

DECISION ID NO.: 46185	DECIDED DATE: 1-19-18	SERVICE DATE: 1/19/2018	APPROVED: [Signature] Acting Director
 GRANTED Office of Proceedings			

244803

ENTERED
Office of Proceedings
December 4, 2017
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

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

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, 2019** for the Notice of Interim Trail Use ("NITU") applicable to the rail line in the above-referenced abandonment proceeding.¹ Under the decision served by the Surface Transportation Board ("Board") on December 23, 2016, the current period for negotiation of interim trail use/rail banking is set to expire on February 21, 2018.

MDNR and MCRR have previously informed the Board that the parties intend to wait until rail line salvage is finished before completing the interim trail use agreement negotiations.² It was originally thought that salvage would be completed at the end of 2017, but now it is clear that salvage activities will continue beyond February 21, 2018. Therefore, additional negotiating time is needed. Salvage began in late 2015 on the 144.3-mile rail line at issue in proceeding. During the ensuing two years, significant salvage progress has been made, but those salvage

¹ 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).

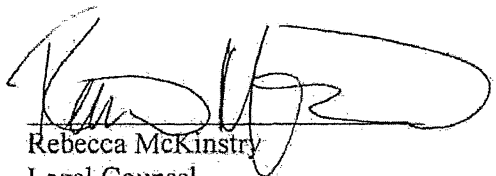
² See Motion to Extend Time (filed November 30, 2016).

FILING FEE WAIVED

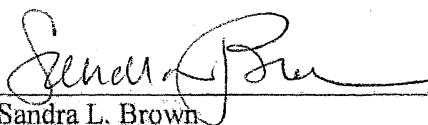
activities remain subject to the environmental conditions in effect in this case as well as the terms of the Section 106 Memorandum of Agreement entered by MCRR, the Board, and other parties pursuant to the National Historic Preservation Act. Given that MCRR will continue to have these salvage-related 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.³ 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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December 1, 2017

³ The extensions granted by the Board on February 19, 2016 and December 23, 2016 in this proceeding were 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 4th day of December 2017, 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

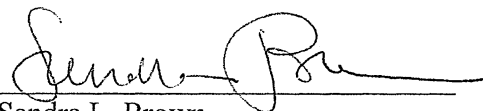
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Respectfully submitted,



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