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SERVICE DATE - MARCH 19, 1998

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-33 (Sub-No. 90X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--  
IN SUTTER COUNTY, CA (YUBA CITY BRANCH)

Decided: March 18, 1998

By decision and notice of interim trail use or abandonment (NITU) served on March 29, 1996, a 180-day period was authorized for the County of Sutter, CA (the County) to negotiate an interim trail use/rail banking agreement with the Union Pacific Railroad Company (UP) for a 5.20-mile portion of the Yuba City Branch line between milepost 0.00 near Colusa Jct. and the end of the line at milepost 5.20 near Sutter, in Sutter County, CA. Subsequently, the negotiation period under the NITU was extended by decisions served on September 19, 1996, December 20, 1996, July 1, 1997, and December 23, 1997. The last extension expires March 19, 1998.

By letter filed March 13, 1998, the County seeks to extend the NITU negotiation period for an additional 60 days. The County states that the respective staffs of the County and UP have reached an agreement regarding the purchase of the property but that additional time is needed to present the agreement to the Sutter County Board of Supervisors and UP management for signatures. On March 13, 1998, UP agreed to the 60-day extension so that the parties may formalize their agreement in principle.

Because an extension of the negotiation period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d), and the parties agree on the necessity for the extension, the request will be granted. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). Accordingly, the NITU negotiation period will be extended until May 18, 1998.

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

It is ordered:

1. The County's request to extend the NITU negotiating period is granted.
2. The NITU negotiation period is extended until May 18, 1998.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary