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SERVICE DATE - MARCH 8, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 153X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN MONROE COUNTY, IA

Decided: March 7, 2002

On September 1, 2000, a decision and notice of interim trail use or abandonment (NITU) was served in this proceeding, authorizing a 180-day period for the Iowa Trails Council (Iowa Trails) to negotiate an interim trail use/rail banking agreement with the Union Pacific Railroad Company (UP) for a segment of rail line (the southern segment of the Oskaloosa Subdivision) extending between milepost 315.1 and milepost 322.9, in Monroe County, IA.¹ The 180-day period under the NITU was scheduled to expire on February 28, 2001. By decision and amended NITU served on February 26, 2001, the negotiating period was extended to August 27, 2001.² Most recently, in a decision served on September 4, 2001, the negotiating period was extended to February 25, 2002.

By letter filed on February 20, 2002, Iowa Trails requests an extension of the negotiating period for an additional 180 days until August 24, 2002, to complete negotiations for the acquisition of the line between mileposts 315.0 and 322.9. By letter filed on February 22, 2002, as amended on March 7, 2002, UP states that it is agreeable to the request.

An extension of the trail use negotiating period may be granted as long as the Board retains jurisdiction over the involved railroad right-of-way and the carrier is willing to continue

¹ By letter filed on February 15, 2001, UP gave notification that the northern segment of the line between mileposts 312.1 and 315.0 had been conveyed to the sole shipper, Cargill, Incorporated.

² The February 26 decision also amended the NITU to the extent necessary to implement interim trail use/rail banking for that portion of the right-of-way between milepost 315.0 and milepost 315.1, thereby authorizing the parties to negotiate an agreement for trail use between milepost 315.0 and milepost 322.9.

negotiations. Inasmuch as UP has not consummated the abandonment and has indicated a willingness to continue to negotiate, the extension request can be granted.³

The requested extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the extension will be granted.

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

It is ordered:

1. The request to extend the interim trail use negotiating period is granted.
2. The negotiating period under the NITU is extended to August 24, 2002.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

³ See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987); and SSW Ry. Co.–Aban.–In Smith and Cherokee Counties, TX, 9 I.C.C.2d 406 (1992).