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SERVICE DATE - FEBRUARY 23, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 129X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT
EXEMPTION--IN DALLAS AND GUTHRIE COUNTIES, IA
(PERRY BRANCH AND YALE SPUR)

Decided: February 17, 2000

A decision and notice of interim trail use or abandonment (NITU) served February 17, 1999, established a 180-day period for the Iowa Natural Heritage Foundation (INHF) and the Dallas and Guthrie County Conservation Boards to negotiate an interim trail use/rail banking agreement with the Union Pacific Railroad Company (UP) for acquisition of the 11.4 miles of railroad right-of-way involved in this proceeding.¹ The 180 day period under the NITU was scheduled to expire on August 16, 1999, but was extended through February 28, 2000, by a decision served August 25, 1999.

On February 14, 2000, INHF, on behalf of the Dallas and Guthrie County Conservation Boards, filed a motion to extend the NITU negotiation period until August 28, 2000. INHF states that, while it has been actively negotiating and is close to reaching an agreement with UP, more time is needed to resolve certain issues before an interim trail use/rail banking agreement can be finalized. Also on February 14, 2000, UP advised that it is agreeable to an extension of the NITU negotiating period.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.² 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 NITU negotiating period will be extended until August 28, 2000.

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

It is ordered:

¹ The railroad right-of-way extends: (1) from milepost 369.0 near Dawson to the end of the line at milepost 374.2 near Herndon (the Perry Branch); and (2) from milepost 54.3 at Herndon to the end of the line at milepost 48.1 at Yale (the Yale Spur), in Dallas and Guthrie Counties, IA.

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

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1. The negotiating period under the NITU is extended to August 28, 2000.
2. The decision is effective on its service date.

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

Vernon A. Williams
Secretary