

SERVICE DATE – MARCH 4, 2009

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-102 (Sub-No. 13)

MISSOURI-KANSAS-TEXAS RAILROAD COMPANY—ABANDONMENT—IN
CHARLES, WARREN, MONTGOMERY, CALLAWAY, BOONE, HOWARD,
COOPER AND PETTIS COUNTIES, MO

Decided: March 4, 2009

On February 12, 2009,¹ the State of Missouri (Missouri), represented by its Attorney General, filed a petition for a declaratory order to clarify whether Union Pacific Railroad Company (UP), as successor to Missouri-Kansas-Texas Railroad Company (MKT), had authority to abandon the Boonville Lift Bridge.

The Boonville Lift Bridge crosses the Missouri River at milepost 191.1 near Boonville in Cooper County, MO. It is located on a 199.92-mile line (Line) extending between milepost 26.92 at or near Machens, in St. Charles County, and milepost 226.84 at or near Sedalia, in Pettis County, MO. The Board's predecessor, the Interstate Commerce Commission (ICC), authorized MKT's abandonment of the Line in a decision served on March 16, 1987, and issued a Certificate of Interim Trail Use or Abandonment on April 27, 1987. On June 25, 1987, MKT entered into a trail use agreement with the Missouri Department of Natural Resources for the Line's right-of-way, which became the Katy Trail State Park. UP subsequently notified the Board that it consummated the abandonment of the bridge effective May 25, 2005. In this petition, Missouri challenges the alleged abandonment.

By letter filed on February 12, 2009, UP requests an extension until March 16, 2009, to reply to the petition for a declaratory order.² According to UP, Missouri has agreed to the extension request. The extension request will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ Missouri initially submitted the petition and a request for waiver of the filing fee on January 12, 2009, but the petition was not docketed until February 12, 2009, when the Board granted Missouri's waiver request. Because the Board could not accept the petition for filing until it ruled on Missouri's waiver request, February 12, 2009, is the official filing date.

² UP states that it will also address the comments in support of Missouri's petition for a declaratory order that Great Rivers Environmental Law Center filed on January 30, 2009.

It is ordered:

1. UP's request for an extension is granted. The due date for its reply is extended to March 16, 2009.

2. This decision is effective on its service date.

By the Board, Anne K. Quinlan, Acting Secretary.

Anne K. Quinlan
Acting Secretary