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SERVICE DATE - APRIL 23, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 105X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--  
IN KANE COUNTY, IL

Decided: April 21, 1998

By decision and notice of interim trail use or abandonment (NITU) served on April 29, 1997, a 180-day period was authorized for the City of Elgin, IL (the City), to negotiate an interim trail use/rail banking agreement with the Union Pacific Railroad Company (UP) for a 2.8-mile segment of the East Elgin Industrial Lead between milepost 41.0 near Elgin Junction and milepost 43.8 near East Elgin, in Kane County, IL. At the City's request, the 180-day negotiating period was extended through April 24, 1998, by decision served November 4, 1997.

On April 16, 1998, the City filed a request for another 180-day extension of the negotiating period. The City states that UP has just recently completed the review of the voluminous documents, including old deeds and other property records, necessary for title searches. It states that additional time is needed to complete an appraisal ordered by UP. The City also indicates that UP has tendered to the City a draft line sale and donation contract which will provide for the City's acquisition of the rail line property, and that the parties are hopeful to complete this complex real estate transaction in the near future. UP agrees with this request for an extension.

The requested extension of the negotiation period will be granted. The City has shown that the additional time is necessary to complete negotiations. An extension of time will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended for an additional 180 days from April 24, 1998.

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

It is ordered:

1. The City's request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended until October 21, 1998.

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3. This decision is effective on the date of service.

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

Vernon A. Williams  
Secretary