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SERVICE DATE - MARCH 27, 1998

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-3 (Sub-No. 123X)

MISSOURI PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN PETTIS COUNTY, MO

Decided: March 25, 1998

On September 29, 1995, a decision and notice of interim trail use or abandonment (NITU) was served in the above proceeding, which authorized a 180-day period for the State of Missouri Department of Natural Resources (MDNR) to negotiate an interim trail use/rail banking agreement with Missouri Pacific Railroad Company (MP)¹ for a 2.16-mile segment of rail line between milepost 226.84, near Sedalia, and the end of the line at milepost 229.0, in Pettis County, MO. Extensions of the negotiating period were granted by decisions served April 5, 1996, September 27, 1996, April 18, 1997, and September 23, 1997.

The negotiating period was scheduled to expire on March 24, 1998. By letter filed March 19, 1998, MDNR requests a 90-day extension of the negotiating period. MDNR states that the parties are negotiating in good faith to consummate a conveyance/acquisition of the segment of rail line for use as a hiking and biking trail. MDNR further states that the parties have not yet been successful in reaching an agreement regarding the terms of the conveyance to the State of Missouri. MDNR adds that both parties are working diligently to arrive at acceptable terms.

MP, by letter filed March 20, 1998, agrees to an extension of the NITU, but suggests an extension of 180 days. MP states that every possible effort will be made to reach an agreement during the 180-day period, to avoid the need for another extension of the NITU. MP indicates in its letter that MDNR agrees to the 180-day extension request.

An extension of the trail use negotiating period may be granted as long as the Board retains jurisdiction over the involved railroad right-of-way and the carrier is willing to continue negotiations. Inasmuch as MP has not consummated the abandonment and has indicated a willingness to continue to negotiate, the extension request can be granted.

The requested extension 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 extension request will be granted.

¹ Missouri Pacific Railroad Company merged into Union Pacific Railroad Company on January 1, 1997. This decision will continue to refer to the carrier as MP.

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

It is ordered:

1. The request to extend the interim trail use negotiating period is granted.
2. The NITU negotiating period is extended to September 20, 1998.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary