

January 8, 2015

Diana Wood
Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: STB Docket No. AB-1068 (Sub-No. 1X), Missouri Central Railroad Company – Abandonment and Discontinuance of Service Exemption – in Cass, Henry, Johnson, and Pettis Counties, Missouri

Dear Ms. Wood:

As you know, the Missouri Central Railroad Company (“MCRR”) filed a Notice of Exemption in the above-captioned proceeding on May 20, 2013 for abandonment and discontinuance of an approximately 42-mile rail line between Wingate and Windsor in western Missouri in the above-captioned proceeding. MCRR and the Missouri Department of Natural Resources (“MDNR”) are currently engaged in interim trail use negotiations for rail-banking of the relevant rail line.¹

As part of the proceeding, MCRR is a party to that certain Memorandum of Agreement (“MOA”) along with the Surface Transportation Board (“STB” or “Board”), the Missouri State Historic Preservation Office (“SHPO”), and MDNR.² The MOA governs responsibilities of the parties in this proceeding under Section 106 of the National Historic Preservation Act, 16 USC § 470f. The MOA was signed by the Board on October 22, 2013. Under the provisions of the MOA, the Board is tasked with determining when the MOA is terminated, and to “promptly provide the other signatory parties with written notice of...termination of the MOA.” See MOA at page 8.

With this letter, MCRR is requesting that the Board find that the MOA is and should be terminated because the various obligations of MCRR, as set forth in the MOA, have been fulfilled. Sections I through III of the MOA consist only of background information. Sections IV and V of the MOA directed MCRR to document and record historic and cultural properties on the rail line, a task that was completed in February 2014 when the Draft Phase One Archaeological Report became final at the end of the comment period.³ Section VI of the MOA required MCRR to engage in certain steps if unanticipated discoveries were made during

¹ See Board decisions served July 8, 2013 and December 10, 2014 in this docket.

² The MOA was also submitted to the Advisory Council on Historic Preservation.

³ No comments were received, and communications with you at that time confirmed that the Draft Report could then be considered the Final Report.

January 8, 2015

Page -2-

salvage of the steel assets on the rail line.⁴ MCRR completed salvage of the steel assets in December 2014, and no unanticipated discoveries occurred.

Therefore, MCRR respectfully requests that the Board determine that all terms of the MOA have been satisfactorily fulfilled, and that the MOA is now terminated. MCRR also requests that the Board provide written notice of this determination to all MOA signatory parties.

For your further information, MCRR and MDNR are in the final stages of interim trail use negotiation for rail-banking of the rail line. MCRR and MDNR expect to finalize the agreement and effect the transfer of the property after the Board determines that the MOA has been fulfilled and terminated.

Best regards,



Sandra L. Brown

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⁴ Your e-mail on February 11, 2014 confirmed that MCRR could begin salvage because all conditions imposed by the Board had been fulfilled. See also David Benz e-mail to Diana Wood (dated Feb. 10, 2014), posted in environmental correspondence for Docket AB-1068 (Sub-No. 1X) on the Board's website.
