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October 12, 2021

ENTERED
Office of Proceedings
October 12, 2021
Part of
Public Record

By E-Filing

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

Re: Docket No. AB 1319, *City Utilities of Springfield, Missouri –
Petition for Exemption – Line of Railroad in Greene County,
Missouri*

Dear Ms. Brown:

Accompanying this letter for filing in the referenced docket on behalf of City Utilities of Springfield Missouri (“City Utilities”) is a Petition for Exemption for authority to abandon a 1.24-mile line of railroad in Green County, Missouri.

Pursuant to 49 C.F.R. §1002.2(e), City Utilities respectfully requests a waiver of the \$7,700 filing fee required for this filing. City Utilities is a community owned public utility created by the City Charter of the City of Springfield, Missouri. It is therefore a “local government agency” as that term is used in §1002.2(e). Because it seeks to abandon the line to convert it into a segment of a regional multi-use trail City Utilities is not “acting in the capacity of a carrier or shipper or that owns or proposes to own a carrier and is before the agency in its proprietary role.” *Id.* For these reasons, City Utilities requests the Office of Proceedings to waive the filing fee otherwise applicable to this Petition for Exemption.

Please do not hesitate to call me if you have any questions.

Sincerely,



Thomas W. Wilcox
Attorney for City Utilities of Springfield Missouri

Enclosure

FILED
October 12, 2021
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
October 12, 2021
SURFACE
TRANSPORTATION BOARD

**BEFORE THE UNITED STATES
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB 1319

**CITY UTILITIES OF SPRINGFIELD MISSOURI
– ABANDONMENT EXEMPTION – IN GREENE COUNTY, MISSOURI**

PETITION FOR EXEMPTION

Pursuant to 49 U.S.C. §10502 and 49 C.F.R. part 1121 and part 1152 subpart G, City Utilities of Springfield Missouri (“City Utilities”), a non-carrier, files this petition seeking an exemption from the provisions of 49 U.S.C. §10903 for authority abandon an approximately 1.24-mile segment of railroad line located between Milepost 248.86 and Milepost 250.1 in unincorporated Greene County, Missouri (the “Line”). The Line is located in Zip Code 65810. The Line is a segment of a longer line of railroad that was used by the Burlington Northern Railroad Company (“BN”) and its successor, BNSF Railway Company (“BNSF”), to deliver coal to City Utilities’ James River Power Station (“JRPS”) from 1958 until the facility ceased burning coal in 2015. There are no other shippers located along the Line and it has been out of service since 2015.

City Utilities previously acquired title to the Line and the land underlying it from BN through conveyances in 1986 and 1987. However, while recently performing due diligence as part of the process of converting the right-of-way into a multi-use recreational trail starting in

2022, City Utilities discovered that the 1.24 miles of track comprising the Line was technically still subject to the Board’s jurisdiction and that City Utilities had inadvertently neglected to seek acquisition authority for it from the Board’s predecessor the Interstate Commerce Commission (“ICC”) as a part of the previous transactions with BN. Accordingly, this Petition for Exemption was preceded by a Notice of Exemption filed by City Utilities on September 30, 2021, pursuant to 49 C.F.R. Part 1150, for after-the-fact authority to acquire the Line. *See* Docket No. FD 36453, *City Utilities of Springfield Missouri- Acquisition Exemption – Line of BNSF Railway Company in Greene County, Missouri*.

A map of the Subject Line is attached hereto as Exhibit A. City Utilities intends to convert the land comprising the current right-of-way into a multi-purpose recreational trail that will be incorporated into a regional trail system. As such, City Utilities is also seeking an exemption from the Offer of Financial Assistance (“OFA”) provisions 49 U.S.C. §10904 to facilitate the transfer of the line into a trail for public use. Because there is no current traffic on the Line or the potential for new traffic, an exception from §10904 is appropriate.

I. Background of The Proposed Abandonment

The Line is an approximately 1.24-mile segment of a line of railroad historically used by BN and BNSF to deliver unit trains of coal to the JRPS. At one time, the BN track extended beyond MP 248.86 to at least MP 257.6. In 1983 BN abandoned its line of railroad from MP 250.1 to MP 257.6 but it did not remove the tracks beyond MP 250.83. Subsequently, by two deeds dated January 15, 1986, and July 21, 1987, respectively, BN conveyed to City Utilities the approximately two-mile segment of the track extending from approximately MP 248.86 to approximately MP 250.83. Consequently, the track acquired by City Utilities from BN was composed of track that had been formally abandoned (but not removed) and track that technically

was still subject to the ICC's jurisdiction, namely the 1.24-mile segment between MP 248.86 and MP 250.1 at issue in this Petition. However, as stated, City Utilities recently discovered that it had inadvertently neglected to seek authorization to acquire this subset of the overall two miles of tracks it acquired from BN.

BN, and then BNSF, continued to provide rail transportation services to the JRPS over the tracks after conveying the Line to City Utilities, delivering unit trains of coal until the JRPS ceased burning coal for fuel in 2015. There are no other shippers located on the line, and so it has been unused since that time. The JRPS was decommissioned in January 2021. As stated, City Utilities desires to formally abandon the line and remove the track so the right-of-way may be converted to a multi-use trail and be incorporated into a regional trail system, with construction anticipated to begin in early 2022.

II. The Board Should Grant this Abandonment Exemption under 49 U.S.C. §10502

The Board is directed by 49 U.S.C. §10502 to grant an exemption from the requirements of 49 U.S.C. §10903 if it finds that (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. §10101, and (2) either the transaction is limited in scope or regulation is not needed to protect shippers from the abuse of market power.

A. Regulation of this Abandonment is Not Necessary to Carry out The Rail Transportation Policy of 40 U.S.C. §10101

This abandonment of approximately 1.24 miles of rail line which has been out of service since 2015 and which was used solely to serve a coal-fired power plant that no longer burns coal for fuel, and indeed was decommissioned in 2021, does not require detailed scrutiny to carry out the rail policies of 49 U.S.C. §10101. There are no other shippers located along the Line, and neither City Utilities nor BNSF have any intention of operating over it.

Granting the exemption is consistent with the following rail policies set forth in 49 U.S.C. §10101:

(2) to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required;

* * *

(5) to foster sound economic conditions in transportation...;

* * *

(7) to reduce regulatory barriers to entry into and exit from the industry...;

* * *

(9) to encourage honest and efficient management of railroads;

* * *

(14) to encourage and promote energy conservation; and

* * *

(15) to provide for the expeditious handling and resolution of all proceedings.

Moreover, granting the requested the exemption will not be inconsistent with any of the 15 policy components that are set out in 49 U.S.C. §10101. Finally, granting the requested exemption is consistent with the Rail Transportation Policy because it would enable City Utilities to abandon the Line and convert to another public use without incurring the extensive costs and delays associated with a full application filed under Section 10903.

B. This Abandonment is Limited in Scope

The abandonment is clearly limited in scope. The Line in question is only approximately 1.24 miles long and is located in a single county. There are no shippers or potential shippers that might desire rail service. Because this proposed abandonment is limited in scope, it is not

necessary for the Board to consider whether shippers need to be protected from abuse of market power.

III. The Board Should Also Exempt this Abandonment from 49 U.S.C. §10904 to Facilitate the Conversion of the Right-of-Way to Another Valid Public Purpose

City Utilities hereby petitions the Board for an exemption from the application of 49 U.S.C. §10904 to this proposed abandonment. The Board will grant exemptions from 49 U.S.C. §10904 if the “right-of-way is needed for a valid public purpose and there is no overriding public need for continued rail service.”¹ Here, City Utilities intends to remove the tracks and incorporate the right-of-way of the Line into an existing regional multi-use recreational trail, a valid public purpose.² Further, because there are no shippers on the Line, no public need for freight rail service exists. As such, no Offer of Financial Assistance (“OFA”) under Section 10904 would be justified. *See* 49 C.F.R. §1152.27(c)(iv)(E).

Further, exempting City Utilities’ abandonment of the Line from the requirements of §10904 meets the requirements of 49 U.S.C. §10502 because applying §10904 is not necessary to

¹ *Union Pacific Railroad Co. – Abandonment Exemption – In Adams, Weld, and Boulder Counties, Colo.*, Docket No. AB 33 (Sub-No. 307X)(served October 18, 2012)(track to be used for public transit); *Union Pacific Railroad Co. – Abandonment Exemption – in Pima County, AZ*, STB Docket No. AB-33 (Sub-No. 141x)(served Feb. 16, 2000)(granting exemption from §§10904-5 allowing transfer of right-of-way to public entity to be used as a frontage road); *see also The Cincinnati, New Orleans, and Texas Pacific Railway Co., - Abandonment Exemption in Roane County, TN*, STB Docket No. AB-290 (Sub-No. 280X)(served Feb. 23, 2007)(granting exemption from §§10904-5 allowing for right-of-way to be used as private track); *Norfolk Southern Railway Co., - Petition for Exemption – In Baltimore City and Baltimore County, MD* STB Docket No. AB-290 (Sub No. 311X)(granting exemption from §10904 allowing for right-of-way to be used for public transit).

² Because City Utilities intends to abandon the line and convert the right-of-way into a recreational trail, there is no need for the Board to make that determination under 49 U.S.C. 10905, and because there is no expectation for freight rail service to resume at this location, City Utilities will not entertain any “rail banking” proposals under Section 8(d) of the National Trail Systems Act, 16 U.S.C. § 1247(d).

carry out the rail transportation policy, the abandonment is limited in scope, and no shippers require the protection from the abuse of market power because no shippers exist on the Line. Granting this exemption is consistent with paragraphs (2), (7), (14) and (15) of the rail transportation policy because it would enable City Utilities to expeditiously obtain the formal abandonment authority required before the conversion to a recreational trail may occur. City Utilities proposes to consummate the abandonment at the earliest possible date permitted by the Board.

IV. Other Information

A. Employee Protection

City Utilities has never operated the Line and has no operating employees, so no employees of City Utilities will be adversely affected by the proposed abandonment. However, City Utilities recognizes that its abandonment of the Line will be made subject to the standard employee protective conditions as set forth in *Oregon Short Line Railroad Co.- Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

B. Environmental and Historic Report

City Utilities has prepared a combined Environmental/Historic Report in accordance with 49 C.F.R. §§1105.7 and 1105.8 which is attached hereto as Exhibit C. A copy of this Report was served on the entities listed in 49 C.F.R. §1105.7(b) by mail on September 13, 2021.³ On that date a copy was also mailed to the Missouri State Historic Preservation Office.⁴

³ City Utilities notes there are minor errors in the combined report describing the mileposts of the line at issue but submits that these errors are not material. Also, the agency consultation letters and attached map contained the correct mileposts, and only one comment was received by any recipient of such letters.

⁴ A certificate of service complying with 49 C.F.R. §1105.11 is attached hereto as Exhibit B.

C. Federal Register and Newspaper Notice

Pursuant to the provisions of 49 C.F.R. §1152.60(c), City Utilities has attached as Exhibit D a draft Federal Register Notice to be published by the Board within 20 days of the Petition's filing with the Board. A notice as required by 49 C.F.R. §1105.12 was published in the *Springfield News-Leader* on October 4, 2021. A copy of the form of notice and a copy of the proof of publication are attached as Exhibit E.

IV. Conclusion

Application of the regulatory requirements and procedures of 49 U.S.C. §10903 to the abandonment of the Line proposed by City Utilities is not required to carry out the rail transportation policy set forth in 49 U.S.C. §10101. Nor is Board regulation required to protect shippers from the abuse of market power. The proposed abandonment is also of limited scope. Accordingly, City Utilities respectfully requests the Board grant an exemption for the proposed abandonment of the Line as well as an exemption from the requirements of 49 U.S.C. §10904.

Respectfully submitted,



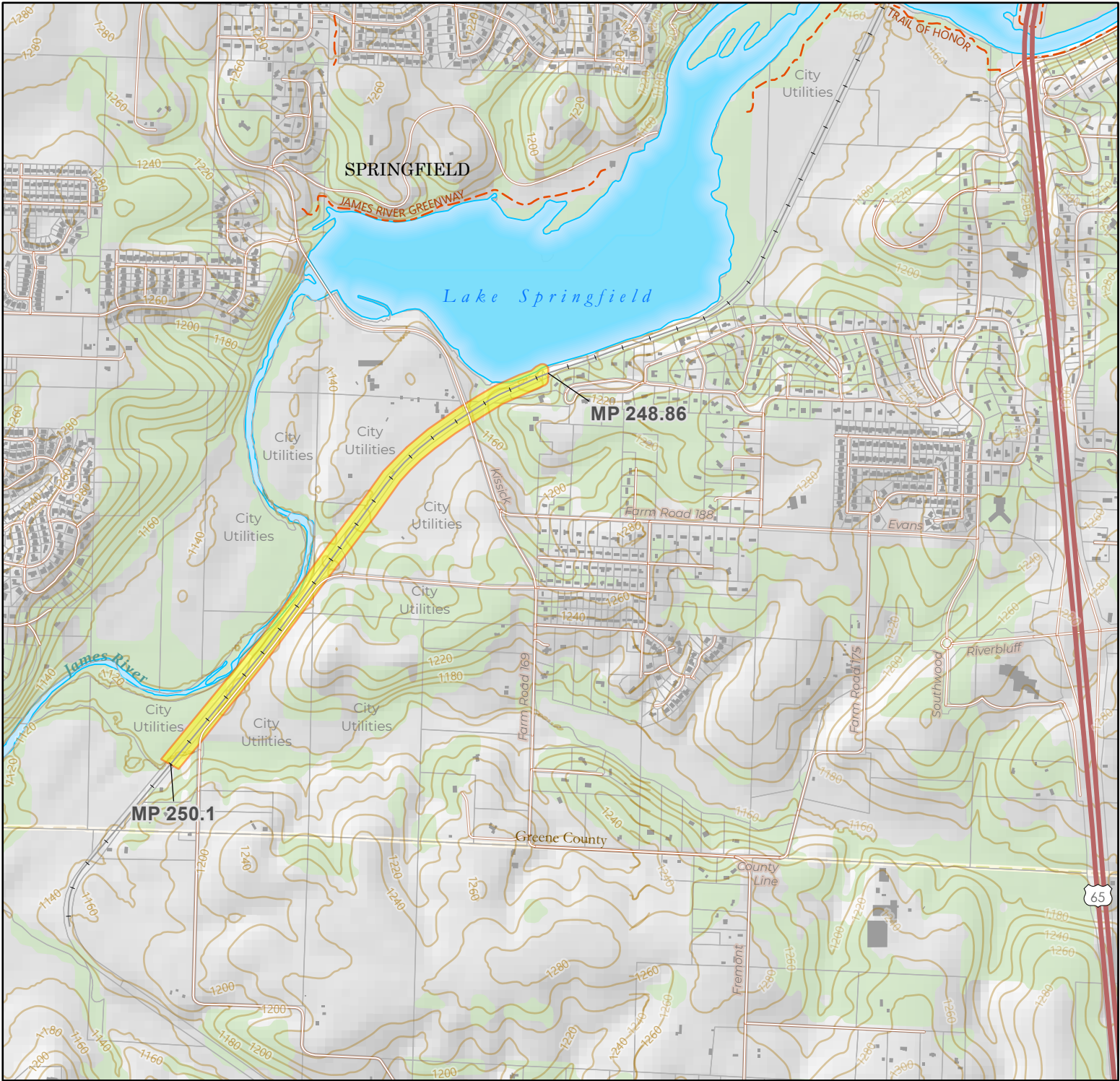
Thomas W. Wilcox
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*Attorney for City Utilities of Springfield
Missouri*

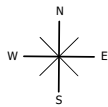
Dated: October 12, 2021

EXHIBIT A
MAP

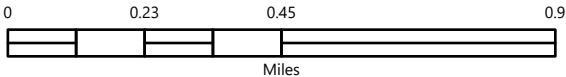
Project Area Location



- Project Area
- Waterbody
- Structures
- Land Parcels
- Woodlands
- Highway
- Railroad
- Minor Roads
- Existing Trails & Greenways
- Elevation Contours



Scale: 1:20,000



This map was prepared by the Ozarks Transportation Organization on 7/28/2021. Data sources include the National Hydrography Dataset, USGS LULC 2016 dataset, Greene County Assessor, Christian County Assessor, City of Springfield Open Data Portal: Road Centerlines, Missouri 7.5 Minute Series Quadrangle 30 meter Digital Elevation Models, and Microsoft/Bing Building Footprints.

Spatial Reference
Name: NAD 1983 StatePlane Missouri Central FIPS 2402 Feet

EXHIBIT B

CERTIFICATE OF SERVICE REQUIRED BY 49 CFR 1105.11

CERTIFICATE OF SERVICE OF HISTORIC REPORT

Pursuant to the requirements of 49 C.F.R. §1105.8(c) and .11, the undersigned hereby certifies that a copy of the combined Environmental and Historic Report in Docket No. AB-1319 was sent via first class mail on September 13, 2021, to the following party:

Missouri State Historic Preservation Office
1101 Riverside Dr.
Jefferson City, MO 65101

Thomas W. Wilup

EXHIBIT C

ENVIRONMENTAL AND HISTORIC REPORT

**BEFORE THE
U.S. SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-1319

**CITY UTILITIES OF SPRINGFIELD, MISSOURI
-ABANDONMENT EXEMPTION-
IN GREENE COUNTY, MISSOURI**

ENVIRONMENTAL/HISTORIC REPORT

ENVIRONMENTAL REPORT

(49 C.F.R §1105.7)

1. Proposed Action and Alternatives

The City Utilities of Springfield, Missouri ("CU") is a community owned utility which provides electricity, natural gas, water, transit and telecom services. CU has served the Springfield, Missouri area for more than seventy-five (75) years. By deed dated January 15, 1986, CU purchased a segment of the railroad track and right-of-way that had been used by the Burlington Northern Railroad Company (a predecessor to BNSF Railway Company ("BNSF")) to deliver coal trains to CU's James River Power Station ("JRPS") located adjacent to Lake Springfield in Springfield, Missouri. The track and underlying right-of-way of the acquired segment of the railroad line CU is seeking formal abandonment authority for in this proceeding (the "Line") extends roughly two (2) miles from Milepost 248.86 in unincorporated Greene County, Missouri, to Milepost 250.83, also in Greene County. The Line was part of a longer line of railroad used solely by BNSF and its predecessor to transport coal to be burned at JRPS, but the coal fired generators at this facility were retired in 2015. Since that time the Line has remained unused and the coal-fed generators at JRPS have been decommissioned.

In 2019, a local multi-use trail development group approached CU with a proposal to utilize the right-of-way as part of the local multi-use trail system. However, during the course of those discussions - which included BNSF - CU and BNSF discovered that (1) when the Line was sold to CU in 1986 it was apparently subject to the jurisdiction of the Surface

Transportation Board's ("STB" or "Board") predecessor the Interstate Commerce Commission ("ICC"), but (2) authority to acquire the Line had inadvertently not been sought by CU pursuant to 49 U.S.C. §10901 and the regulations of the ICC.

CU desires to remove the tracks on the Line and incorporate the right-of-way into an existing multi-use trail system. However, because the Line is technically still subject to the Board's jurisdiction, pursuant to agency, in order to accomplish its goal CU must first seek after-the-fact authority from the Board to acquire the Line and then obtain formal authority from the Board to abandon the Line so that it is no longer subject to the Board's jurisdiction. As such, CU is submitting both a Notice of Exemption in Docket No. FD 36543 for authority to acquire the line and a Petition for Exemption seeking abandonment authority in Docket No. AB-1319. A color map of the Line is attached to this Report as Exhibit A.

There are few if any, viable alternatives to the proposed action. The Line is no longer in service and there is no possibility of it being reinstated and rail service provided over it. The former BNSF track ends with MP 248.86, and the tracks extending beyond MP 250.1 were formally abandoned decades ago. One alternative could be to remove the tracks and not incorporate the right-of-way into the local trail system, but CU submits that this would not be in the public interest. There are no superior uses for the right-of-way land.

