

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 143X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT AND DISCONTINUANCE
OF TRACKAGE RIGHTS EXEMPTION—IN WRIGHT, FRANKLIN AND CERRO GORDO
COUNTIES, IA

Decided: February 19, 2004

On February 10, 2000, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for Iowa Trails Council and the Wright County Conservation Board, a county government agency (collectively, ITC), to negotiate an interim trail use/rail banking agreement with the Union Pacific Railroad Company (UP) for the 12.38-mile line of railroad over the Thornton Industrial Lead (formerly known as the Fort Dodge Branch) from milepost 17.14 near Thornton to milepost 29.52 near Belmond, in Wright, Franklin and Cerro Gordo Counties, IA. The negotiation period was extended several times; the latest extension was scheduled to expire on February 19, 2004.¹

By facsimile filed February 17, 2004, ITC requests an extension of the NITU negotiation period for an additional 90 days. ITC states that it is continuing its efforts to obtain funds for the purchase of the rail line and it is confident that it will be able to finalize negotiations within the time period requested. By facsimile filed February 18, 2004, UP states that it will support an extension of the negotiating period for 90 days commencing February 19, 2004.

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 for an additional 90 days from February 19, 2004 (until May 19, 2004).²

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

¹ The most recent extension of the negotiation period under the NITU was authorized by decision served January 21, 2004.

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

It is ordered:

1. ITC's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended to May 19, 2004.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary