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**BEFORE THE SURFACE AND TRANSPORTATION BOARD
STB DOCKET NO. FD 35982**

JACKSON COUNTY, MISSOURI—ACQUISITION AND OPERATION EXEMPTION

LANDOWNERS' RESPONSE TO JACKSON COUNTY'S MOTION TO STRIKE

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States Case No. 17-1066L*

Dated: August 29, 2019

LANDOWNERS' RESPONSE TO JACKSON COUNTY'S MOTION TO STRIKE

Incredibly, Jackson County continues to defy the Board and Missouri law. Jackson County has now moved to strike the Landowners' Sur-Reply and, unfortunately, their motion once again contains numerous misstatements of law and fact. As a matter of fact, the Landowners' Sur-Reply contains numerous points that the Board should note and is not redundant. For example, Jackson County's misstatement that the Landowners conceded that trail construction in the right-of-way is consistent with Jackson County's common carrier obligation is outrageous.

The Board should deny Jackson County's Motion to strike, just like the last time Jackson County filed a similar frivolous motion to strike, under 49 C.F.R § 1104.8 (Decision dated July 30, 2019) because the Landowners' Sur-Reply provides context to the filings before the Board.

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CERTIFICATE OF SERVICE

I certify that I have this day served copies of document upon all parties of record in this proceeding, by U.S. Mail this 29th day of August, 2019.

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