

via electronic mail

May 11, 2018

Diana Wood
Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW, Room 1110
Washington, DC 20423
Diana.Wood@stb.gov

Re: STB Docket No. AB-1068 (Sub-No. 3X), Missouri Central Railroad Company – Abandonment and Discontinuance of Service Exemption – in Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Missouri
Missouri State Historic Preservation Office Log #021-MLT-15

Dear Ms. Wood:

As you know, the Missouri Central Railroad Company (“MCRR”) filed a Notice of Exemption in the above-captioned proceeding on November 18, 2014 for abandonment and discontinuance of an approximately 144.3-mile rail line in two segments in western and central Missouri. 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 and the Notice of Interim Trail Use has been extended until February 21, 2019.¹

As part of this proceeding, MCRR is a signatory 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, 54 USC § 306108. The MOA was signed by the Board on June 1, 2015. 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 8.³

With this letter, MCRR is requesting that the Board find that the MOA is and should be permitted to expire on June 1, 2018 because all terms of the MOA have been satisfactorily fulfilled. Sections I through III of the MOA consist of background information. Sections IV and V of the MOA directed MCRR to document and record historic and cultural properties on

¹ See, e.g., Board decisions served February 26, 2015 and January 19, 2018 in this docket.

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

³ If not earlier terminated by the Board, the MOA will terminate three (3) years after the date of the last signature, which is June 1, 2018. See MOA at page 8.

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the rail line. On July 14, 2015, SHPO provided a letter stated that the photographic documentation met the MOA. The Final Report was submitted in November 2015 when the cover sheets were distributed for the Draft Phase One Archaeological Report after the end of the comment period.⁴ Section VI of the MOA required MCRR to engage in certain steps if unanticipated discoveries were made during salvage of the rail line. No unanticipated discoveries were found. MCRR and its contractor are finishing up final inspections and limited clean-up along the corridor but salvage activities as defined under the MOA have been completed. The remainder of the MOA consists solely of administrative provisions regarding the effective date, duration, amendment, and similar issues.

Therefore, MCRR respectfully requests that the Board determine that all terms of the MOA have been satisfactorily fulfilled, and that the MOA will expire on June 1, 2018. MCRR is including the other MOA signatory parties so that they may respond to the Board with any comments on this request.

Please do not hesitate to contact me if you have any questions.

Best regards,



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Attorney for Missouri Central Railroad Company

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⁴ No comments were received on the Draft Phase One Archaeological Report, and communications with you at that time confirmed that the Draft Report could then be considered the Final Report.