



GRANTED

Office of Proceedings

DECISION ID NO.: 45595  
 DECIDED DATE: 12/23/16  
 SERVICE DATE: 12/23/16  
 APPROVED: Rachell Campbell  
 Director

extended to  
2/21/18

BEFORE THE SURFACE TRANSPORTATION BOARD

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

242150

ENTERED  
 Office of Proceedings  
 November 30, 2016  
 Part of  
 Public Record

MISSOURI CENTRAL RAILROAD COMPANY  
 - ABANDONMENT EXEMPTION -  
 IN CASS, PETTIS, BENTON, MORGAN, MILLER, COLE, OSAGE, MARIES,  
 GASCONADE, AND FRANKLIN COUNTIES, MISSOURI

MOTION TO EXTEND TIME TO NEGOTIATE INTERIM TRAIL USE  
 AND FEE WAIVER REQUEST

The Missouri Department of Natural Resources ("MDNR") hereby requests, and the Missouri Central Railroad Company ("MCRR") hereby agrees to, an extension of time **until February 21, 2018** for the parties to finalize and close on a trail use agreement applicable to the rail line in the above-referenced abandonment proceeding.<sup>1</sup> Under the decision served by the Surface Transportation Board ("Board") on February 19, 2016, the current period for negotiation of interim trail use/rail banking is set to expire on February 21, 2017.

As MDNR and MCRR previously informed the Board, the parties intend to wait until rail line salvage is finished before completing the interim trail use agreement and executing the property transfer.<sup>2</sup> Therefore, additional negotiating time is needed because salvage is not expected to be completed until the end of 2017 and the contractor may request additional time to complete the work. Salvage began in late 2015 on the 144.3-mile rail line at issue in proceeding. During 2016, significant salvage progress has been made, but MCRR still has

<sup>1</sup> See, e.g., West Michigan Railroad Company – Abandonment Exemption – In Van Buren County, Mich., STB Docket No. AB-1107X, slip op. at 2 (served April 15, 2014) ("Where... the carrier has not consummated the abandonment at the end of the previously imposed negotiating period... and is willing to continue trail use negotiations... the Board retains jurisdiction, and the NITU negotiating period may be extended.") (citation omitted).


<sup>2</sup> See Motion to Extend Time (filed Jan. 27, 2016).

**FILING FEE WAIVED**

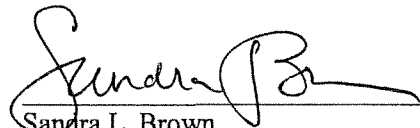
various salvage-related obligations under the environmental conditions in effect in this case and the Section 106 Memorandum of Agreement entered by MCRR, the Board, and other parties pursuant to the National Historic Preservation Act. Given that MCRR will continue to have these salvage-related obligations until salvage is complete, MDNR and MCRR are requesting a one-year extension of the negotiating period. The Board has previously granted negotiating extensions of one year.<sup>3</sup> MCRR remains committed to transferring the property to MDNR under the National Trails System Act, 16 U.S.C. § 1247(d).

Pursuant to 49 CFR § 1002.2(e)(1) and MDNR's status as a state agency, it is requesting waiver of the \$500.00 filing fee for extension of the period of time to negotiate a trail use agreement.

Respectfully submitted,



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November 29<sup>th</sup>, 2016

<sup>3</sup> The extension granted by the Board on February 19, 2016 in this proceeding was for one year. The Board also granted a one-year extension in CSX Transportation, Inc. – Abandonment Exemption – In Jefferson County, AL, STB Docket No. AB-55 (Sub-No. 613X) (served March 5, 2015).

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of November 2016, I caused a copy of the Missouri Department of Natural Resources and Missouri Central Railroad Company's Motion to Extend Time to Negotiate Interim Trail Use and Fee Waiver Request to be served upon all parties of record below, by first-class mail:

Honorable Vicky Hartzler  
Congress Of The United States  
1023 Longworth Building  
Washington, DC 20515

Blake Hurst  
Missouri Farm Bureau Federation  
P.O. Box 658  
Jefferson City, MO 65102

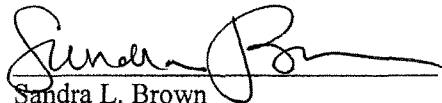
Keith Laughlin  
Rails To Trails Conservancy  
2121 Ward Court, NW, 5th Floor  
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Chrysa M. Niewald  
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Respectfully submitted,



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