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SERVICE DATE - SEPTEMBER 10, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 112X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN LANCASTER COUNTY, NE

Decided: September 3, 1999

A decision and notice of interim trail use or abandonment (NITU) served on September 24, 1997, established a 180-day period (until March 23, 1998) for the City of Lincoln (the City) to negotiate an interim trail use/rail banking agreement with the Union Pacific Railroad Company (UP) for a portion of the line between milepost 492.88 near 33rd Street and milepost 494.166 at 18th Street, in Lincoln, NE.¹ Thereafter, pursuant to the offer of financial assistance provisions of 49 U.S.C. 10904, Lincoln Lumber Company (LLC) acquired the portion of the line between 19th and 24th Streets on December 8, 1997. Otherwise, the trail use condition remains viable for the remainder of the line between 24th Street and 33rd Street and the 8,400 square foot parcel between 18th Street and 19th Street. Subsequent decisions served March 23 and September 15, 1998, and March 19, 1999, extended the NITU negotiation period until September 18, 1999.

On August 23, 1999, the City filed a request to extend the NITU negotiation period for an additional 180 days or until March 16, 2000. The City states that negotiations continue to be delayed because UP needs to use the line to deliver grain trains to the Omaha, Lincoln, and Beatrice Railroad Company, and to provide service to LLC, while new trackage is being constructed.² By letter filed August 30, 1999, UP agrees to the extension of the negotiation period until March 16, 2000.

Because an extension of the negotiation period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d), and the parties agree on the necessity for the extension, the request will be granted.

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

¹ UP indicated its intent to donate to the University of Nebraska that portion of the line between milepost 494.76 near 10th Street and 18th Street.

² By decision served June 30, 1999, UP was granted a second 1-year extension of time to exercise the abandonment authority, until September 24, 2000.

It is ordered:

1. The City's request to extend the NITU negotiation period is granted.
2. The negotiation period under the NITU is extended to March 16, 2000.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary