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Office of Proceedings
July 1, 2014
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Public Record

July 1, 2014

Cynthia T. Brown
Surface Transportation Board
1925 "K" Street, NW
Washington, D.C. 20423-000

 GRANTED Office of Proceedings	DECISION ID NO.: <u>43898</u>
	DECIDED DATE: <u>7-18-2014</u>
	SERVICE DATE: <u>7-18-2014</u>
	APPROVED: <u>Joseph Detman</u> Acting Director
	<input checked="" type="checkbox"/> <u>Extended to 12-25-14</u>

RE: Union Pacific Railroad Abandonment, Wright County, Iowa;
Docket # AB-33 Sub 292X

In partnership with and on behalf of the City of Belmond and Wright County Conservation Board (public agencies), 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 **December 25, 2014**.

The Iowa Natural Heritage Foundation (INHF) and the public agencies have been actively negotiating with Union Pacific Railroad (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 **December 25, 2014**. See Policy Statement on Rails to Trails 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 (between milepost 29.52 and milepost 30.02). 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 and 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, City of Belmond and Wright County Conservation Board requests that an extension of the NITL negotiation period be granted through **December 25, 2014**.

Respectfully Submitted,



Joe McGovern
President, Iowa Natural Heritage Foundation



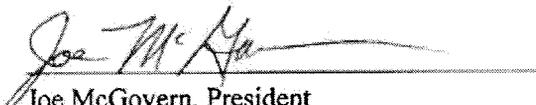
By _____
Secretary

cc: Wright County Conservation Board, City of Belmond

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2014 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
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718



Joe McGovern, President
Iowa Natural Heritage Foundation

cc: Wright County Conservation Board, City of Belmond

