

P 312.777.2055
F 877.213.4433
mackshumate@up.com

March 27, 2013

VIA E-FILING

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room #100
Washington, DC 20423-0001

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Office of Proceedings
March 27, 2013
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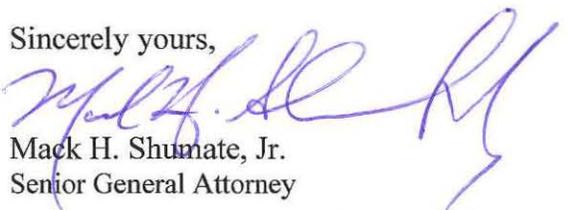
RE: Proposed Abandonment of the Ankeny Industrial Lead from Milepost 4.7 Near Des Moines to Milepost 10.5, the end of the Line at Ankeny, a total distance of 5.8 miles, in Polk County, Iowa; STB Docket No. AB-33 (Sub-No. 310X)

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the Iowa Natural Heritage Foundation on behalf of the Polk County Conservation Board (collectively, "Commentor") dated March 20, 2013 seeking a 180 day extension of the negotiation period to September 19, 2013 for interim trail use and rail banking under the provisions of 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Ankeny Industrial Lead, as defined above, a distance of 5.8 miles in Polk County, Iowa.

The Union Pacific is willing to continue to negotiate with Commentor concerning the acquisition of the subject property for trail use and supports the Commentor's request for a 180-day extension of the negotiation period but only with regard to that portion of the Line from Milepost 4.8 to Milepost 10.5 for a total distance of 5.7 miles. As previously indicated to the Board, the Union Pacific has determined that the portion of the Line from Milepost 4.8 to Milepost 4.7 will be withdrawn from the proposed Abandonment. A copy of Commentor's request to extend the negotiation period is attached hereto as **Exhibit A** and is hereby made a part hereof.

Sincerely yours,


Mack H. Shumate, Jr.
Senior General Attorney

Attachment

cc: Iowa Natural Heritage Foundation

2013_03_27 STB 180 Day Ext



505 5th Avenue, Suite 444
Des Moines, IA 50309-2321

www.inhf.org
E-mail: info@inhf.org
Phone: 515.288.1846
Toll Free: 800.475.1846
Fax: 515.288.0137

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MAR 25 2013

LAW DEPARTMENT
UNION PACIFIC RR CO.

COPY
FOR YOUR FILES

March 20, 2013

Cynthia Brown, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

BEFORE THE SURFACE TRANSPORTATION BOARD

RE: Union Pacific Railroad Company- Abandonment in Polk County, Iowa;
Docket # AB-33-310-X

Motion to Extend the Time Period for Negotiation of an
Interim Trail Use/Railbanking Agreement

In partnership and on behalf of the Polk County Conservation Board, the City of Ankeny (public agencies) and the Iowa Natural Heritage Foundation (non-profit corporation) hereby moves the Surface Transportation Board (STB or Board) to extend the time period for negotiation of a mutually acceptable interim trail use/railbanking agreement in this proceeding up and including **September 19, 2013**.

The Iowa Natural Heritage Foundation (INHF) and the public agencies have been negotiating with the Union Pacific Railroad Company (UPRR), but the parties need additional time to complete the negotiations.

To successfully preserve this corridor for interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. 1247 (d), it is necessary for the negotiation period under the NITU to be extended up to and including **September 16, 2013**. See Policy Statement on Rails to Trails

19 2013

EXHIBIT

"A"



Conversions, Ex Parte No. 274 (Sub. No. 13b) (ICC served Feb. 5, 1990)
(extensions of time promote the establishment of trails and railbanking
consistent with the National Trails System Act).

Since the issuance of the NITU, UPRR at all points has maintained intent to transfer the line intact for interim trail use. The railroad has not sold, or offered for sale, any parcels of land that would interfere with interim trail use and railbanking of the portion of the corridor that is covered by the NITU (Milepost 4.7 and Milepost 10.5). The line remains intact and throughout the period, the railroad has been negotiating with INHF for the transfer or sale of the corridor intact. Accordingly, the Board retains jurisdiction to extend the NITU to continue bona fide and active negotiations for interim trail use of the line.

In similar instances, this Board has reopened proceedings to permit the issuance of orders implementing section 8(d) for rail lines. The STB's authority to extend a NITU was upheld in Birt v. STB, 90 F.3d 580 (D.C. Cir. 1996). Here the parties merely seek an extension in the period for negotiation provided in a previously issued NITU. Such an extension will promote and further the purposes of the Trails Act.

For the reasons stated, INHF on behalf of the Polk County Conservation Board, the City of Ankeny requests that an extension of the NITU negotiation period be granted through **September 19, 2013**.

Respectfully Submitted,



Mark C. Ackelson
President, Iowa Natural Heritage Foundation

cc: Polk County Conservation Board, City of Ankeny

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2013 a true and accurate copy of the foregoing motion has been served to the following party via first-class mail, postage pre-paid and VIA FAX to (877) 213-4433.

Mack H. Shumate
Union Pacific Railroad
101 North Wacker Drive, Room 1920
Chicago, IL 60606-1718



Mark C. Ackelson, President
Iowa Natural Heritage Foundation

cc: Polk CCB, City of Ankeny