

33905
DO

SERVICE DATE - AUGUST 15, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 187X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN BOONE AND DALLAS COUNTIES, IA

Decided: August 13, 2003

On January 13, 2003, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the Iowa Natural Heritage Foundation (INHF) on behalf of the Boone and Dallas County Conservation Boards, the City of Perry, and the Iowa Trails Council to negotiate an interim trail use/rail banking agreement with the Union Pacific Railroad Company (UP) for approximately 12.2 miles of a line of railroad known as the Ankeny Subdivision, extending from milepost 341.1 near Slater to the end of the line at milepost 353.5 near Woodward (Equation 346.4=346.6) in Boone and Dallas Counties, IA. The negotiating period under the NITU was scheduled to expire on July 12, 2003 (180 days commencing from the service date of the NITU decision).¹

On August 6, 2003, INHF filed a request for an extension of the negotiating period until February 10, 2004. INHF states that it is continuing to negotiate with UP, but that more time is needed to finalize negotiations. UP agrees to the extension and is willing to continue the negotiations.

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 negotiating period will be extended to February 10, 2004.³

¹ The January 12, 2003 decision also imposed a 180-day public use condition that expired on August 11, 2003.

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

³ 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, STB Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).

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 NITU negotiating period is granted.
2. The NITU negotiating period is extended until February 10, 2004.
3. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary