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Office of Proceedings
October 4, 2022
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October 4, 2022

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

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

Dear Ms. Brown:

On September 6, 2022, V and S Railway, LLC ("V&S") submitted an Environmental and Historical Report in the above referenced docket. Enclosed with this letter is a supplement to Exhibit C to that report with an email from the U.S. Army Corps of Engineers stating that, based on the representations in the report, a Section 404 permit is not required.

Also enclosed, please find a notice of exemption for the abandonment of the subject line. The fee has been paid via pay.gov.

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

Sincerely,

Justin J. Marks
Counsel to V and S Railway, LLC

Enclosure

FILED
October 4, 2022
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
October 4, 2022
SURFACE
TRANSPORTATION BOARD

Before the
SURFACE TRANSPORTATION BOARD

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

V AND S RAILWAY, LLC
- ABANDONMENT EXEMPTION –
IN FRANKLIN COUNTY, MISSOURI

NOTICE OF EXEMPTION

Eric M. Hocky
Clark Hill PLC
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(202) 772-0916
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Counsel for V and S Railway, LLC

Dated: October 4, 2022

Before the
SURFACE TRANSPORTATION BOARD

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

V AND S RAILWAY, LLC
- ABANDONMENT EXEMPTION –
IN FRANKLIN COUNTY, MISSOURI

NOTICE OF EXEMPTION

V and S Railway, LLC (“V&S”) is filing this Notice of Exemption under the Board’s class exemption procedures at 49 C.F.R. Part 1152, Subpart F, seeking exemption authority for its abandonment of a line of railroad between approximately Milepost 61.89 at Union and Milepost 71.6 at Beaufort in Franklin County, Missouri (the “Subject Line”).

V&S owns the Subject Line, the rail, track material and other personal property. There are no stations on the Subject Line. A map of the Subject Line is attached as Exhibit A.

No common carrier rail operations have been provided since prior to V&S’s acquisition of the Subject Line in 2015, and there is no overhead traffic on the Subject Line. At this time, following abandonment, V&S plans to salvage the rail, ties and other track materials. V&S understands that the Missouri Department of Natural Resources (“DNR”) is interested in the Subject Line for potential trail use.

This Notice of Exemption is being filed pursuant to the requirements of 49 C.F.R. §1152.50 regarding exemptions for out of service rail lines. In accordance with such requirements, V&S hereby provides the following information in support of its request for an abandonment exemption:

- 1) The exact name of the Applicant is V and S Railway, LLC.

- 2) V&S is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.
- 3) The relief sought by V&S is an exemption for the abandonment of the line of railroad extending between approximately Milepost 61.89 at Union and Milepost 71.6 at Beaufort in Franklin County, Missouri.
- 4) A map of the Subject Line is attached hereto as Exhibit A.
- 5) The representative of V&S to whom correspondence should be sent is: Eric M. Hocky, Clark Hill, PLC, Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103; (215) 640-8523; or Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004; (202) 772-0916.
- 6) The Subject Line traverses through United States Postal Service ZIP Code 63013 and 63084.
- 7) V&S understands that portions of the Subject Line may be suitable for trail use or other public purposes and that DNR may be interested in acquiring an interest in the Subject Line.
- 8) V&S proposes to consummate the abandonment on or after November 17, 2022.
- 9) V&S certifies that:
 - a) No local traffic has moved over the Subject Line since prior to V&S's acquisition of it in 2014.¹ The Subject Line is stub-ended.² Because it is not a "through line," there is no overhead traffic.

¹ V&S acquired the Subject Line subject to a lease with Central Midland Railway Company ("CMRC"). V&S never provided service over the Subject Line. In March 2022, CMRC received an exemption from the Board to discontinue its operations over the Subject Line. *Central Midland Railway Company – Discontinuance of Service Exemption – In Franklin County, MO*, Docket No. AB 1070 (sub-No. 4X) (served March 18, 2022). CMRC confirmed in its discontinuance filing that no local service has moved over the line in over two years.

² The prior owner abandoned the adjoining segment from Milepost 71.6 at Beaufort, MO contemporaneously with V&S's acquisition in 2015. *See Missouri Central R.R. Co. – Abandonment Exemption – in Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Mo.* STB Docket No. AB 1068 (Sub-No. 3X)(served Feb. 26, 2015).

