

National Association of Reversionary Property Owners (NARPO)

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Office of Proceedings

October 25, 2018

Part of

Public Record

October 24, 2018

E-FILED

Cynthia Brown

Chief, Section of Administration Surface Transportation Board Office of Proceedings

395 E Street, SW

Washington, DC 20423

Re: Docket FD 35982 **JACKSON COUNTY, MO.- ACQUISITION AND OPERATION EXEMPTION - UNION PACIFIC
RAILROAD COMPANY**

Dear Ms. Brown:

NARPO is writing today to inform the STB about a past STB decision on September 29, 1997 in FD 33389—The Land Conservancy of Seattle and King County (TLC). That decision is not printed on the present day STB web site, but as NARPO was a party to that decision, we still keep copies of it.

The STB decision in FD 33389 mirrors exactly what Jackson County is attempting to pull off today in FD 35982. The STB saw through the scam TLC was trying to effectuate in 1997, and I am sure the STB will see through the scam Jackson County is attempting today. This is another example of the games and tricks the railroads and trails groups are attempting to further take advantage of property owners who own the underlying land of railroads through easements for railroad purposes granted 100 to 150 years ago. For whatever reason, Jackson County and Union Pacific (UP) had some plan together to keep the abutting property owners out of the loop of a formal abandonment. And it appears that UP didn't have to pay a \$14,000 filing fee for a formal abandonment.

These games and tricks are another example why NARPO requested the STB to give due process notice of trail use requests through abutting property notification. But the STB decided to punt on NARPO's request in our Petition for Rulemaking in EP 749. NARPO is grateful that the STB did see NARPO's argument for a maximum of six NITU extensions or three years and NARPO is looking forward to the results after the November 21 reply cutoff date.

NARPO would hope that the STB sanctions UP and Jackson County through financial penalties for their devious means of avoiding STB laws and rules, and the STB revokes the exemption granted Jackson County and UP in 1/8/2016 and 2/4/2016.

Sincerely yours,

Dick Welsh, Executive Director, NARPO

NARPO verifies that Justin Marks at: jmarks@nossaman.com , Jackson County's attorney, and Sandy Brown at: sandy.brown@thompsonhine.com Century Link Communications have received an email copy of this letter. Union Pacific does not appear in the STB's list of Parties of Record.

Signed-Richard Welsh for NARPO dated October 24, 2018