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SERVICE DATE - LATE RELEASE FEBRUARY 20, 2003

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-33 (Sub-No. 153X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN MONROE COUNTY, IA

Decided: February 20, 2003

On September 1, 2000, a decision and notice of interim trail use or abandonment (NITU) was served in this proceeding, authorizing a 180-day period for the Iowa Trails Council (Iowa Trails) to negotiate an interim trail use/rail banking agreement with the Union Pacific Railroad Company (UP) for a segment of rail line (the southern segment of the Oskaloosa Subdivision) extending between milepost 315.1 and milepost 322.9, in Monroe County, IA. The negotiating period was extended several times¹ and the latest extension is scheduled to expire on February 20, 2003.

By letter filed on February 13, 2003, Iowa Trails requests an extension of the negotiating period for an additional 180 days to complete negotiations for the acquisition of the line between mileposts 315.0 and 322.9. By letter filed on February 14, 2003, UP states that it is willing to continue to negotiate with Iowa Trails concerning the acquisition of the subject property for an interim recreational trail and supports the Iowa Trails request for an extension of the negotiating period.

Where, as here, the carrier is willing to continue trail use negotiations, the Board retains jurisdiction and the NITU negotiating period may be extended.² Under the circumstances, further extension of the negotiating period is warranted. Accordingly, the NITU negotiating period will be extended to August 19, 2003.

¹ The negotiating period under the NITU was extended by decisions served on February 26, 2001, September 4, 2001, March 8, 2002 and September 9, 2002. The February 26, 2001 decision also amended the NITU to the extent necessary to implement interim trail use/rail banking for that portion of the right-of-way between milepost 315.0 and milepost 315.1, thereby authorizing the parties to negotiate an agreement for trail use between milepost 315.0 and milepost 322.9.

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

The requested 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 extension will be granted.

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 negotiating period under the NITU is extended to August 19, 2003.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary