

247619

ENTERED
Office of Proceedings
April 29, 2019
Part of
Public Record

James Frank Abbott
Founder and CEO
Community Oversight Partner Services
1006 Grand Boulevard, Apartment 511
Kansas City, MO 64106

April 29, 2019

Ms. Cynthia T Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

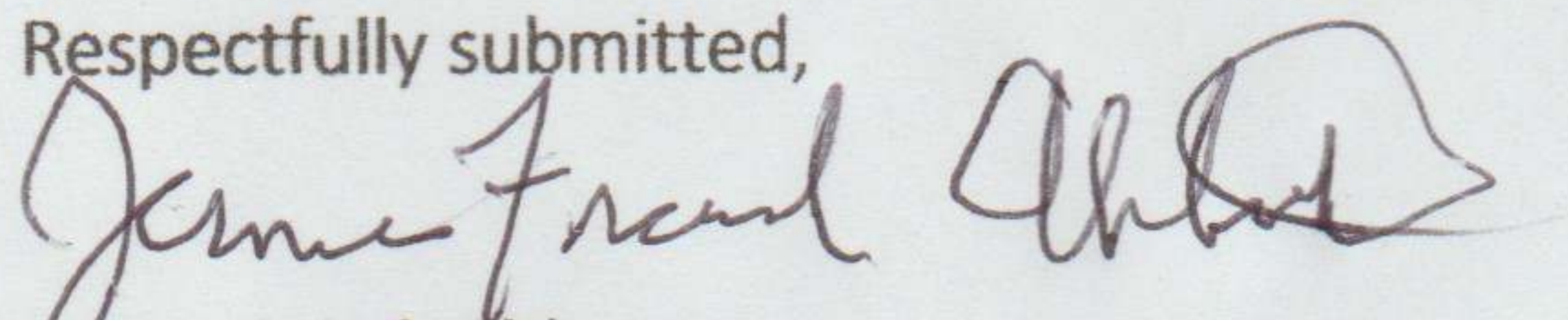
Re: STB Finance Docket No. 35982, Jackson County Missouri-Acquisition and Operation
Exemption - Union Pacific Railroad

Dear Ms. Brown:

Jackson County, Missouri Legislators, County Counselor Bryan Covinsky and County Executive Frank White are awaiting a decision from the Us Surface Transportation Brd (STB). The STB is complicit with Jackson County and Union Pacific Railroad (UP) in the violation of State of Missouri (Article 6, § 23 and Art. 10, §3) Constitutional Limits to Municipal Authority.

James Frank Abbott, Founder and @ CEO of Community Oversight Partner Services (COPS)' request for the April 29, 2019 Agenda was refused by Chairwoman of Legislature Theresa Galvin. Abbott has requested that STB void Jackson County's exemption and void transfer of 17.7 miles of an abandoned rail spur from UP to Jackson County. Abbott alleges that STB erred in allowing the transfer which was barred by Missouri Constitution.

Respectfully submitted,


James Frank Abbott

Certificate of Service

I certify that on April 29, 2019, a true copy of the foregoing letter was served via email upon the following parties of record:

Brown, Sandra L.
Thompson Hine LLP
1919 M Street, Suite 700
Washington, DC 20036
Sandra.brown@thompsonhine.com

McCulley, Elizabeth A.
2100 Central
Suite 22p
Kansas City, MO 64108
mcculley@swm.legal

Welsh, Richard
National Association of Reversionary Property Owners
227 Bellevue Way NE PMB 719
Bellevue, WA 98004
Dick156@earthlink.net

Kevin Sheys
Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street NW
Washington DC 20004
kevin.sheys@hoganlovells.com

Ed Fishman
Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street NW
Washington DC 20004
ed.fishman@hoganlovells.com

cc:

Covinsky, Bryan
Interim County Counselor
Jackson County Missouri
415 E 12th Street
Kansas City, MO 64107
bcovinsky@jacksongov.org

Missouri Limits to Municipal Authority

https://c.ymcdn.com/sites/www.mocities.com/resource/resmgr/mmaa_handouts/constitutional_limitations_.pptx

Constitutional Limits to Municipal Authority

Article 6, § 23: Limitation on ownership of corporate stock, use of credit and grants of public funds by local governments

No county, city or other political corporation or subdivision of the state shall own or subscribe for stock in any corporation or association, or lend its credit or grant public money or thing of value to or in aid of any corporation, association or individual, except as provided in this constitution.

Article 6, § 25. Limitation on use of credit and grant of public funds by local governments—pensions and retirement plans for employees of certain cities and counties.

No county, city or other political corporation or subdivision of the state shall be authorized to lend its credit or grant public money or property to any private individual, association or corporation except as provided in Article VI, Section 23(a)...

Art. 10, §3: Limitation of Taxation to public purposes

- "Taxes may be levied and collected for public purposes only ..."
- Actually uses "Public Purpose"; unlike Art. 6, §§ 23 and 25 which do not
- "it is universally agreed that an attempt to raise money by taxation for private purposes is unconstitutional; that it is a taking of property without due process of law; that it violates fundamental principles inherent in free government" *Dysart v. St. Louis*, 321 Mo. 514, 521 (Mo. 1928)