

21709
DO

SERVICE DATE - APRIL 18, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-307 (Sub-No. 3X)

WYOMING AND COLORADO RAILROAD COMPANY, INC.--ABANDONMENT
EXEMPTION--IN ALBANY COUNTY, WY

Decided: April 15, 1997

In a decision and notice of interim trail use or abandonment (NITU) served on September 16, 1996, a 180-day period was authorized for Friends of the Albany County Rail-Trail (Friends) and the State of Wyoming, Department of Commerce - Division of State Parks and Historic Sites (State) to negotiate a trail use agreement with Wyoming and Colorado Railroad Company, Inc. (WYCO), for the right-of-way of a 66.16-mile segment of the Coalmont Branch, from milepost 67.47 at the Colorado state line to milepost 1.31 near Laramie, in Albany County, WY. The 180-day negotiating period expired on March 15, 1997.

On March 10, 1997, Friends filed a request to extend the negotiating period through September 16, 1997, stating that it has begun the process of negotiating a trail use agreement with WYCO, but that they have not reached a final agreement on the purchase of the salvage rights. Friends also states that the Rails to Trails Conservancy has expressed a desire to assist Friends in the negotiations with WYCO. By letter filed April 7, 1997, WYCO has consented to the extension.

The requested extension of the negotiation period will be granted. Friends has shown that the additional time is necessary to complete negotiations. An extension of time will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).¹

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

It is ordered:

1. Friends' request to extend the interim trail use negotiating period is granted.
2. The negotiation period is extended to September 16, 1997.
3. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary

¹ Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction to extend the NITU negotiating period. See *Rail Abandonments--Supplemental Trails Act Procedures*, 4 I.C.C.2d 152, 157-58 (1987); *Missouri Pacific Railroad Company--Abandonment in OK*, Docket No. AB-3 (Sub-No. 63) (ICC served Jan. 2, 1990); and *St. Louis Southwestern Railway Company--Abandonment in Smith and Cherokee Counties, TX*, Docket No. AB-39 (Sub-No. 12) (ICC served Mar. 27, 1992).