

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-3 (Sub-No. 123X)

MISSOURI PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--  
IN PETTIS COUNTY, MO

Decided: April 16, 1997

On September 29, 1995, a decision and notice of interim trail use or abandonment (NITU) was served in the above proceeding. The NITU authorized a 180-day period for the State of Missouri Department of Natural Resources (MDNR) to negotiate an interim trail use/rail banking agreement with Missouri Pacific Railroad Company (MP) for a 2.16-mile segment of rail line between milepost 226.84, near Sedalia, and the end of the line at milepost 229.0, in Pettis County, MO. The negotiating period expired on March 29, 1996.

By decision served April 5, 1996, MDNR was granted an extension of the negotiating period to September 30, 1996. The negotiating period was subsequently extended to March 29, 1997, by decision served September 27, 1996.

By letter filed March 18, 1997, MDNR states that the parties have been unsuccessful in reaching an agreement. However, MDNR adds that both parties are working diligently to arrive at acceptable terms. Accordingly, MDNR requests a further extension of the negotiating period. MP, by letter filed March 20, 1997, agrees with the request for an extension and suggests an extension of 180 days.

An extension of the trail use negotiating period can be granted as long as the Board retains jurisdiction over the involved railroad right-of-way<sup>1</sup> and the carrier is willing to continue negotiations. Inasmuch as MP has not consummated the abandonment and has indicated a willingness to continue to negotiate, MDNR's extension request can be granted.

The requested extension 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 extension will be granted.

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

It is ordered:

1. The request to extend the interim trail use negotiating period is granted.
2. The NITU negotiating period is extended to September 25, 1997.

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<sup>1</sup> See *Rail Abandonment--Supplemental Trails Act Procedures*, 4 I.C.C.2d 152, 157-58 (1987); *Soo Line Railroad Company--Exemption--Abandonment in Waukesha County, WI*, Docket No. AB-57 (Sub-No. 23X) (ICC served May 14, 1987); and *Missouri-Kansas-Texas Railroad Company--Abandonment--In Pettis and Henry Counties, MO*, Docket No. AB-102 (Sub-No. 16) (ICC served Apr. 26, 1991).

3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary