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SERVICE DATE - JANUARY 11, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 120X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT AND DISCONTINUANCE
OF SERVICE EXEMPTION--IN WARREN COUNTY, IA

Decided: January 8, 1999

On July 15, 1998, a decision and notice of interim trail use or abandonment (NITU) was served in this proceeding, authorizing a 180-day period for the cities of Carlisle and Indianola, IA, the Warren County Conservation Board, and the Iowa Natural Heritage Foundation (Agencies) to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for a segment of rail line extending between milepost 368.5 near Carlisle and milepost 379.13 near Indianola. The 180-day period under the NITU is scheduled to expire on January 11, 1999.¹

By motion filed January 5, 1999, and clarification filed January 7, 1999, the Agencies request an extension of the negotiation period until July 30, 1999.² The Agencies state that they have been actively negotiating with UP and are close to reaching an agreement. They add, however, that several issues relating to the agreement have yet to be resolved and they need more time to complete negotiations. By letter filed January 7, 1999, UP states that it is agreeable to the extension request.

Because UP is willing to continue trail use negotiations with the Agencies and 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)(Trails Act), the requested extension of the negotiation period under the NITU will be granted. The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service permitting and encouraging their interim use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

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

¹ A public use condition was also imposed which will expire on that same date.

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).

It is ordered:

1. The negotiating period under the NITU is extended until July 30, 1999.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary