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SERVICE DATE – LATE RELEASE MAY 11, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 262X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
FULTON AND PEORIA COUNTIES, IL

Decided: May 11, 2009

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 24.7-mile line of railroad on UP's Elm Industrial Lead from milepost 461.5, near Middle Grove, to milepost 486.2, at Molitor Junction, in Fulton and Peoria Counties, IL. Notice of the exemption was served on July 23, 2008, and published in the Federal Register on July 28, 2008 (73 FR 43823).

By decision and notice of interim trail use or abandonment (NITU) served on November 13, 2008, the proceeding was reopened and a 180-day period was authorized for the Illinois Department of Natural Resources (IDNR) to negotiate an interim trail use/rail banking agreement with UP for the right-of-way involved in this proceeding pursuant to the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The trail use negotiating period under the NITU is scheduled to expire on May 12, 2009.¹ By letter filed May 8, 2009, IDNR requests an additional 180-day extension of the NITU negotiating period. UP states its willingness to continue negotiations for interim trail use/rail banking with IDNR and its support for IDNR's request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the Trails Act.² Accordingly, the NITU negotiating period will be extended from May 12, 2009, to November 8, 2009.

¹ In addition to interim trail use, the NITU also imposed a public use condition, which is scheduled to expire on May 12, 2009, and may not be extended. Also, by decision served August 21, 2008, the Board imposed a condition recommended by the Board's Section of Environmental Analysis requiring UP to notify and consult with the National Geodetic Survey at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers. This condition remains in effect.

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

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

It is ordered:

1. INDR's request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended until November 8, 2009.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary