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SERVICE DATE - FEBRUARY 9, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 123X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT
EXEMPTION--IN BUTLER COUNTY, IA

Decided: February 3, 2000

On August 27, 1998, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the Iowa Trails Council (ITC) to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for a 5.95-mile line of railroad on the Bristow Branch from milepost 288.8 near Clarksville, to milepost 294.75 near Allison, in Butler County, IA.¹ At the request of ITC, the negotiating period under the NITU was extended by decisions served January 29, 1999, and August 20, 1999, for a portion of the right-of-way from milepost 288.8 to milepost 294.40.² The latest extension is scheduled to expire on February 19, 2000.

By facsimile received on January 24, 2000, and letter-request filed on January 31, 2000, UP requests an extension of the NITU negotiating period for an additional 180 days or until August 17, 2000, in which to complete negotiations. UP states that it has not consummated the abandonment and that the parties (ITC and UP) are engaged in active negotiations. UP also states that, because of a change in personnel assignments in its Real Estate Department, it does not appear that an agreement will be reached by February 19, 2000.

The negotiation period under the NITU will be extended for 180 days to August 17, 2000. An extension of the negotiation period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

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

¹ Notice of the exemption was served and published in the Federal Register on July 29, 1998 (63 FR 40581-82).

² On January 19, 1999, UP notified the Board that the portion of the line from milepost 294.40 to milepost 294.75 would be reclassified as yard trackage.

It is ordered:

1. The negotiating period under the NITU is extended to August 17, 2000.
2. The decision is effective on its service date.

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

Vernon A. Williams
Secretary