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SERVICE DATE - APRIL 13, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-314 (Sub-No. 2X)

CHICAGO CENTRAL & PACIFIC RAILROAD COMPANY—ABANDONMENT
EXEMPTION—IN LINN COUNTY, IA

Decided: April 11, 2005

By decision and notice of interim trail use or abandonment (NITU) served on October 25, 2002, the Board granted Chicago Central & Pacific Railroad Company (CCP) an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a segment of the Marion-Louisa Industry Lead, extending from milepost ZA 225.7 to milepost ZA 229.5, a distance of approximately 3.8 miles in Linn County, IA. The exemption was granted subject to trail use, public use, environmental, and standard employee protective conditions, and the Board authorized a 180-day period for the City of Marion, IA (Marion), and the City of Cedar Rapids, IA, to negotiate an interim trail use/rail banking agreement with CCP. The negotiating period under the NITU was scheduled to expire on April 25, 2003, but was subsequently extended by decisions served on April 23, 2003, October 29, 2003, April 21, 2004, and October 15, 2004, with the latest extension due to expire on April 14, 2005.¹

On April 6, 2005, Marion filed a request to extend the NITU negotiating period for an additional 180 days for that portion of the rail line within its corporate city limits. Marion states that the parties have agreed to defer negotiations regarding the acquisition of the abandoned rail property until the environmental assessment under a U.S. Environmental Protection Agency Brownfields Environmental Assessment Grant has been completed. Marion further states that, because the environmental assessment will not be completed prior to the upcoming April 14, 2005 deadline, it requests an additional 6-month time extension regarding interim trail use/rail banking of the subject line.

CCP states in a letter that it agrees with the requested 180-day extension of the negotiation period for the portion of the line between mileposts ZA 225.7 and ZA 228.45.

¹ The decision served on April 23, 2003, modified the NITU to cover only that portion of the line between mileposts ZA 225.7 and ZA 229.1. The decision served on October 29, 2003, modified the NITU to cover only that portion of the line between mileposts ZA 225.7 and ZA 228.45.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).² Accordingly, the NITU negotiating period will be extended to October 11, 2005.

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 for the portion of the line between mileposts ZA 225.7 and ZA 228.45 is granted.
2. The negotiating period under the NITU is extended to October 11, 2005.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

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