2. Effects of the Abandonment on the Transportation System.

There is no passenger traffic, or traffic of any kind, currently on the Line, and so there is no traffic that will be diverted to other modes as a result of the proposed abandonment. The presence of the tracks has not had any effect on regional or local highway systems and traffic patterns historically, and the proposed abandonment and conversion of the right-of-way into a multi-purpose trail should also have no adverse effects. In fact, the presence of the trail and

its use for bicycle and foot traffic should benefit local transportation systems.

3. Land Use.

- (i) On August 13, 2021, pursuant to the Board's rules governing abandonments, City Utilities sent consultation letters to the Green County Planning and Zoning and the Springfield Planning and Development agencies.¹ On August 20, 2021 the Green County Planning Department replied by email, stating: "Our department does not perceive that the abandonment will have a significant effect upon the environment and we do not have any such concerns. Please let us know if you have any questions."² Based on this response and the lack of response from the Springfield Planning and Development Agency, CU concludes the proposed action is consistent with existing land use plans.
- (ii) The proposed action will have no effect on any prime agricultural land. On August 13, 2021, pursuant to the Board's rules governing abandonments, City Utilities also sent a consultation letter to the National Resources Conservation Service, which did not respond, and so did not refute this determination by CU.
- (iii) The proposed action is not within a designated coastal zone and will not affect land or water uses within a designated coastal zone.
- (iv) The Line is in rural Greene County, Missouri and as explained above, the right-of-way has been determined to be suitable for the public purpose of becoming part of the local multi-use trail system in Greene County. Pursuant to current plans once the Line is abandoned CU would retain ownership of the land and grant rights to Ozark

¹ Copies of all of the Consultation Letters sent by CU are attached as Exhibit B.

² This email is attached as Exhibit C.

Greenways, Inc. to manage the construction of the trail and its incorporation into the trail system would commence soon thereafter.

4. Energy

- (i) The proposed abandonment will have no affect the ability to transport energy resources.
- (ii) Nor will it have no effect on the transportation of recyclable commodities.
- (iii) The proposed action will also likely have no effect on energy efficiency.
- (iv) Finally, the proposed abandonment will not cause the diversion of any rail carloads to motor carriage because it has not been used for rail service since 2015 and the JRPS has been decommissioned.

5. Air.

Because the Line has not been in use for over six years, and it will be abandoned and removed, this section is not applicable.

6. Noise

Similarly, since none of the thresholds in Section 1105.7(e)(5)(i) are being exceeded this section is not applicable.

7. Safety.

Sections (i) and (ii) of 1105.7(e)(7) are inapplicable. There are no known hazardous waste sites along the Line and right-of-way.

8. Biological Resources.

- (i) On August 13, 2021, CU sent a letter to the Missouri Field Office of the U.S. Fish and

Wildlife Service and the U.S. Fish and Wildlife Service Midwest Division, seeking their consultation on this matter. No response was received from these agencies, leading CU to conclude the proposed action will not adversely impact any biological resources.

- (ii) There are no wildlife sanctuaries or refuges, National or State parks or forests affected by the proposed abandonment.

9. Water

Pursuant to the Board's regulations CU sent consultation letters to the Little Rock District of the U.S. Army Corps of Engineers, and the U.S. Army Corps of Engineers Missouri State Regulatory Office, the Missouri Department of Water Resources Water Protection Program, and the U.S. Natural Resources Conservation Service. No responses were received from these agencies. As such:

- (i) The proposed abandonment is consistent with applicable Federal, State, and local water quality standards.
- (ii) No permits under Section 404 of the Clean Water Act are required.
- (iii) No permits under Section 402 of the Clean Water Act are required.

10. Proposed Mitigation

Because there will be no adverse environmental impacts from the proposed abandonment there is no need for mitigation measures to be implemented.

CERTIFICATION REQUIRED BY 49 C.F.R. §1105.7(c)

The undersigned representative of City Utilities of Springfield Missouri ("CU") hereby certifies (1) that on September 13, 2021 CU mailed copies of this Environmental and Historical Report to the agencies listed in 49 C.F.R. §1105.7(b); (2) on August 13, 2021 letters seeking consultation on the proposed effects of the abandonment were sent to all appropriate agencies, which letters are attached as Exhibit B to this Report, and (3) prior to filing its Petition for Exemption in this proceeding CU will publish a notice alerting the public to the proposed abandonment, to available reuse alternatives, and how it may participate in Docket No. AB-1319 in a newspaper of general circulation which covers Greene County, Missouri, where the track at issue is located.

A handwritten signature in blue ink, reading "Thomas W. Wilcox".

Thomas W. Wilcox
Counsel for City Utilities of Springfield Missouri

September 9, 2021

HISTORIC REPORT

(49 C.F.R. §1105.8)

1. **U.S.G.S. Topographic Map**

A map showing the Line to be abandoned is attached as Exhibit A to this combined Report. The Line is older than 50 years and there is one bridge that is approximately 100 feet long. There are no other structures.

2. **Description of the Right-of-Way**

The railroad line at issue is an approximately two (2) mile long single track that extends from MP 248.86 to MP 250.1 on a former railroad line owned and operated by the Burlington Northern Railroad Company and its successor BNSF Railway Company to deliver coal to the JRPS. The right-of-way is approximately 100 feet wide and is located in a generally flat area that in part runs along the shore of Lake Springfield. Since the coal deliveries to the JRPS ceased in 2015 the tracks and right-of-way have fallen into disrepair.

3. **Photographs of Historic Structures**

As stated, there is only one structure other than the railroad tracks that is subject to the Board's jurisdiction. Specifically, there is one bridge located along the segment which CU believes has no historical significance. Pursuant to 49 C.F.R. §1105.8(d)(3) photographs of the bridge are included as Exhibit D.

4. **Dates of Construction of the Structures**

CU has no information about when the bridge was constructed or if it has been modified.

5. **Description of Carrier Operations in the Area and Changes from Proposed Abandonment**

The Line to be abandoned was once part of a longer line of railroad owned and operated by the Burlington Northern Railroad Company ("BN"). The tracks were primarily used by the railroad and its successor BNSF to deliver unit trains of coal to the JRPS, which was constructed and began operations in 1957. In 1983 BN formally abandoned its track beyond MP 250.1 in ICC Docket No. AB 6 (No. 148). It later sold the track from MP 248.86 to MP 250.83 to CU but continued to provide service to JRPS over the conveyed track. CU was the only shipper along this segment of the track. Because coal deliveries to JRPS ceased in 2015 and the power plant has been decommissioned, abandonment of the Line will have no effect on rail service.

6. **Summary of Documents Concerning Structures**

As stated, CU has no documentation concerning the aforementioned bridge, which it believes has no historical significance.

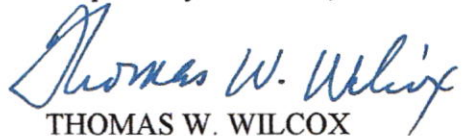
7. **Opinion on Whether the Line Meets the Criteria for Listing on the National Register of Historic Places**

CU believes that the Line is not unusual or noteworthy or otherwise meets any of the criteria for inclusion on the National Register of Historic Places. The Missouri State Historic Preservation Office (SHPO) is the agency having jurisdiction over the project has previously stated there are no historic impacts. CU's opinion is that there are no archeological resources or other railroad-related, historic properties in the project area.

8. **Description of Prior Subsurface Ground Disturbance or Fill**

Based on a review of its records, CU believes that there are no known subsurface ground disturbances or fill, or environmental conditions that might affect the archeological recovery of any potential resources.

Respectfully submitted,



THOMAS W. WILCOX

Law Office of Thomas W. Wilcox, LLC

1629 K Street NW, Suite 300

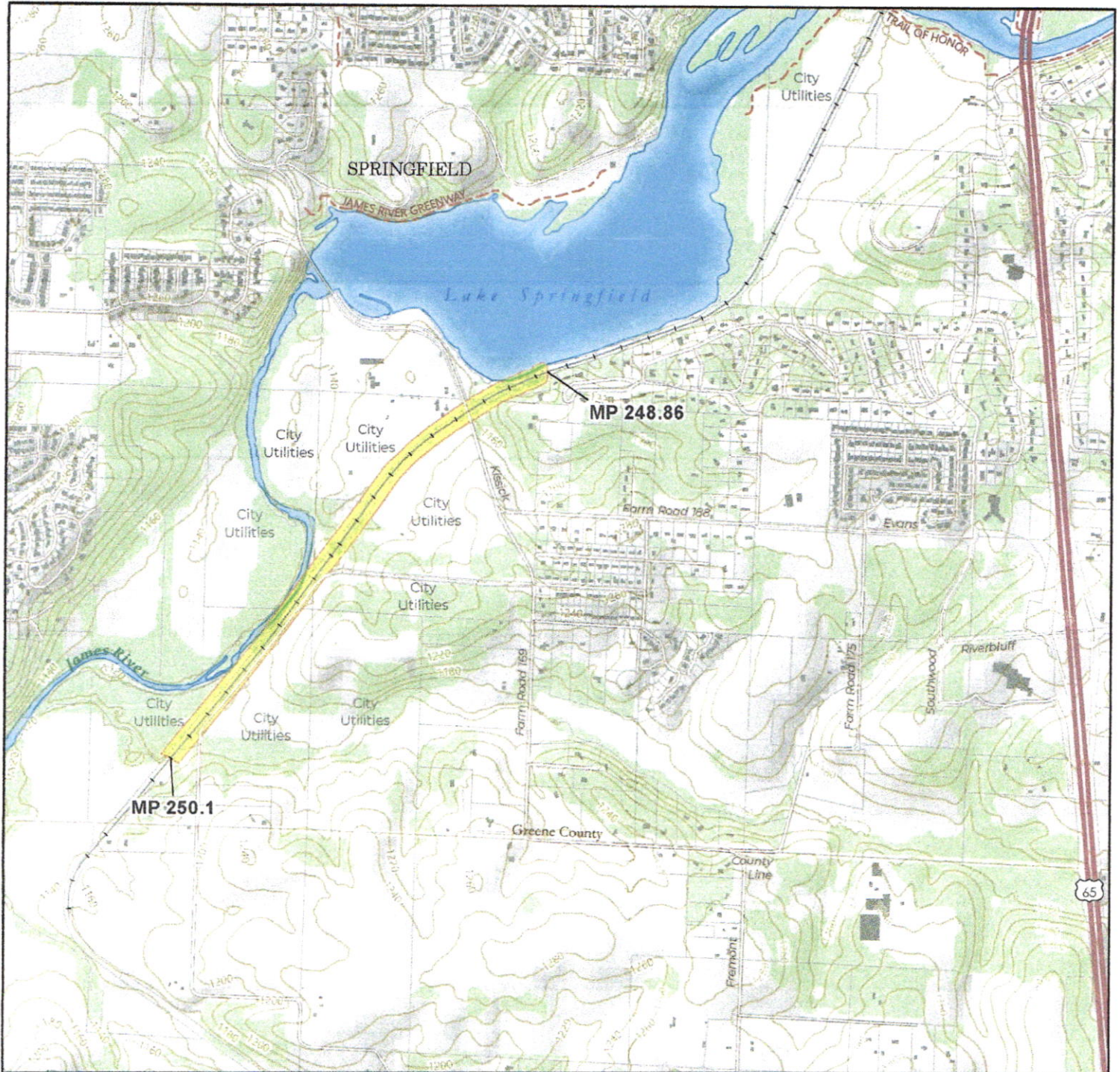
Washington D.C. 20006

(202) 508-1065

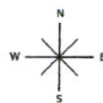
tom@twilcoxlaw.com

EXHIBIT A - MAP

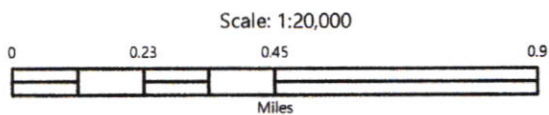
Project Area Location



- | | |
|--|---|
|  Project Area |  Highway |
|  Waterbody |  Railroad |
|  Structures |  Minor Roads |
|  Land Parcels |  Existing Trails & Greenways |
|  Woodlands |  Elevation Contours |



This map was prepared by the Ozarks Transportation Organization on 7/28/2021. Data sources include the National Hydrography Dataset, USGS LULC 2016 dataset, Greene County Assessor, Christian County Assessor, City of Springfield Open Data Portal: Road Centerlines, Missouri 7.5 Minute Series Quadrangle 30 meter Digital Elevation Models, and Microsoft/Bing Building Footprints.



Spatial Reference
Name: NAD 1983 StatePlane Missouri Central FIPS 2402 Feet

EXHIBIT B

CONSULTATION LETTERS



August 13, 2021

VIA FIRST CLASS MAIL

Department of the Army
Little Rock District Corps of Engineers
Branson Regulatory Field Office
4600 Hwy 165
Branson, MO 65616

**RE: United States Surface Transportation Board Docket No. AB-1319,
*City Utilities of Springfield Missouri – Abandonment Exemption –
In Greene County, Missouri***

To Whom it May Concern:

This letter is to advise you that City Utilities of Springfield Missouri ("City Utilities") intends to seek authorization from the U.S. Surface Transportation Board ("STB") to abandon a short segment of rail line located between milepost 248.86 and milepost 250.1 in Springfield, Missouri ("Subject Line"). This line of railroad traverses through zip code 65804. A map of the Subject Line is attached to this letter as Exhibit A. City Utilities intends to seek such authorization through a petition for exemption filed in the captioned STB docket on or after September 24, 2021.

Based on information in City Utilities' possession, the Subject Line does not contain federally granted rights of way.

The Subject Line has been owned by City Utilities since 1987 and was used by the BNSF Railway Company ("BNSF") to deliver trains of coal to be burned at the St. James Power Station, which is owned and was operated by City Utilities. That facility stopped receiving rail deliveries of coal in 2015 and was officially closed on January 28, 2021. It is the desire of City Utilities and other local parties to remove the track and ties and dispose of or sell them, and to convert the right-of-way into a recreational trail. However, City Utilities and BNSF recently discovered that this track segment is still technically subject to the jurisdiction of the STB because City Utilities inadvertently did not seek the requisite authority from the STB to acquire the track from BNSF in 1987. Accordingly, the Subject Line must be formally abandoned before the right-of-way can be used for another purpose.

In advance of preparing an environmental and historical report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours to inquire whether there are

Department of the Army
August 13, 2021
Page 2

any concerns as to the potential environmental or historical effects of the proposed action (*i.e.*, abandonment and removal of the tracks and ties) on matters within your jurisdiction and authority. Please respond to this letter within 20 days of receiving it that, within the area of your jurisdiction and authority, you do not perceive that the abandonment will have a significant effect upon the environment or, if you have any such concerns. If you have any questions about this proposal or if you need assistance in this matter, please contact our attorney, Tom Wilcox, using the contact information below:

Thomas W. Wilcox
Law Office of Thomas W. Wilcox, LLC
Office: 202.508.1065
Mobile: 202.365.8409
1629 K. Street, NW Suite 300
Washington, DC 20006
tom@twilcoxlaw.com

Thank you for your cooperation.

Sincerely,

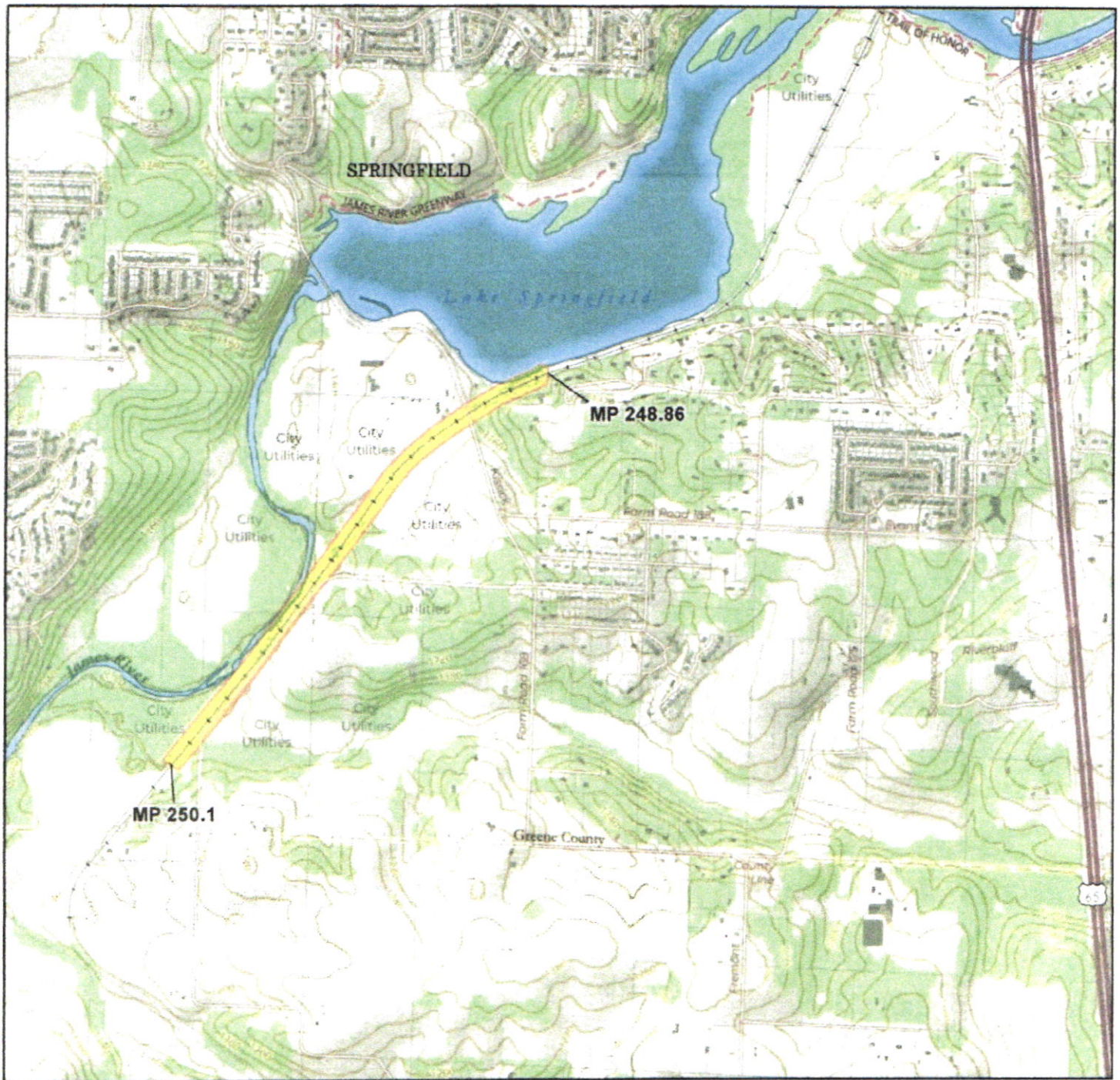
A handwritten signature in blue ink, appearing to read 'Drew W. Hilpert'.

Drew W. Hilpert
Deputy General Counsel

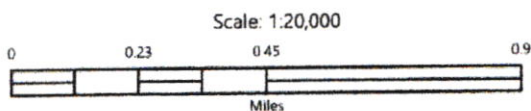
DWH/kcl

Enclosure

Project Area Location



- | | |
|--|---|
|  Project Area |  Highway |
|  Waterbody |  Railroad |
|  Structures |  Minor Roads |
|  Land Parcels |  Existing Trails & Greenways |
|  Woodlands |  Elevation Contours |



This map was prepared by the Ozarks Transportation Organization on 7/28/2021. Data sources include the National Hydrography Dataset, USGS LULC 2016 dataset, Greene County Assessor, Christian County Assessor, City of Springfield Open Data Portal, Road Centerlines, Missouri 7.5 Minute Series Quadrangle 30 meter Digital Elevation Models, and Microsoft/Bing Building Footprints.

Spatial Reference
Name: NAD 1983 StatePlane Missouri Central FIPS 2402 Feet



August 13, 2021

VIA FIRST CLASS MAIL

Missouri State Historic Preservation Office
1101 Riverside Dr.
Jefferson City, MO 65101

**RE: United States Surface Transportation Board Docket No. AB-1319,
*City Utilities of Springfield Missouri – Abandonment Exemption –
In Greene County, Missouri***

To Whom it May Concern:

This letter is to advise you that City Utilities of Springfield Missouri ("City Utilities") intends to seek authorization from the U.S. Surface Transportation Board ("STB") to abandon a short segment of rail line located between milepost 248.86 and milepost 250.1 in Springfield, Missouri ("Subject Line"). This line of railroad traverses through zip code 65804. A map of the Subject Line is attached to this letter as Exhibit A. City Utilities intends to seek such authorization through a petition for exemption filed in the captioned STB docket on or after September 24, 2021.

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417.863.9000
PHONE

301 EAST CENTRAL STREET
Springfield, MO 65802

P.O. BOX 551
Springfield, MO 65801

cityutilities.net
WEB

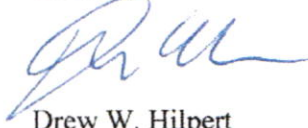
Missouri State Historic Preservation Office
August 13, 2021
Page 2

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Law Office of Thomas W. Wilcox, LLC
Office: 202.508.1065
Mobile: 202.365.8409
1629 K. Street, NW Suite 300
Washington, DC 20006
tom@twilcoxlaw.com

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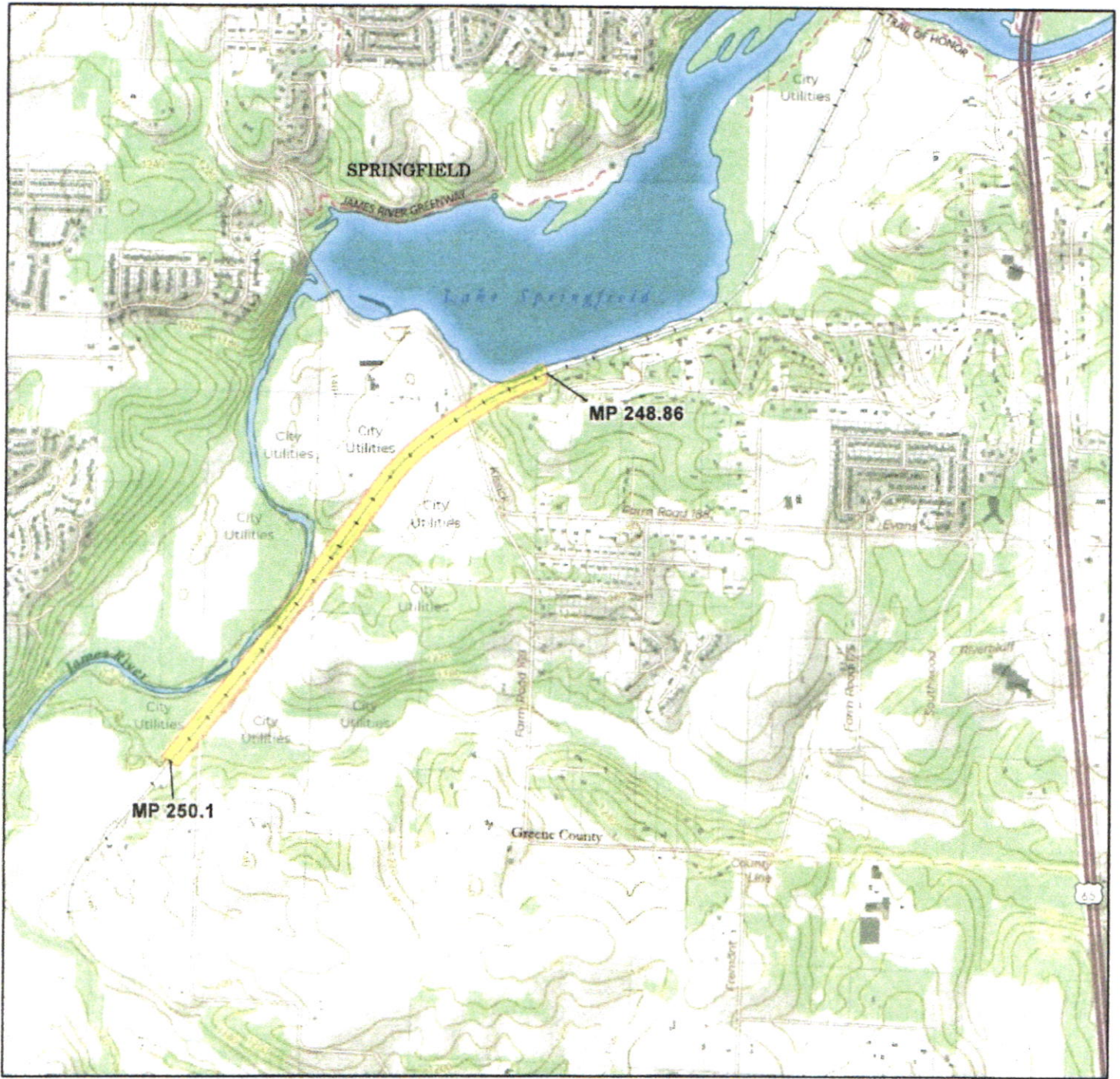


Drew W. Hilpert
Deputy General Counsel

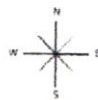
DWH/kcl

Enclosure

Project Area Location

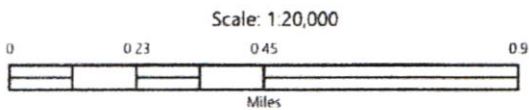


- | | | | |
|---|--------------|---|-----------------------------|
|  | Project Area |  | Highway |
|  | Waterbody |  | Railroad |
|  | Structures |  | Minor Roads |
|  | Land Parcels |  | Existing Trails & Greenways |
|  | Woodlands |  | Elevation Contours |



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Spatial Reference
Name: NAD 1983 StatePlane Missouri Central FIPS 2402 Feet





August 13, 2021

VIA FIRST CLASS MAIL

U.S. Army Corps of Engineers
Department of the Army
Missouri State Regulatory Office
515 E. High St., Ste. 202
Jefferson City, MO 65101

**RE: United States Surface Transportation Board Docket No. AB-1319,
*City Utilities of Springfield Missouri – Abandonment Exemption –
In Greene County, Missouri***

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PHONE

301 EAST CENTRAL STREET
Springfield, MO 65802

P.O. BOX 551
Springfield, MO 65801

cityutilities.net
WEB

U.S. Army Corps of Engineers
August 13, 2021
Page 2

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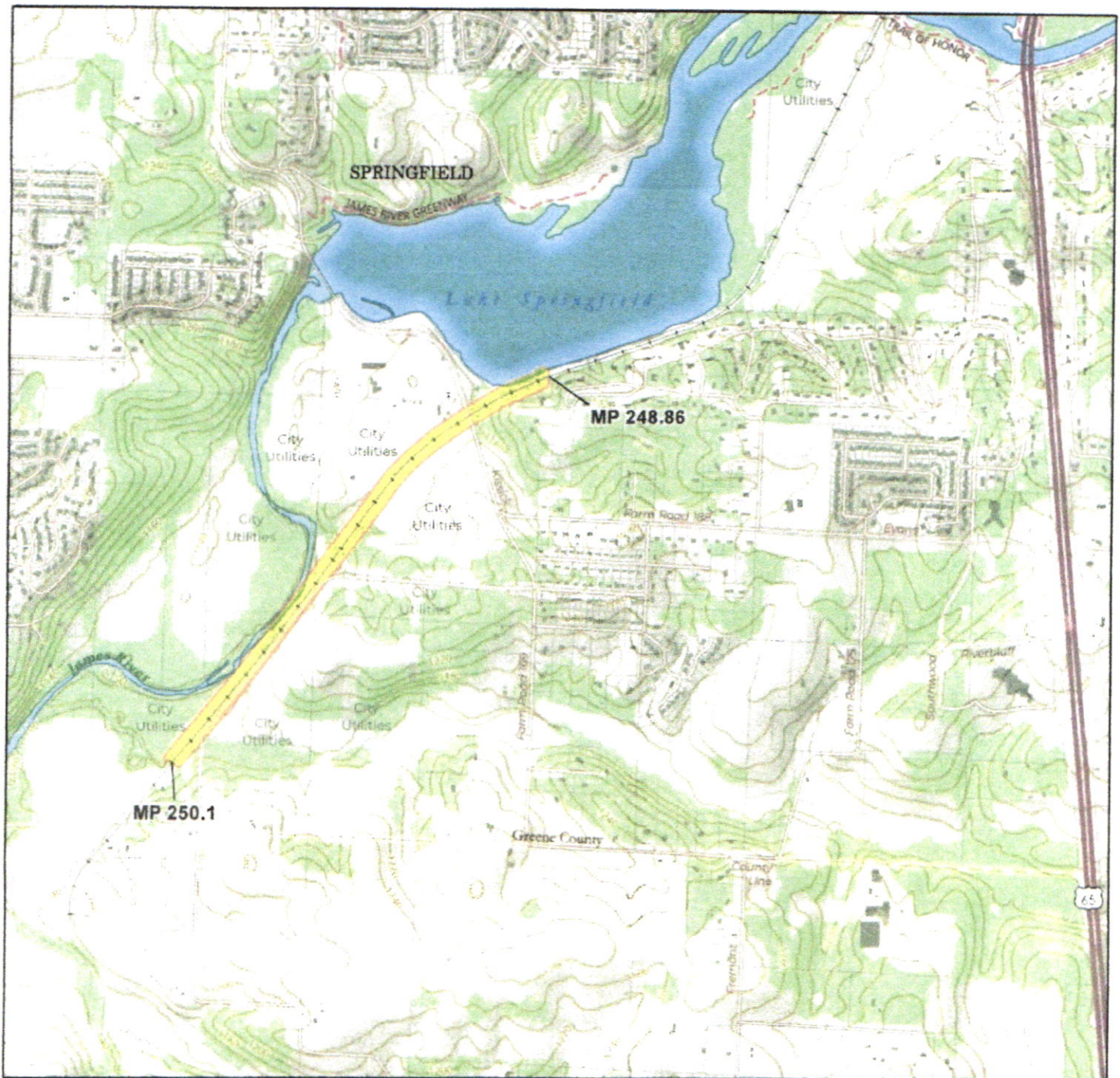


Drew W. Hilpert
Deputy General Counsel

DWH/kcl

Enclosure

Project Area Location



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Spatial Reference
Name: NAD 1983 StatePlane Missouri Central FIPS 2402 Feet





August 13, 2021

VIA FIRST CLASS MAIL

Missouri Department of Natural Resources
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102

**RE: United States Surface Transportation Board Docket No. AB-1319,
*City Utilities of Springfield Missouri – Abandonment Exemption –
In Greene County, Missouri***

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301 EAST CENTRAL STREET
Springfield, MO 65802

P.O. BOX 551
Springfield, MO 65801

cityutilities.net
WEB

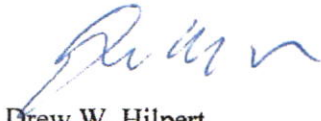
Missouri Department of Natural Resources
August 13, 2021
Page 2

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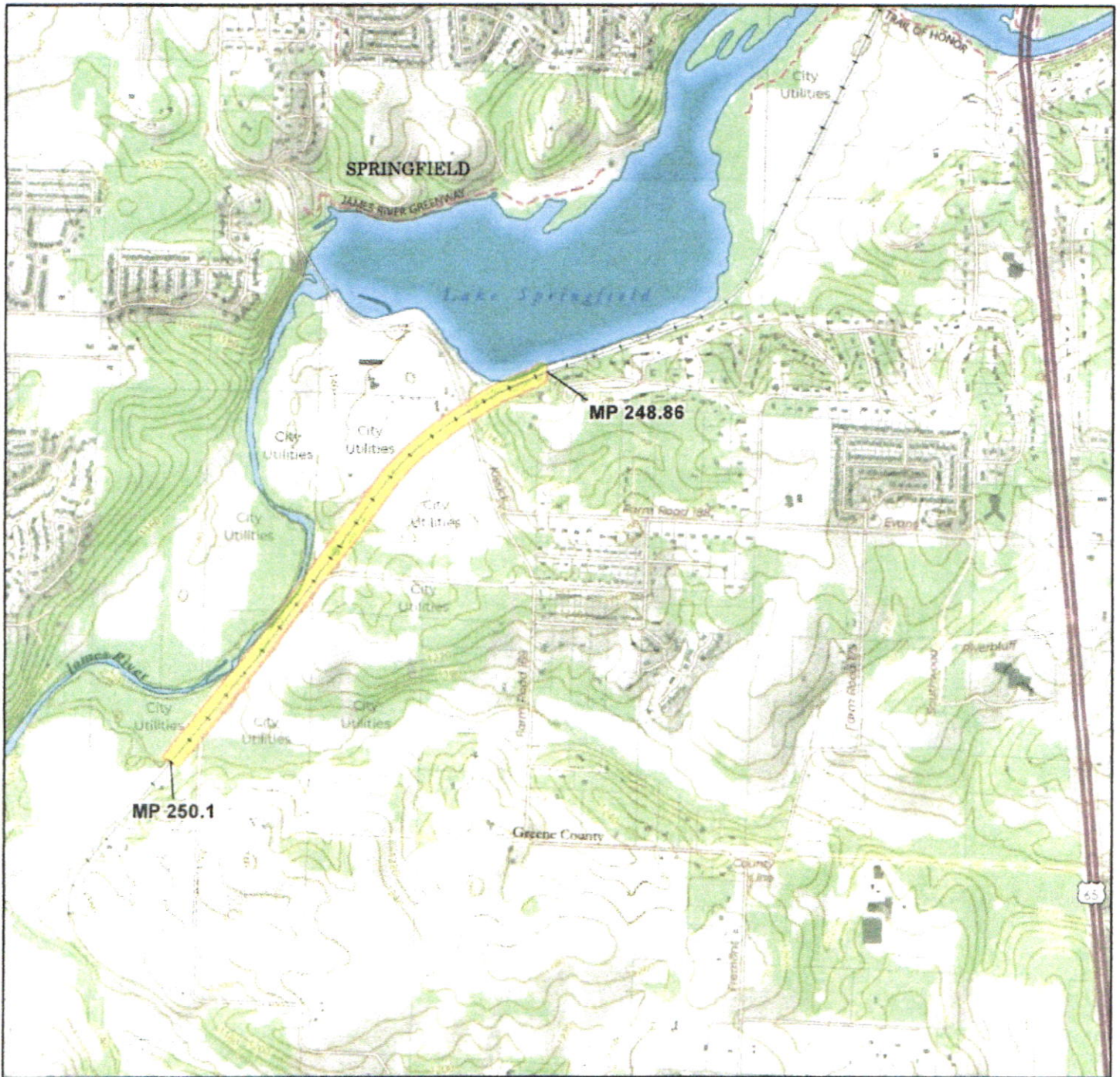


Drew W. Hilpert
Deputy General Counsel

DWH/kcl

Enclosure

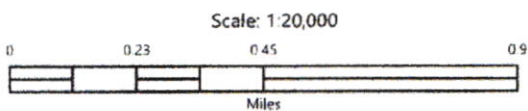
Project Area Location



- Project Area
- Waterbody
- Structures
- Land Parcels
- Woodlands
- Highway
- Railroad
- Minor Roads
- Existing Trails & Greenways
- Elevation Contours



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Spatial Reference
Name: NAD 1983 StatePlane Missouri Central FIPS 2402 Feet



August 13, 2021

VIA FIRST CLASS MAIL

U.S. Fish and Wildlife Service
Missouri Field Office (MOFO)
101 Park DeVille Dr., Ste. A
Columbia, MO 65203

**RE: United States Surface Transportation Board Docket No. AB-1319,
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PHONE

301 EAST CENTRAL STREET
Springfield, MO 65802

P.O. BOX 551
Springfield, MO 65801

cityutilities.net
WEB

U.S. Fish and Wildlife Service
August 13, 2021
Page 2

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Drew W. Hilpert
Deputy General Counsel

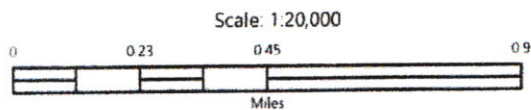
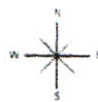
DWH/kcl

Enclosure

Project Area Location



- | | |
|--|---|
|  Project Area |  Highway |
|  Waterbody |  Railroad |
|  Structures |  Minor Roads |
|  Land Parcels |  Existing Trails & Greenways |
|  Woodlands |  Elevation Contours |



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Spatial Reference

Name: NAD 1983 StatePlane Missouri Central FIPS 2402 Feet



August 13, 2021

VIA FIRST CLASS MAIL

U.S. Fish and Wildlife Service
U.S. Fish and Wildlife Service Midwest Region
5600 American Blvd. West, Ste. 990
Bloomington, MN 55437

**RE: United States Surface Transportation Board Docket No. AB-1319,
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WEB

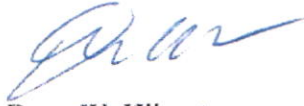
U.S. Fish and Wildlife Service
August 13, 2021
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DWH/kcl

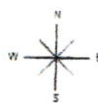
Enclosure

Project Area Location

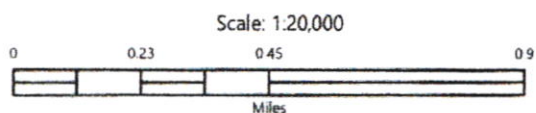


- Project Area
- Waterbody
- Structures
- Land Parcels
- Woodlands

- Highway
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Spatial Reference
Name: NAD 1983 StatePlane Missouri Central FIPS 2402 Feet



August 13, 2021

VIA FIRST CLASS MAIL

Natural Resources Conservation Service
14th & Independence Ave., SW, Rm. 5204-S
Washington, DC 20250

**RE: United States Surface Transportation Board Docket No. AB-1319,
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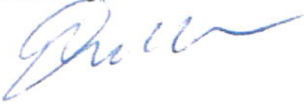
Natural Resources Conservation Service
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Deputy General Counsel

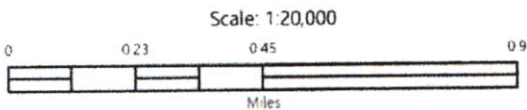
DWH/kcl

Enclosure

Project Area Location



- Project Area
- Waterbody
- Structures
- Land Parcels
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Spatial Reference
Name: NAD 1983 StatePlane Missouri Central FIPS 2402 Feet



August 13, 2021

VIA FIRST CLASS MAIL

Springfield Planning and Development
840 N. Boonville Ave.
Springfield, MO 65802

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*City Utilities of Springfield Missouri – Abandonment Exemption –
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417 863.9000
PHONE

301 EAST CENTRAL STREET
Springfield, MO 65802

P.O. BOX 551
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cityutilities.net
WEB

