

34546
DO

SERVICE DATE - MARCH 22, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 202X)

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

Decided: March 17, 2004

By decision and notice of interim trail use or abandonment (NITU) served on September 26, 2003, a 180-day period was authorized for the Iowa Trails Council (Iowa Trails), on behalf of the Franklin County Conservation Board (FCB), to negotiate an interim trail use rail/banking agreement with Union Pacific Railroad Company (UP) for a 5.90-mile line of railroad known as the Sheffield Industrial Lead, extending from milepost 179.80 near Chapin to milepost 173.90 near Sheffield in Franklin County, IA. The negotiating period under the NITU is scheduled to expire on March 24, 2004.

On March 5, 2004, as amended on March 12, 2004, Iowa Trails, on behalf of FCB, filed a request for a 180-day extension of the negotiating period, stating that the additional time is needed to complete negotiations. By letter dated March 5, 2004, UP states that it supports the extension request, but is only willing to continue to negotiate for the portion of the line extending from milepost 173.90 near Sheffield, IA, to milepost 178.0 near Chapin, IA. UP states that the portion of the line extending from milepost 178.0 to milepost 179.80 near Chapin, IA, is being reclassified as industrial track for the benefit of a grain elevator at that location.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. Under the circumstances, an extension of the negotiating period is warranted and will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).¹ Accordingly, the NITU negotiating period will be extended for that portion of the line between milepost 173.90 and milepost 178.0 for a period of 180 days from March 24, 2004.

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

¹ See Rail Abandonment—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. The request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended for that portion of the line extending from milepost 173.90 near Sheffield, IA, to milepost 178.0 near Chapin, IA, until September 20, 2004.
3. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary