

31252  
DO

SERVICE DATE - AUGUST 23, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 140)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT—  
IN LANCASTER AND GAGE COUNTIES, NE, AND MARSHALL COUNTY, KS

Decided: August 21, 2000

On December 17, 1999, a decision and certificate of interim trail use or abandonment (CITU) was served<sup>1</sup> authorizing a 180-day period for the City of Beatrice, the Nebraska Trails Foundation, Inc. (Foundation), and the Lower Big Blue Natural Resources District to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for a 57.72-mile rail line known as the Beatrice Branch extending from milepost 66 near Jamaica, NE, to milepost 125 near Marietta, KS,<sup>2</sup> in Lancaster and Gage Counties, NE, and Marshall County, KS.<sup>3</sup> The negotiating period under the CITU expired on June 14, 2000.<sup>4</sup>

By letter dated July 12, 2000, the Foundation requests an extension of the negotiating period for an additional 180 days. According to the Foundation, the parties need additional time to organize their resources so that one entity can conduct trail use negotiations for the entire group. By letter dated July 14, 2000, UP states that it agrees with the extension request.

---

<sup>1</sup> A corrected decision was served on December 22, 1999.

<sup>2</sup> The track mileage is 1.28 miles less than the milepost differential because a track relocation on the line between Beatrice and Holmesville, NE, created a milepost discontinuity. (Milepost 101.72 now coincides with milepost 103.)

<sup>3</sup> Service over the Beatrice Branch was performed as two separate movements: (1) the 29-mile northern segment between milepost 66 near Jamaica and milepost 95 north of Beatrice; and (2) the 28.72-mile southern segment between milepost 95 and milepost 125 near Marietta.

<sup>4</sup> In a decision served on January 14, 2000, the effective date of the CITU with respect to the 28.72-mile southern segment was extended until January 31, 2000. Neither that decision nor the December 22 corrected decision affected the expiration date of the negotiating period.

Where, as here, the carrier has not consummated the abandonment and is willing to continue trail use negotiations, the negotiating period may be extended.<sup>5</sup> Under the circumstances, an extension of the negotiating period is warranted and 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 CITU negotiating period will be extended until December 11, 2000, 180 days after the expiration of the original negotiating period.

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

It is ordered:

1. The negotiating period is extended to December 11, 2000.
2. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary

---

<sup>5</sup> See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987); Missouri Pacific Railroad Company–Abandonment Exemption in OK, Docket No. AB-3 (Sub-No. 63) (ICC served Jan. 2, 1990); and St. Louis Southwestern Railway Company–Abandonment in Smith and Cherokee Counties, TX, 9 I.C.C.2d 406 (1992).