exemption was served and published in the Federal Register on October 24, 2022 (87 Fed. Reg. 64,303). The exemption is scheduled to become effective on November 23, 2022.

On October 24, 2022, the Missouri Department of Natural Resources (MDNR) filed a request for issuance of a notice of interim trail use or abandonment (NITU) under the National Trails System Act (Trails Act), 16 U.S.C. § 1247(d), to establish interim trail use/rail banking on the Line. On October 25, 2022, V&S filed a letter agreeing to negotiate with MDNR toward an interim trail use agreement for the Line.

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) served a Draft Environmental Assessment (Draft EA) on October 28, 2022, recommending that two conditions be imposed on any decision granting abandonment authority. First, OEA stated that the U.S. Army Corps of Engineers, St. Louis Regulatory Branch (Corps) commented that, as a result of any potential impacts to tributaries within the Meramec River watershed, the project may require further permit review under Section 404 of the Clean Water Act. Accordingly, OEA recommended a condition requiring V&S to consult with the Corps regarding potential impacts to waters of the United States, including wetlands, and comply with the reasonable requirements of the Corps.

Second, OEA stated that the Missouri Department of Transportation (MoDOT) provided comments expressing concern that abandonment-related salvage activities could affect roadways, particularly as related to the potential closure of roadway/rail at-grade crossings. To address MoDOT's concerns, OEA recommended a condition requiring V&S to consult with MoDOT prior to commencement of any abandonment-related salvage activities and to abide by the reasonable requirements of MoDOT to address potential impacts on roadways and at-grade crossings.

OEA served its Final Environmental Assessment (Final EA) on November 17, 2022. The Final EA notes that no new comments were received and OEA therefore continues to recommend that the two conditions recommended in the Draft EA be imposed.

Interim Trail Use. MDNR's request for a NITU complies with the requirements of 49 C.F.R. § 1152.29, and V&S has notified the Board that it is willing to negotiate an agreement for interim trail use with MDNR. Therefore, a NITU will be issued. The parties may negotiate an agreement during the one-year period prescribed below. If an interim trail use agreement is reached (and thus, interim trail use is established), the parties shall jointly notify the Board within 10 days that an agreement has been reached. 49 C.F.R. § 1152.29(d)(2) & (h). If no agreement is reached within one year, V&S may fully abandon the Line, subject to any outstanding conditions. See 49 C.F.R. § 1152.29(d)(1). Use of the right-of-way for trail purposes is subject to possible future reconstruction and reactivation of the right-of-way for rail service.

This decision, and the proposed abandonment if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. The notice served and published in the Federal Register on October 24, 2022, exempting the abandonment of the Line described above is modified to the extent necessary to implement interim trail use/rail banking as set forth below to permit the parties to negotiate for trail use for the rail line, for a period of one year from the service date of this decision and notice, until November 18, 2023, The abandonment is also subject to the following conditions:[1]

(a) V&S shall consult with the U.S. Army Corps of Engineers regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.

(b) V&S shall consult with MoDOT prior to the commencement of any abandonment-related salvage activities and shall abide by the reasonable requirements of MoDOT to address potential impacts on roadways and at-grade crossings.

3. If an interim trail use/rail banking agreement is reached, it must require the trail sponsor to assume, for the term of the agreement, full responsibility for: (i) managing the right-of-way; (ii) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any

[1] If MDNR implements trail use on the Line (or a portion thereof), compliance with these conditions is not required with respect to any portion of the Line designated for trail use for the duration of such use.

potential liability); and (iii) the payment of any and all taxes that may be levied or assessed against the right-of-way.

4. Interim trail use/rail banking is subject to possible future reconstruction and reactivation of the right-of-way for rail service and to the trail sponsor's continuing to meet its responsibilities for the right-of-way described in paragraph 3 above.

5. If an interim trail use/rail banking agreement is reached (and thus, interim trail use/rail banking is established), the parties shall jointly notify the Board within 10 days that an agreement has been reached. See 49 C.F.R. § 1152.29(d)(2), (h).

6. If interim trail use/rail banking is implemented, and subsequently the trail sponsor intends to terminate trail use on all or any portion of the right-of-way covered by the interim trail use/rail banking agreement, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

7. If an agreement for interim trail use/rail banking is reached by November 18, 2023, interim trail/rail banking use may be implemented. If no agreement is reached, V&S may fully abandon the Line, subject to any outstanding conditions.

8. This decision and notice is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.

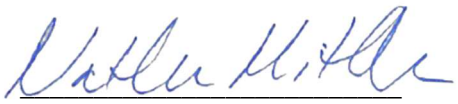
Exhibit B

Statement of Willingness

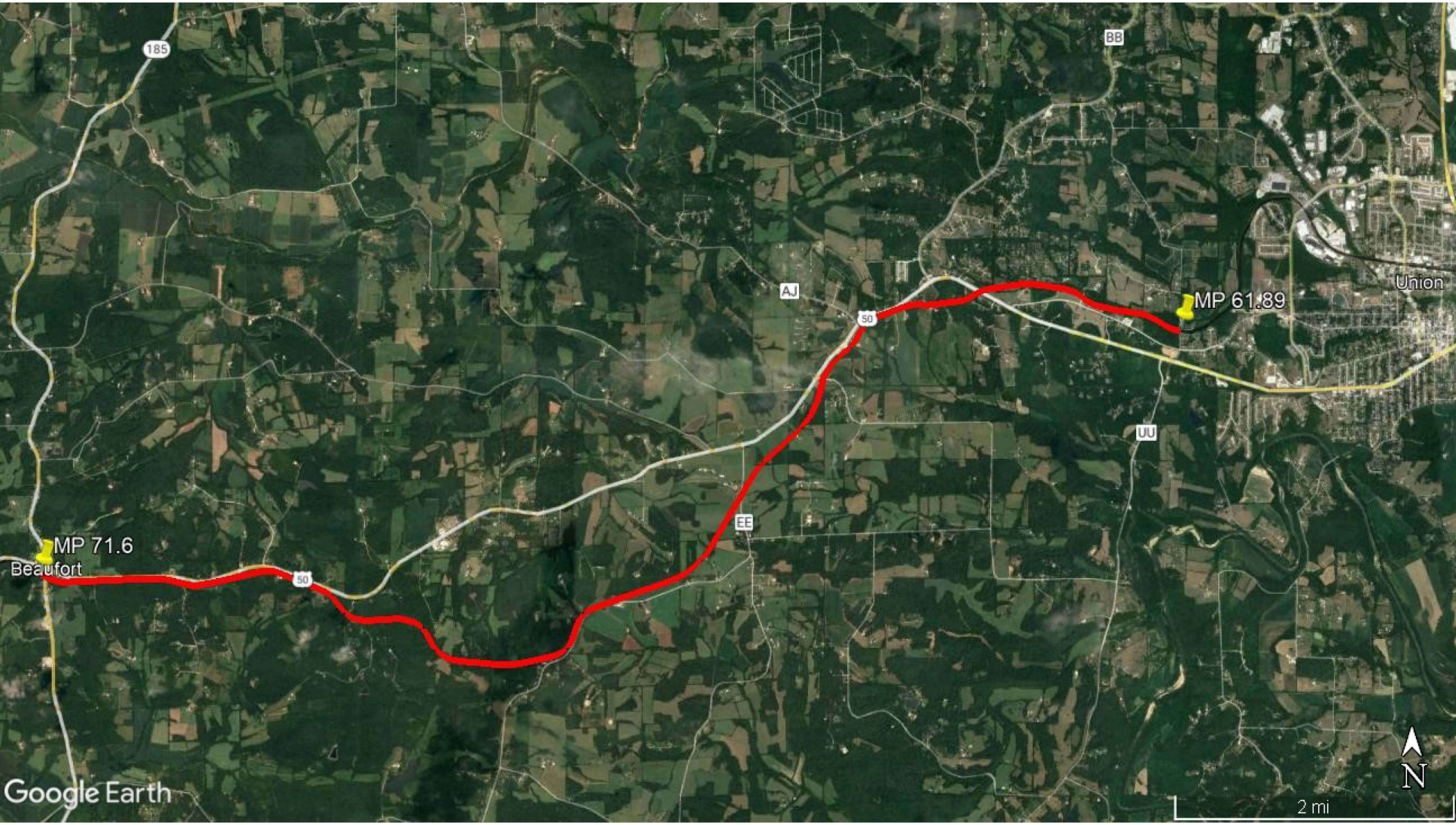
Statement of Willingness To Assume Financial Responsibility

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned by V and S Railway, LLC (Railroad) and operated by V and S Railway, LLC (Railroad), American Trails Association, Inc. ("American Trails") is willing to assume full responsibility for: (1) Managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right of way. The property extends from Milepost 61.89 at Union and Milepost 71.6 at Beaufort in Franklin County, Missouri, a distance of 9.71 miles. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB 603 (Sub-No. 5X). A map of the property depicting the right-of-way is attached.

American Trails (Interim Trail Sponsor) acknowledges that use of the right-of-way is subject to the sponsor's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad(s) on the same date it is being served on the Board.



Nathan Mitchler, Counsel to American Trails
October 16, 2016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