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SERVICE DATE - OCTOBER 1, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 130X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT
EXEMPTION--IN POCAHONTAS, BUENA VISTA AND CLAY COUNTIES, IA
(ROYAL BRANCH)

Decided: September 30, 1999

A decision and notice of interim trail use or abandonment (NITU) served March 29, 1999, established a 180-day period for the Iowa Trails Council (ITC) to negotiate an interim trail use/rail banking agreement with the Union Pacific Railroad Company (UP) for acquisition of the 25.25 miles of railroad right-of-way that were the subject of this proceeding.¹ The 180-day negotiating period was scheduled to expire on September 25, 1999.²

On September 21, 1999, ITC filed a request to extend the NITU negotiation period for an additional 180 days. ITC states that negotiations have been temporarily delayed due to changes in UP personnel and that the additional time is needed to complete an interim trail use/rail banking agreement. By letter filed on September 27, 1999, UP advises that it is agreeable to a 180-day extension of the NITU negotiation period.

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). ITC has shown that the additional time is necessary to complete negotiations. An extension of the negotiation 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 NITU negotiation period will be extended until March 23, 2000.

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

¹ The railroad right-of-way extends between milepost 477.10 near Laurens and the end of the line at milepost 502.35 near Royal, in Pocahontas, Buena Vista and Clay Counties, IA.

² The decision also imposed a public use condition under 49 U.S.C. 10905 that is scheduled to expire on October 25, 1999.

It is ordered:

1. ITC's request to extend the NITU negotiation period for an additional 180 days is granted.
2. The NITU negotiation period is extended until March 23, 2000.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary