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SERVICE DATE - OCTOBER 31, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 145X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT  
EXEMPTION--IN STANISLAUS COUNTY, CA

Decided: October 25, 2001

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances of Service and Trackage Rights to abandon a 5.62-mile line of railroad over the Tidewater Subdivision from milepost 26.43 near McHenry to milepost 32.05 in Modesto, in Stanislaus County, CA. Notice of the exemption was served and published in the Federal Register on April 14, 2000 (65 FR 20263-64). On May 15, 2000, a decision and notice of interim trail use or abandonment (NITU) was served, that reopened the proceeding and authorized a 180-day period for the City of Modesto (City) to negotiate an interim trail use/rail banking agreement with UP for a portion of the right-of-way between milepost  $\pm 26.43$  (a point 30 feet north of the north line of the proposed Pelandale Expressway) and milepost  $\pm 30.63$  (at Needham Street), a distance of 4.2 miles. The NITU negotiating period was extended by decisions served October 23, 2000, and April 26, 2001, and is currently scheduled to expire on November 8, 2001.

October 4, 2001, the City filed a request for a 180-day extension of the negotiation period until May 7, 2002. The City states that UP has provided it with a draft agreement, and that the extension is necessary for the City to complete its review and to give the parties an opportunity to negotiate a final agreement. In a response filed on October 25, 2001, UP agreed to the extension request.

The negotiation period under the NITU will be extended for 180 days to May 7, 2002. 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 trail 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.

It is ordered:

1. The negotiating period under the NITU is extended to May 7, 2002.
2. The decision is effective on its service date.

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

Vernon A. Williams  
Secretary