- b) No formal complaint by a user of rail service on the Subject Line, or a state or local government entity acting on behalf of such user, regarding cessation of service over the Subject Line either is pending with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two year period.
- 10) Although no employees of V&S will be affected by the proposed abandonment since V&S never provided service over the Subject Line, V&S recognizes that its abandonment of the Subject Line will be made subject to the standard employee protective conditions as set forth in *Oregon Short Line Railroad Co.- Abandonment -- Goshen*, 360 I.C.C. 91 (1979).
- 11) V&S filed an Environmental / Historic Report (“EHR”) with the Board, and served the agencies identified in 49 C.F.R. §1105.7(b) and the Missouri Department of Natural Resources, State Historical Preservation Office, on September 6, 2022, more than twenty days prior to this filing.
- 12) V&S certifies that it has complied with the legal (newspaper) notice requirements of 49 C.F.R. §1105.11. Notice of the proposed abandonment was published in the *Missourian* on September 10, 2022. A copy of the form of notice and a copy of the proof of publication are attached as Exhibit B.
- 13) V&S certifies that it has complied with the notice requirements of 49 C.F.R. §1152.50(d)(1). A copy of the notice dated September 14, 2022 was sent to the required governmental agencies is attached hereto as Exhibit C.

For the reasons set forth above, the Board should find that V&S's proposed abandonment satisfies the exemption requirements of 49 C.F.R. §1152.50, and should issue the appropriate notice.

Respectfully submitted,



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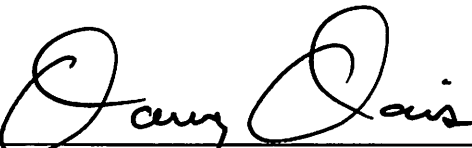
Counsel for V and S Railway, LLC

Dated: October 4, 2022

VERIFICATION

I hereby verify on behalf of V and S Railway, LLC, under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on October 4, 2022

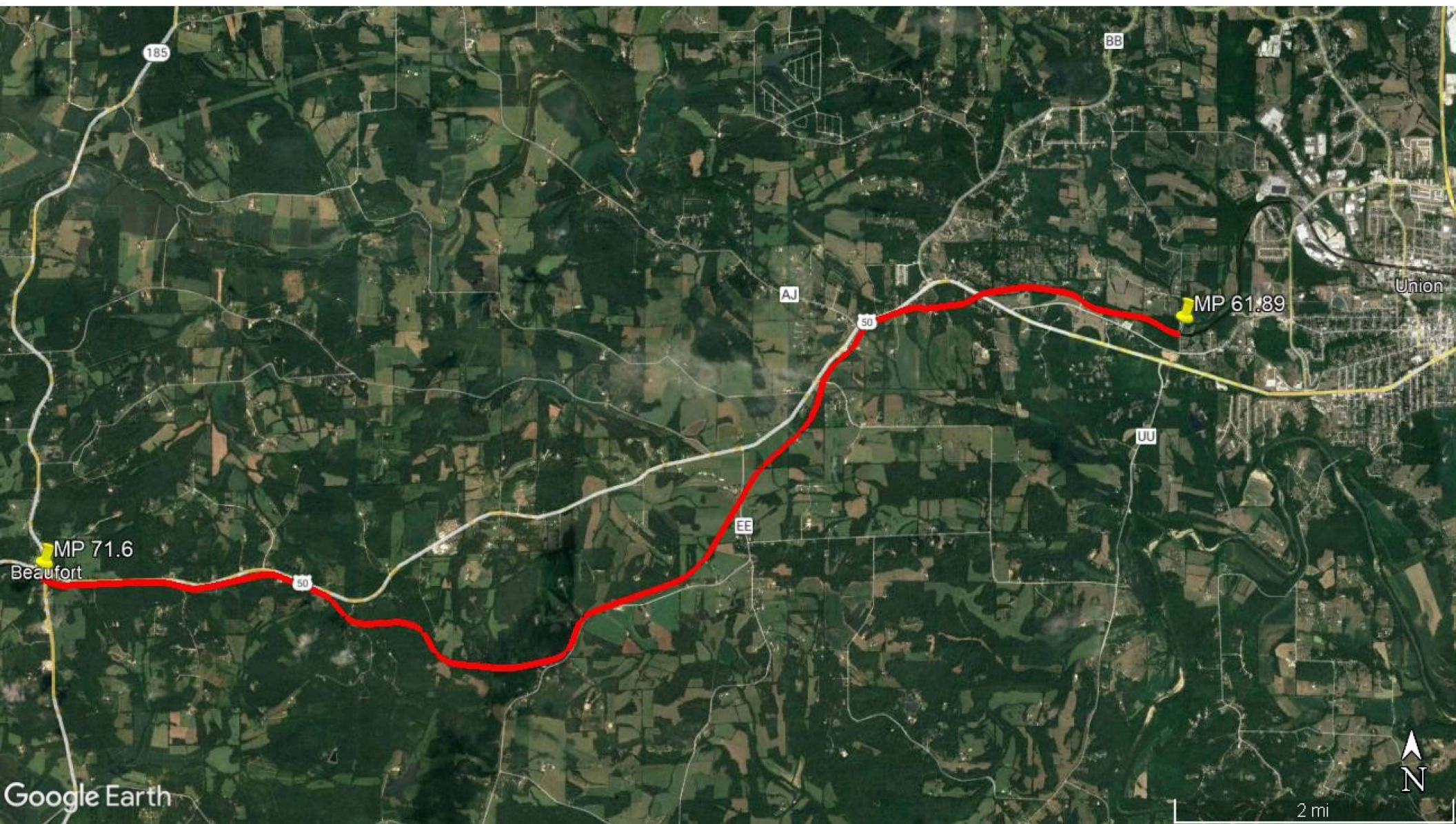


Doug Davis, Vice President and General Counsel

NOTICE OF EXEMPTION

EXHIBIT A

MAP



NOTICE OF EXEMPTION

EXHIBIT B

NEWSPAPER NOTICE

AFFIDAVIT OF PUBLICATION

Date: SEP 14 2022

(Space above for recording information)

STATE OF MISSOURI)
COUNTY OF Franklin) ss.

I, William L Miller Jr, being duly sworn according to law, state that I am the Publisher/Editor of The Washington Missourian, a weekly/daily newspaper of general circulation in the County of Franklin, State of Missouri, where located; which newspaper has been admitted to the Post Office as periodical class matter in the City of Washington, Missouri, the city of publication; which newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers, voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 493.050, Revised Statutes of Missouri 2000, and Section 59.310, Revised Statutes of Missouri 2000. The affixed notice appeared in said newspaper in the following consecutive issues:

1st Insertion: Vol. 162 No. 55, 10-11 day of Sep 2022

2nd Insertion: Vol. _____ No. _____, _____ day of 20

3rd Insertion: Vol. _____ No. _____, _____ day of 20

4th Insertion: Vol. _____ No. _____, _____ day of 20

William L Miller Jr
William L Miller Jr, Co-Publisher

Subscribed and sworn to before me on this 14th day of

September, 2022.

Jeanine L. York
Notary Public

JEANINE L. YORK
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES OCTOBER 14, 2024
FRANKLIN COUNTY
COMMISSION #12541766

PUBLIC NOTICE

Revised Notice of Intent to Abandon Rail Service

V and S Railway, LLC gives notice that on or after September 27, 2022, it intends to file with the Surface Transportation Board, Washington, DC, a notice of exemption under 49 CFR 1152 Subpart F Exempt Abandonments permitting the abandonment of a 9.71-mile line of railroad between railroad milepost 61.89 at Union to Milepost 71.6 at Beaufort which traverses through United States Postal Service ZIP Codes 63013 and 63084 in Franklin County, Missouri. The proceeding has been docketed as No. AB 603 (Sub-No. 5X).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, Washington, DC or by calling OEA at (202) 245-0291.

Appropriate offers of financial assistance to con-

Affidavit of Publication
Continuation Page 2

All attached to this sheet holds the same bonds as on page one of this document.

As published in
The Washington Missourian.

tinue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. Any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings either via e-filing or addressed to 395 E. Street S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004; jmarks@clarkhill.com.

Publish in the Weekend Missourian September 10-11, 2022.