Springfield Planning and Development
August 13, 2021
Page 2

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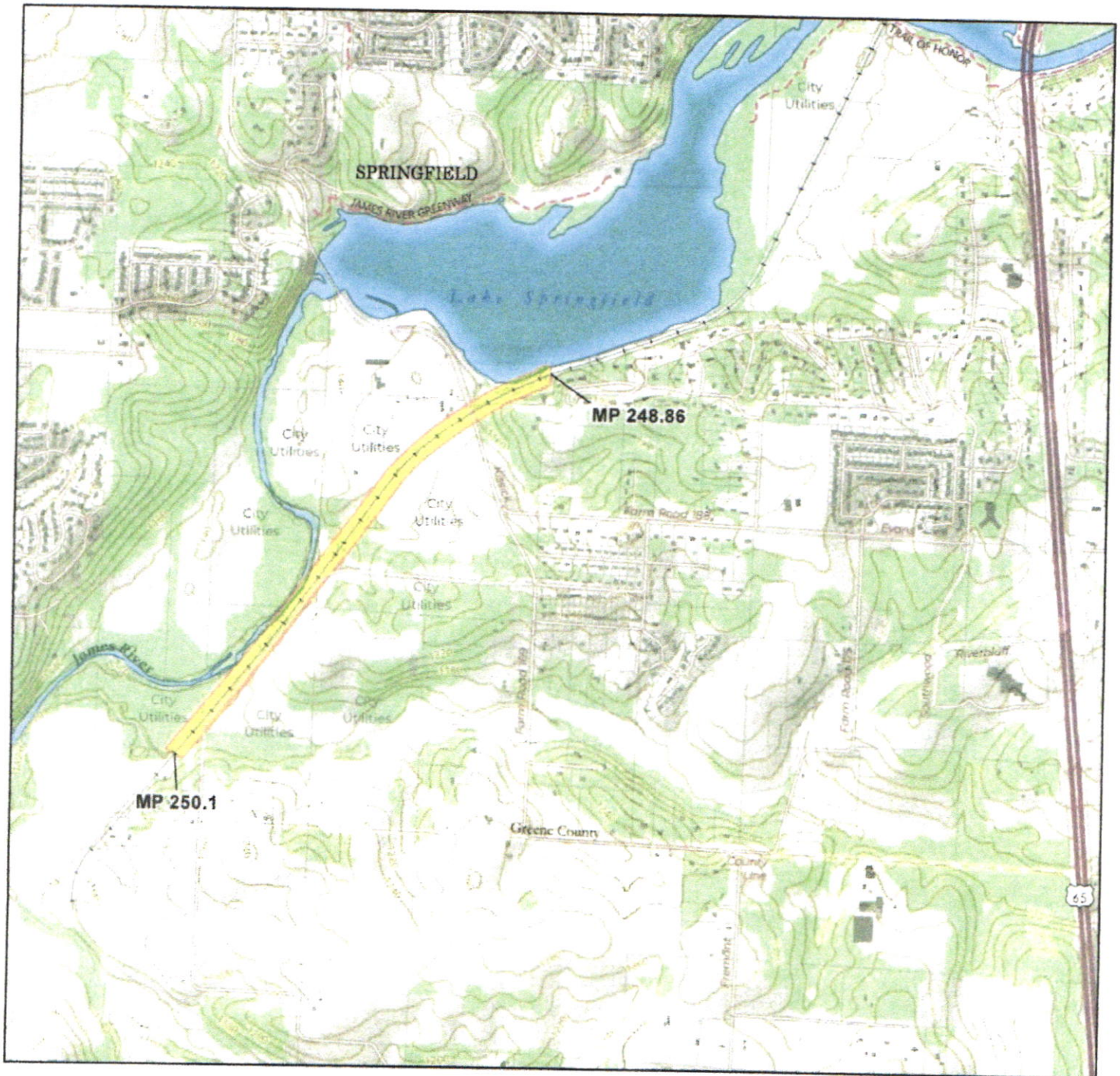


Drew W. Hilpert
Deputy General Counsel

DWH/kcl

Enclosure

Project Area Location

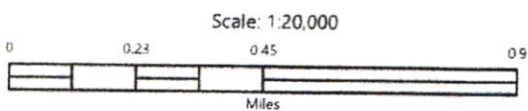


- Project Area
- Waterbody
- Structures
- Land Parcels
- Woodlands

- Highway
- Railroad
- Minor Roads
- Existing Trails & Greenways
- Elevation Contours



This map was prepared by the Ozarks Transportation Organization on 7/28/2021. Data sources include the National Hydrography Dataset, USGS LULC 2016 dataset, Greene County Assessor, Christian County Assessor, City of Springfield Open Data Portal: Road Centerlines, Missouri 7.5 Minute Series Quadrangle 30 meter Digital Elevation Models, and Microsoft/Bing Building Footprints.



Spatial Reference
Name: NAD 1983 StatePlane Missouri Central FIPS 2402 Feet



August 13, 2021

VIA FIRST CLASS MAIL

Greene County Planning and Zoning
940 N. Boonville Ave., Ste. #306
Springfield, MO 65802

**RE: United States Surface Transportation Board Docket No. AB-1319,
*City Utilities of Springfield Missouri – Abandonment Exemption –
In Greene County, Missouri***

To Whom it May Concern:

This letter is to advise you that City Utilities of Springfield Missouri ("City Utilities") intends to seek authorization from the U.S. Surface Transportation Board ("STB") to abandon a short segment of rail line located between milepost 248.86 and milepost 250.1 in Springfield, Missouri ("Subject Line"). This line of railroad traverses through zip code 65804. A map of the Subject Line is attached to this letter as Exhibit A. City Utilities intends to seek such authorization through a petition for exemption filed in the captioned STB docket on or after September 24, 2021.

Based on information in City Utilities' possession, the Subject Line does not contain federally granted rights of way.

The Subject Line has been owned by City Utilities since 1987 and was used by the BNSF Railway Company ("BNSF") to deliver trains of coal to be burned at the St. James Power Station, which is owned and was operated by City Utilities. That facility stopped receiving rail deliveries of coal in 2015 and was officially closed on January 28, 2021. It is the desire of City Utilities and other local parties to remove the track and ties and dispose of or sell them, and to convert the right-of-way into a recreational trail. However, City Utilities and BNSF recently discovered that this track segment is still technically subject to the jurisdiction of the STB because City Utilities inadvertently did not seek the requisite authority from the STB to acquire the track from BNSF in 1987. Accordingly, the Subject Line must be formally abandoned before the right-of-way can be used for another purpose.

In advance of preparing an environmental and historical report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours to inquire whether there are any concerns as to the potential environmental or historical effects of the proposed action (*i.e.*, abandonment and removal of the tracks and ties) on matters within your jurisdiction and authority.

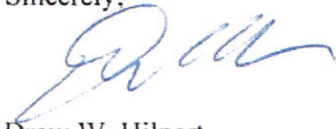
Greene County Planning and Zoning
August 13, 2021
Page 2

Please respond to this letter within 20 days of receiving it that, within the area of your jurisdiction and authority, you do not perceive that the abandonment will have a significant effect upon the environment or, if you have any such concerns. If you have any questions about this proposal or if you need assistance in this matter, please contact our attorney, Tom Wilcox, using the contact information below:

Thomas W. Wilcox
Law Office of Thomas W. Wilcox, LLC
Office: 202.508.1065
Mobile: 202.365.8409
1629 K. Street, NW Suite 300
Washington, DC 20006
tom@twilcoxlaw.com

Thank you for your cooperation.

Sincerely,

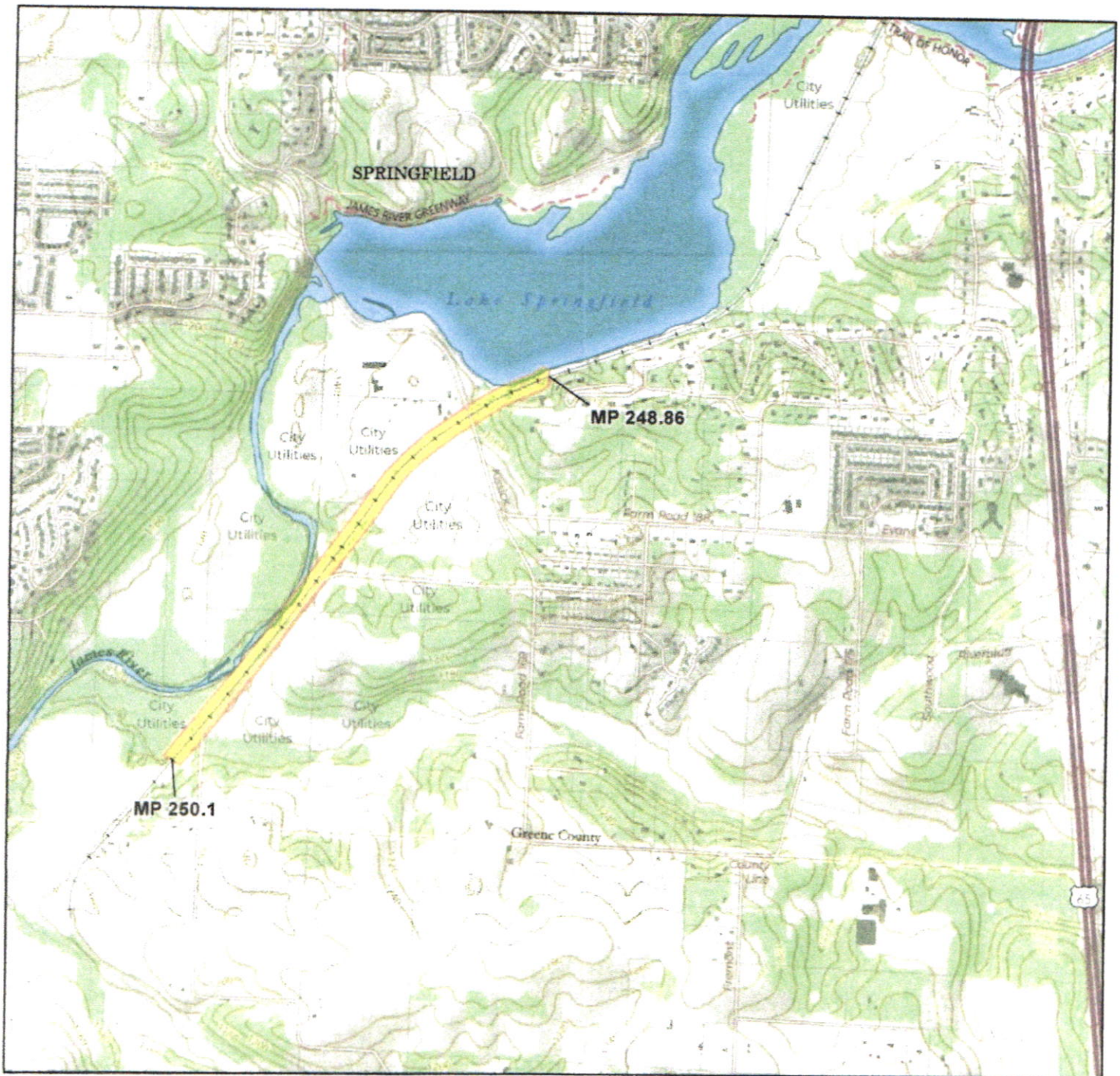


Drew W. Hilpert
Deputy General Counsel

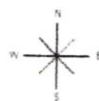
DWH/kcl

Enclosure

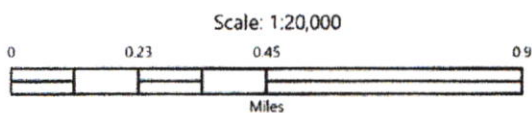
Project Area Location



- Project Area
- Waterbody
- Structures
- Land Parcels
- Woodlands
- Highway
- Railroad
- Minor Roads
- Existing Trails & Greenways
- Elevation Contours



This map was prepared by the Ozarks Transportation Organization on 7/28/2021. Data sources include the National Hydrography Dataset, USGS LULC 2016 dataset, Greene County Assessor, Christian County Assessor, City of Springfield Open Data Portal, Road Centerlines, Missouri 7.5 Minute Series Quadrangle 30 meter Digital Elevation Models, and Microsoft/Bing Building Footprints.



