

31236
DO

SERVICE DATE - AUGUST 16, 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: August 11, 2000

A decision and notice of interim trail use or abandonment (NITU) served on 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 NITU was extended through August 28, 2000, by decisions served August 25, 1999, and February 23, 2000.

On August 4, 2000, INHF, on behalf of the Dallas and Guthrie County Conservation Boards, filed a motion to extend the NITU negotiation period until February 28, 2001. INHF states that it and UP have reached a preliminary interim trail use/rail banking agreement, but it appears that an agreement will not be reached by August 28, 2000.² By letter filed August 7, 2000, UP advised the Board that it concurs with the extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.³ The requested extension will promote the establishment of trail use

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 Although the request slightly exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company--Abandonment Exemption--In Jackson, Victoria and Wharton Counties, TX, Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).

³ See Rail Abandonments--Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

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 February 28, 2001.

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 under the NITU is extended to February 28, 2001.
2. The decision is effective on its service date.

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

Vernon A. Williams
Secretary