NOTICE OF EXEMPTION

EXHIBIT C

10-DAY NOTICE LETTERS



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T (202) 772-0909
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September 14, 2022

VIA EMAIL AND/OR FIRST-CLASS MAIL

ALL AGENCIES ON THE
ATTACHED SERVICE LIST

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

To Whom it May Concern:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. § 1152.50(d), to advise you that V and S Railway, LLC ("V&S") intends to file a notice of exemption for V&S to abandon rail service over the line of railroad described below, by filing a petition with the Surface Transportation Board ("STB") for an exemption pursuant to the provisions of 49 CFR § 1152.50 to enable V&S to abandon the Subject Line, on or after September 27, 2022 in STB Docket No. AB 603 (Sub-No. 5X).

V&S will invoke the STB's exemption procedures to abandon service of approximately 9.71 - miles of track from Milepost 61.89 at Union to Milepost 71.6 at Beaufort in Franklin County, Missouri. The Subject Line traverses through United States Postal Service ZIP Codes 63013 and 63084. A map of the Subject Line is enclosed.

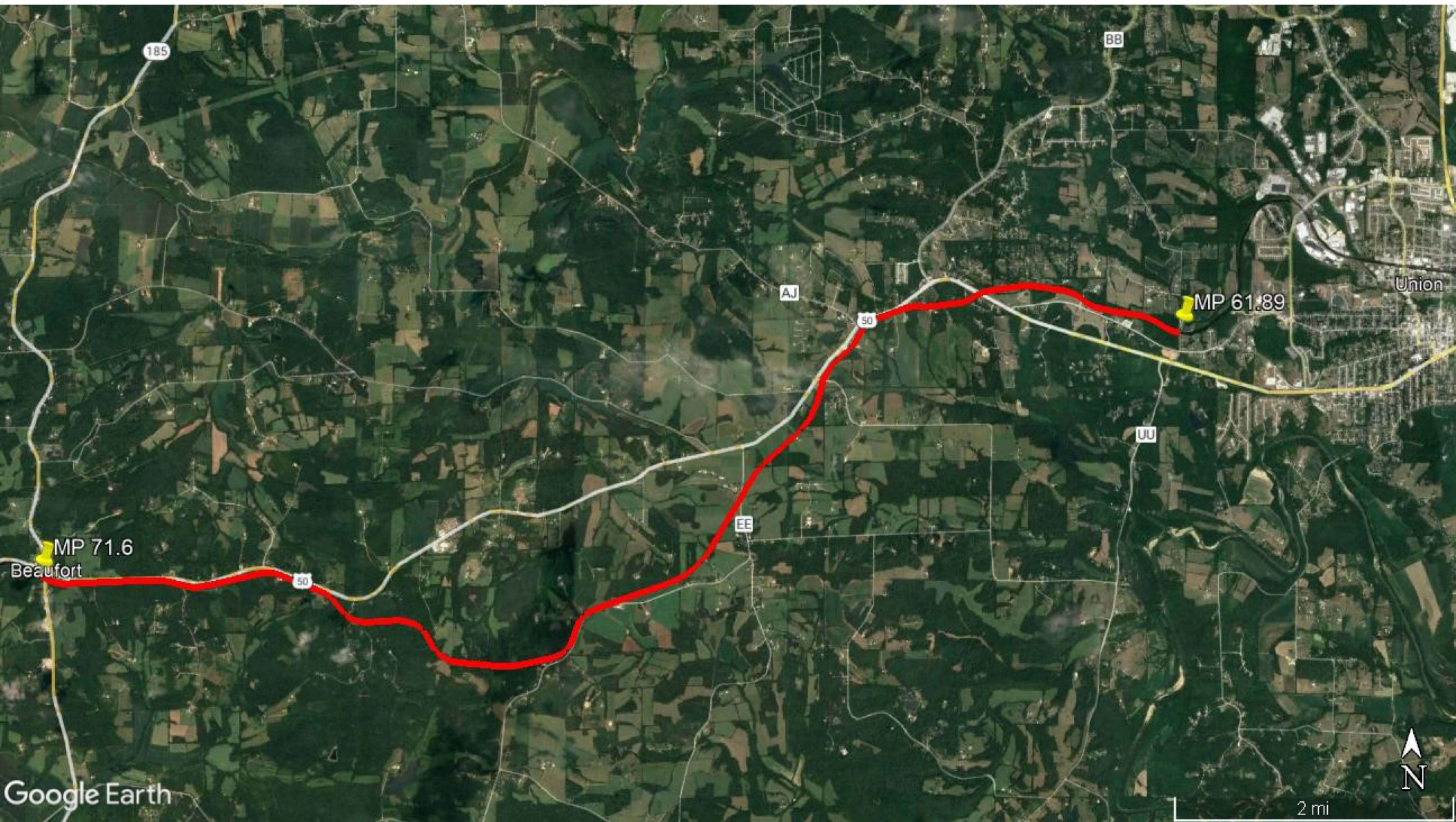
Based upon information in V&S's possession, the Subject Line does not contain federally granted rights of way. Any documentation in V&S's possession related to the abandonment of the Subject Line will be made available to those requesting it.

Sincerely,

A handwritten signature in blue ink that reads 'Justin J. Marks'.

Justin J. Marks
Counsel to Counsel to V and S Railway, LLC

Enclosure



Advance Notice List under 1152.50

United States Department of the Army Military Surface Deployment and Distribution Command Transportation Engineering Agency ATTN: SDTE-SA (Railroads for National Defense) 1 Soldier Way, Building 1900W Scott AFB, IL 62225	U.S. Department of the Interior - National Park Service RTCA Program 1849 C Street, NW Washington, DC 20240
Office of Chief of Forest Service U.S. Department of Agriculture 1400 Independence Ave., SW Washington, DC 20250-1111	Missouri Highways and Transportation Commission P.O. Box 270 Jefferson City, Missouri 65102 MHTC@modot.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Notice of Exemption was served
on the persons shown on the attached list by email or first-class mail, postage prepaid.

Scott Edwards, State Conservationist USDA Natural Resources Conservation Service 601 Business Loop, 70 West Suite 250 Columbia, MO 65203 scott.edwards@usda.gov	Meg McCollister, Regional Administrator Office of the Regional Administrator US EPA Region 7 11201 Renner Blvd. Lenexa, KS 66219
United States Department of Agriculture Natural Resources Conservation Service Office of the Chief 1400 Independence Ave., SW Room 5105-A Washington, DC 20250	U.S. Army Corps of Engineers St. Louis District Regulatory Branch 1222 Spruce Street St. Louis, MO 63103 mvs-regulatory@usace.army.mil
National Park Service 1849 C Street, NW Washington, DC 20240	National Park Service Regional Director Midwest Region, Region 3,4,5 601 Riverfront Drive Omaha, NE 68102-4226
United States Fish & Wildlife Service Midwest Region 5600 American Boulevard West Suite 990 Bloomington, MN 55437-1458	National Geodetic Survey ngs.infocenter@noaa.gov
Department of Natural Resources 1101 Riverside Drive PO Box 176 Jefferson City, MO 65102-0176 dnrwebcontact@dnr.mo.gov	Missouri Department of Transportation Multimodal Division 105 W. Capitol Ave. Jefferson City, MO 65102
The Honorable Tim Brinker, Presiding Commissioner	Mr. Troy Hughes, Administrator of Railroads Missouri Department of Transportation

Franklin County Commission 400 East Locust Street Union, Missouri 63084 tbrinker@franklinmo.net	Troy.hughes@modot.mo.gov
Missouri Department of Natural Resources State Historic Preservation Office Attn: Section 106 Review P.O. Box 176 Jefferson City, MO 65102-0176 moshpo@dnr.mo.gov	Missouri Federal Assistance Clearinghouse Office of Administration Missouri State Capitol Building, Room 125 201 West Capitol Avenue, P.O. Box 809 Jefferson City, MO 65101 igr@oa.mo.gov
United States Department of the Army Military Surface Deployment and Distribution Command Transportation Engineering Agency ATTN: SDTE-SA (Railroads for National Defense) 1 Soldier Way, Building 1900W Scott AFB, IL 62225	U.S. Department of the Interior - National Park Service RTCA Program 1849 C Street, NW Washington, DC 20240
Office of Chief of Forest Service U.S. Department of Agriculture 1400 Independence Ave., SW Washington, DC 20250-1111	Missouri Highways and Transportation Commission P.O. Box 270 Jefferson City, Missouri 65102

Justin J. Marks

Dated: October 4, 2022