Spatial Reference
Name: NAD 1983 StatePlane Missouri Central FIPS 2402 Feet

EXHIBIT C

AGENCY RESPONSE TO CONSULTATION LETTER

Tom Wilcox

From: Sydney Allen <sydney.allen@greenecountymo.gov>
Sent: Friday, August 20, 2021 3:06 PM
To: Tom Wilcox
Subject: United States Surface Transportation Board Docket No. AB-1319

Mr. Wilcox,

This email is to verify that the letter sent regarding the subject line above was received by the Greene County, Missouri Planning Department. Our department does not perceive that the abandonment will have a significant effect upon the environment and we do not have any such concerns. Please let us know if you have any questions.

Thank you,

Sydney M. Allen
Planning Director

Greene County Resource Management

940 Boonville Avenue

Springfield, Missouri 65802

Phone: 417-868-4005

FAX: 417-868-4175

Email: sydney.allen@greenecountymo.gov



EXHIBIT D

PHOTOGRAPHS OF BRIDGE





CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 13, 2021, copies of the attached Environmental and Historic Report prepared by City Utilities of Springfield Missouri were served by First Class Mail on the agencies listed below in accordance with 49 C.F.R. 1105.7(b)

/s/ Drew W. Hilpert

Drew W. Hilpert Mo. Bar #51094
Board of Public Utilities for the
City of Springfield, Missouri
301 E. Central St.
Springfield, MO 65802
Telephone: (417) 831-8609
Email: drew.hilpert@cityutilities.net

Greene County Commission
1443 N. Robberson Ave.
Springfield, MO 65802

US Environmental Protection Agency Region 7
11201 Renner Blvd.
Lenexa, KS 66219

Bert Frost, Regional Director
National Park Service
601 Riverfront Dr.
Omaha, NE 68102-4226

Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #8716
1315 East-West Highway
Silver Spring, MD 20910-3282

Greene County Planning and Zoning
940 N. Boonville Ave., Ste. #306
Springfield, MO 65802

Springfield Planning and Development
840 N. Boonville Ave.
Springfield, MO 65802

Natural Resources Conservation Service
14th & Independence Ave., SW, Rm. 5204-S
Washington, DC 20250

U.S. Fish and Wildlife Service
U.S. Fish and Wildlife Service Midwest Region
5600 American Blvd. West, Ste. 990
Bloomington, MN 55437

U.S. Fish and Wildlife Service
Missouri Field Office (MOFO)
101 Park DeVille Dr., Ste. A
Columbia, MO 65203

Missouri Department of Natural Resources
Water Protection Program
P.O. Box 176
Jefferson City, MO 65102

U.S. Army Corps of Engineers
Department of the Army
Missouri State Regulatory Office
515 E. High St., Ste. 202
Jefferson City, MO 65101

Missouri State Historic Preservation Office
1101 Riverside Dr.
Jefferson City, MO 65101

Department of the Army
Little Rock District Corps of Engineers
Branson Regulatory Field Office
4600 Hwy 165
Branson, MO 65616

EXHIBIT D

DRAFT FEDERAL REGISTER NOTICE

**BEFORE THE UNITED STATES
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB 1319

**CITY UTILITIES OF SPRINGFIELD MISSOURI
– ABANDONMENT EXEMPTION –
IN GREENE COUNTY, MISSOURI**

CAPTION SUMMARY

On October 12, 2021, City Utilities of Springfield Missouri (“City Utilities”) filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a line of railroad extending from railroad milepost 248.86 to milepost 250.1, which traverses through United States Postal Service ZIP Code 65810, a distance of 1.24 miles, in Greene County, Missouri. The line for which the abandonment exemption request was filed does not include any stations.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

There are no railroad operations being conducted over the line. Nevertheless, the abandonment of the Line will be made subject to the standard employee protective conditions as set forth in *Oregon Short Line Railroad Co.- Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

Any offer of financial assistance, if permitted by the Board, will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line will be converted to a multi-use trail and will not be suitable for other public use, including interim trail use.

Nevertheless, any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Office of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

EXHIBIT E

NEWSPAPER NOTICE

Order Confirmation for Ad #: 0004937522



Customer: CITY UTILITIES
Address: PO BOX 551
SPRINGFIELD MO 65801 USA
Acct. #: SNL-048265
Phone: 4178318300
Email:
Payor: CITY UTILITIES
Ordered By: Ryan Lee

OrderStart Date: 10/04/2021

Order End Date: 10/04/2021

<u>Tear Sheets</u>	<u>Affidavits</u>	<u>Blind Box</u>	<u>Promo Type</u>	<u>Materials</u>	<u>Special Pricing</u>
0	1				

<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>
\$182.10	\$0.00	\$182.10	Invoice	\$0.00	\$182.10

Ad Order Notes:

Sales Rep: tmondloch

Order Taker: TWoodrum

Product	# Ins	Start Date	End Date
SNL-SNL News-Leader	1	10/04/2021	10/04/2021

Text of Ad:

**Notice of Intent to Abandon or to
Discontinue Rail Service**

City Utilities of Springfield Missouri (CU) gives notice that on or about October 4, 2021 it intends to file with the Surface Transportation Board, Washington, D.C., a petition for exemption under 49 U.S.C. §10502 from the prior approval requirements of 49 U.S.C. §10903, et seq., permitting the abandonment of an approximately two (2) mile line of railroad between railroad milepost 248.86 and milepost 250.1 near CU's James River Power Station. The line is in zip code 65810 and Greene County, Missouri. The proceeding has been docketed as STB Docket No. AB 1319. The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available sixty (60) days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than thirty (30) days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, Washington, D.C. or by calling OEA at (202) 245-0245. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. If not E-filed pursuant to the Board's procedures, an original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, Washington, D.C. [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245 -0245. Copies of any comments or requests for conditions should be served on the applicant's representative, Thomas W. Wilcox, at the Law Office of Thomas W. Wilcox, LLC, 1629 K Street NW, Suite 300, Washington D.C. 20006

**PROOF OF
PUBLICATION**

**STATE OF MISSOURI
COUNTY OF GREENE**

CITY UTILITIES
PO BOX 551

SPRINGFIELD MO 65801

I do upon my oath state that I am the Legal Clerk of the Springfield News-Leader/Guidon, and that I am duly authorized to and do make this affidavit for and on behalf of the News-Leader, a newspaper published daily in the City of Springfield, Greene County, Missouri; that the public advertisement, notice or order of Publication, a true copy of which is hereto attached, was published in said newspaper 1 time(s), issues dated as follows:

10/04/2021

Account Number: SNL-048265
Order Number: 0004937522

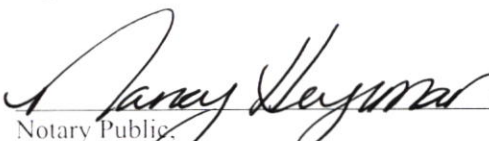
Total Amount: 182.10

This is not an invoice

(Signed) _____
Legal Clerk

(Date) 10-4-21

Signed and sworn before me


Notary Public,
State of Wisconsin, County of Brown

5.15.23

**Notice of Intent to Abandon or to
Discontinue Rail Service**

City Utilities of Springfield Missouri (CU) gives notice that on or about October 4, 2021 it intends to file with the Surface Transportation Board, Washington, D.C., a petition for exemption under 49 U.S.C. §10502 from the prior approval requirements of 49 U.S.C. §10903, et seq., permitting the abandonment of an approximately two (2) mile line of railroad between railroad milepost 248.86 and milepost 250.1 near CU's James River Power Station. The line is in zip code 65810 and Greene County, Missouri. The proceeding has been docketed as STB Docket No. AB 1319. The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available sixty (60) days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than thirty (30) days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, Washington, D.C. or by calling OEA at (202) 245-0245. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. If not E-filed pursuant to the Board's procedures, an original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, Washington, D.C. [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0245. Copies of any comments or requests for conditions should be served on the applicant's representative, Thomas W. Wilcox, at the Law Office of Thomas W. Wilcox, LLC, 1629 K Street NW, Suite 300, Washington D.C. 20006

NANCY HEYRMAN
Notary Public
State of Wisconsin

Classifieds Phone: 417.836.1150
 Classifieds Email: classifieds@news-leader.com
 Public Notices/Legals Email: snl-legals@news-leader.com

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of October, 2021, I served a copy of the foregoing Petition for Exemption in Docket AB -1319 on the persons listed below by first class mail, postage prepaid:

Missouri State Historic Preservation Office 1101 Riverside Dr. Jefferson City, MO 65101	The Missouri Public Service Commission PO Box 360 Jefferson City, MO 65102
Office of Chief of Forest Service U.S. Department of Agriculture 1400 Independence Ave., SW Washington, DC 20250-1111	U.S. Department of the Interior - National Park Service RTCA Program 1849 C Street, NW Washington, DC 20240
United States Department of the Army Military Surface Deployment and Distribution Command Transportation Engineering Agency ATTN: SDTE-SA (Railroads for National Defense) 1 Soldier Way, Building 1900W Scott AFB, IL 62225	

/ss/ Drew W. Hilpert
