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SERVICE DATE - SEPTEMBER 6, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 112X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN LANCASTER COUNTY, NE

Decided: August 31, 2000

A decision and notice of interim trail use or abandonment (NITU) served on September 24, 1997, established a 180-day period (until March 23, 1998) for the City of Lincoln (the City) to negotiate an interim trail use/rail banking agreement with the Union Pacific Railroad Company (UP) for a portion of the line between milepost 492.88 near 33rd Street and milepost 494.166 at 18th Street, in Lincoln, NE. Thereafter, pursuant to the offer of financial assistance (OFA) provisions of 49 U.S.C. 10904, Lincoln Lumber Company (LLC) acquired the portion of the line between 19th and 24th Streets on December 8, 1997. Otherwise, the trail use condition remains viable for the remainder of the line between 24th Street and 33rd Street and the 8,400 square foot parcel between 18th Street and 19th Street. Subsequent decisions served on March 23 and September 15, 1998, March 19 and September 10, 1999, and March 20, 2000, extended the NITU negotiation period until September 13, 2000.

On August 22, 2000, the City requested an extension of the NITU negotiation period for an additional 180 days or until March 12, 2001. The City states that, although negotiations continue to be delayed, the parties still desire to enter into an interim trail use agreement. Apparently, UP needs to use the line to deliver grain trains to the Omaha, Lincoln, and Beatrice Railroad Company, and to provide service to LLC, while new track is being constructed.¹ By letter filed August 28, 2000, UP agrees to the extension of the negotiation period until March 12, 2001.

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.

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

¹ By decision served June 30, 1999, UP was granted a second 1-year extension (until September 24, 2000) of the time to exercise the abandonment authority.

It is ordered:

1. The City's request to extend the NITU negotiation period is granted.
2. The negotiation period under the NITU is extended to March 12, 2001.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary