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SERVICE DATE – MARCH 30, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 255)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT—IN CARVER AND  
SCOTT COUNTIES, MN

Decided: March 27, 2009

By decision and certificate of interim trail use or abandonment (CITU) served on April 1, 2008, the Board granted the application filed by Union Pacific Railroad Company (UP) for abandonment of its Chaska Industrial Lead, extending from milepost 38.6, at Merriam, to milepost 33.0, on the east side of Chaska, a distance of 5.6 miles, in Carver and Scott Counties, MN. The abandonment was subject to public use, environmental, historic preservation, and standard employee protective conditions, as well as a trail use condition authorizing a 180-day period for the Office of Carver County Regional Railroad Authority (CCRRA) to negotiate an interim trail use/rail banking agreement with UP for the right-of-way involved in this proceeding. The deadline to negotiate a CITU was extended to March 27, 2009, by a decision served on September 12, 2008. In this decision, the Board is again extending the CITU negotiating period.

By a pleading filed on March 24, 2009, CCRRA requests an extension of the negotiating period for 60 days, until May 26, 2009. In a pleading also filed on March 24, 2009, UP concurs in the request to extend the negotiating period.

Where, as here, the carrier is willing to continue trail use negotiations, the CITU negotiating period may be extended.<sup>1</sup> An extension of time will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the CITU negotiating period will be extended for an additional 60 days from March 27, 2009 (until May 26, 2009).

This decision 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 CITU negotiating period is granted.
2. The negotiating period under the CITU is extended to May 26, 2009.

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<sup>1</sup> See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Anne K. Quinlan  
Acting Secretary