

DO

FR-4915-01-P

SURFACE TRANSPORTATION BOARD

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

V and S Railway, LLC—Abandonment Exemption—in Franklin County, Mo.

V and S Railway, LLC (V&S) has 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). The Line traverses U.S. Postal Service Zip Codes 63013 and 63084.

V&S has certified that: (1) no local traffic has moved over the Line for at least two years;¹ (2) because the Line is not a through line, there is no overhead traffic on the Line that would need to be rerouted; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 C.F.R. §§ 1105.7(b) and 1105.8(c) (notice of environmental and historic reports), 49 C.F.R.

¹ V&S states that it never provided service over the Line. V&S further states that it acquired the Line subject to a lease with Central Midland Railway Company (CMRC), and that in March 2022, CMRC received an exemption to discontinue its operations over the Line. Cent. Midland Ry.—Discontinuance of Serv. Exemption—in Franklin Cnty., Mo., AB 1070 (Sub-No. 4X) (STB served Mar. 18, 2022). V&S notes that in CMRC's discontinuance filing, CMRC certified that no local service has moved over the Line in over two years.

§ 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,² this exemption will be effective on November 23, 2022,³ unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,⁴ formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2), and interim trail use/rail banking requests under 49 C.F.R. § 1152.29

² Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (i.e., subsidy or purchase) and demonstrating that they are preliminarily financially responsible. See 49 C.F.R. § 1152.27(c)(2)(i).

³ V&S states that it intends to consummate the abandonment of the Line on or after November 17, 2022. V&S may not abandon the Line before the exemption becomes effective.

⁴ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

must be filed by November 3, 2022.⁵ Petitions to reopen and requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by November 14, 2022.

All pleadings, referring to Docket No. AB 603 (Sub-No. 5X), must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on V&S's representative, Eric M. Hocky, Clark Hill, PLC, Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103.

If the verified notice contains false or misleading information, the exemption is void ab initio.

V&S has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft EA) by October 28, 2022. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245-0294. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339. Comments on environmental or historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), V&S shall file a notice of consummation with the Board to signify that it has exercised the authority granted and

⁵ Filing fees for OFAs and trail use requests can be found at 49 C.F.R. § 1002.2(f)(25) and (27), respectively.

fully abandoned the Line. If consummation has not been effected by V&S's filing a notice of consummation by October 24, 2023, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at www.stb.gov.

Decided: October 19, 2022.

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