

#EO-2144



**SURFACE TRANSPORTATION BOARD**  
**Washington, DC 20423**

*Office of Environmental Analysis*

August 8, 2013

John M. Fowler, Executive Director  
Advisory Council on Historic Preservation  
Office of Planning and Review  
1100 Pennsylvania Avenue, NW, Suite 809  
Washington, DC 20004

**Re: STB Docket No. AB 1068 (Sub-No. 1X) – Missouri Central Railroad Company – Abandonment and Discontinuance of Service Exemption – In Cass, Henry, Johnson, and Pettis Counties, Mo.**

**Docket No. AB 1070 (Sub-No. 1X) – Central Midland Railway Company – Discontinuance of Service and Operating Rights Exemption – In Cass, Henry, Johnson, and Pettis Counties, Mo; Notification of Adverse Effect**

Dear Mr. Fowler:

In this proceeding, the Missouri Central Railroad Company (MCRR) and Central Midland Railway Company (CMR) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 for MCRR to abandon and for MCRR and CMR to discontinue service over, an approximately 42-mile rail line in Cass, Henry, Johnson, and Pettis Counties, Missouri. The rail line is part of the former Rock Island Line and extends from milepost 257.283 near Wingate in Cass County, to milepost 215.325 near Windsor in Pettis County. The Surface Transportation Board's (Board) approval of this abandonment and discontinuance of service is considered an undertaking under Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) (NHPA) and is thus covered under its provisions.

The Board's Office of Environmental Analysis (OEA) is responsible for ensuring the agency's compliance with the National Environmental Policy Act (NEPA) and NHPA. Based on available information, the Missouri Department of Natural Resources, State Historic Preservation Office (SHPO), has submitted comments stating that the rail corridor, as well as the 41 bridges and approximately 125± culverts on the line, are eligible for inclusion in the National Register of Historic Places. We concur with this finding, and pursuant to the Advisory Council on Historic

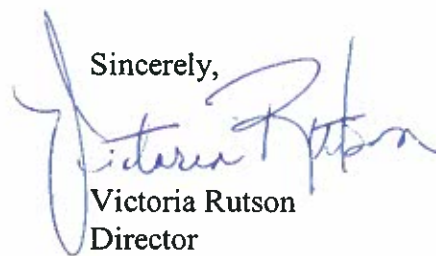
Preservation's regulations for implementing the Section 106 process of the NHPA, are notifying you that the proposed abandonment and discontinuance of service may adversely affect these historic resources. OEA has begun the consultation process and is developing a Memorandum of Agreement (MOA) with the SHPO, the railroads, and other concerned or affected parties, to mitigate any adverse effects to the National Register rail line. OEA has also sent letters, dated June 14, 2013, inviting nine federally-recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the area of potential effects to participate in the MOA process. To date, we have not received any letters of interest from the tribes.

The Missouri State Parks has initiated the process of rail banking this segment of rail line, pursuant to the National Trails System Act at 16 U.S.C. § 1247(d). If negotiations are successful, this action would link the adjoining 5.6-mile portion of trail currently being developed on a previously abandoned MCRR right-of-way between milepost 262.906 and milepost 257.283. For the reasons outlined above, we do not seek your participation in the Section 106 process at this time.

The following documents, which describe the proposed undertaking and provide information regarding the rail line, are enclosed for your review: 1) the Notice of Exemption that describes the proposed action and contains information about the rail line; 2) the Environmental and Historic reports submitted to OEA by the railroad; 3) the June 14, 2013 Environmental Assessment prepared by OEA; 4) the June 14, 2013 letters that invite the nine federally-recognized tribes to participate in the Memorandum of Agreement (MOA) process, pursuant to 36 C.F.R. § 800.3; and 5) the June 14, 2013 Missouri Department of Natural Resources trail use request letter.

If you have any questions, require additional information regarding this proceeding, or have any concerns, please do not hesitate to contact Diana Wood of my staff at 202-245-0302.

Sincerely,



Victoria Rutson

Director

Office of Environmental Analysis

#### Attachments

cc: Judith Deel, Missouri SHPO (SHPO Log # 021-MLT-13)  
Najah Duvall-Gabriel, ACHP  
Sandra Brown, Thompson Hine LLP