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SERVICE DATE – JULY 12, 2005

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: July 8, 2005

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, but was extended by decisions served on August 15, 2003, February 6, 2004, August 27, 2004, and February 7, 2005. The latest extension is scheduled to expire on July 10, 2005.

On July 6, 2005, INHF filed a request for an extension of the negotiating period until January 10, 2006.¹ INHF states that it is continuing to negotiate with UP, but that more time is needed to complete appraisals and finalize negotiations. In a facsimile received on July 7, 2005, UP states that it supports INHF's request 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. 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 negotiating period will be extended from July 10, 2005 until January 10, 2006.²

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

¹ Although the request slightly exceeds the customary request of 180 days, the Board has granted such requests in the past. See CSX Transportation, Inc.—Abandonment Exemption—in Jefferson County, AL, STB Docket No. AB-55 (Sub-No. 613X) (STB served Oct. 22, 2004).

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

It is ordered:

1. The request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended until January 10, 2006.
3. This decision is effective on the date of service.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams
Secretary