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SERVICE DATE - OCTOBER 6, 1998

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-3 (Sub-No. 123X)

MISSOURI PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--  
IN PETTIS COUNTY, MO

Decided: October 1, 1998

On September 29, 1995, a decision and notice of interim trail use or abandonment (NITU) was served in the above proceeding, which authorized a 180-day period for the State of Missouri Department of Natural Resources (MDNR) to negotiate an interim trail use/rail banking agreement with Missouri Pacific Railroad Company (MP)<sup>1</sup> for a 2.16-mile segment of rail line between milepost 226.84, near Sedalia, and the end of the line at milepost 229.0, in Pettis County, MO. Extensions of the negotiating period were granted by decisions served April 5, 1996, September 27, 1996, April 18, 1997, September 23, 1997, and March 27, 1998.

The negotiating period was scheduled to expire on September 20, 1998. By letter filed September 15, 1998, MDNR requests a 90-day extension of the negotiating period. MDNR states that the parties have reached an agreement in principle regarding conveyance of the portion of the right-of-way between milepost 227.053 and milepost 229.0,<sup>2</sup> and that MDNR has executed a donation and sale contract. MDNR further states that the parties are continuing to negotiate in good faith to consummate a conveyance/acquisition of the segment of rail line for use as a hiking and biking trail. MDNR adds that an extension is needed to allow railroad management staff additional time to execute the pending donation and sale contract. MP, by letter filed on the same date, agrees to an extension of the NITU.

An extension of the trail use negotiating period can be granted as long as the Board retains jurisdiction over the involved railroad right-of-way and the carrier is willing to continue negotiations. Inasmuch as MP has not consummated the abandonment and has indicated a willingness to continue to negotiate, the extension request can be granted.

The requested extension 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 extension

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<sup>1</sup> Missouri Pacific Railroad Company merged into Union Pacific Railroad Company on January 1, 1997. This decision will continue to refer to the carrier as MP.

<sup>2</sup> MP states that the portion of the line between milepost 226.84 and milepost 227.053 will not be conveyed to MDNR. MP further states that this portion was scheduled to be abandoned effective September 20, 1998.

request will be granted.

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 is granted.
2. The NITU negotiating period is extended to December 19, 1998.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary