

38528
DO

SERVICE DATE – NOVEMBER 5, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 200X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN FRANKLIN AND BUTLER COUNTIES, IA

Decided: November 2, 2007

On September 26, 2003, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the Iowa Trails Council (Council), on behalf of the Franklin and Butler Counties Conservation Boards, to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for a 23.61-mile line of railroad, known as the eastern portion of the Bristow Subdivision, extending from milepost 318.36 near Hampton to milepost 294.75 near Allison, in Franklin and Butler Counties, IA. The negotiating period under the NITU was extended by decisions served on March 24, 2004, September 17, 2004, March 24, 2005, September 14, 2005, April 13, 2006, October 16, 2006, March 30, 2007, and September 6, 2007. The latest extension expires on November 5, 2007.

In a letter filed on October 30, 2007, the Council filed a request to extend the NITU negotiating period for an additional 60 days. The Council states that additional time is needed to continue negotiations. In a letter dated October 30, 2007, UP states that it is willing to continue negotiating with the Council and supports the Council's request for a 60-day extension.

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended.¹ An extension of the negotiating 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 negotiating period will be extended for an additional 60 days from November 5, 2007. Given the time that has elapsed since abandonment was authorized, the parties are again urged to conclude their negotiations so that further extensions are not necessary.

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

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

It is ordered:

1. The request of the Council to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended for 60 days until January 4, 2008.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary