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SERVICE DATE – NOVEMBER 2, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 175X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN HAMILTON COUNTY, IA

Decided: October 31, 2006

On May 8, 2006, a decision and notice of interim trail use or abandonment (NITU) was served (May 8 decision), authorizing a 180-day period for the Iowa Trails Council (Council), on behalf of itself and the Hamilton County Conservation Board, to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP), for its Ellsworth Industrial Lead, a 3.2-mile line of railroad, between milepost 0.0, near Jewell, and milepost 3.2, at Ellsworth, in Hamilton County, IA.¹

On October 24, 2006, the Council filed a request to extend the NITU negotiating period for an additional 180 days. The Council states that additional time is needed to thoroughly examine the maps just recently furnished by UP. On October 25, 2006, the Board received a letter from UP stating that it supports the request for an extension.

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended.² 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 NITU negotiating period will be extended for an additional 180 days from November 4, 2006 (until May 3, 2007).

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

¹ The May 8 decision also noted that, by decision served on April 28, 2006, the proceeding had been reopened and made subject to a public use condition, an environmental condition, and a historic condition. The public use condition expired on October 25, 2006. The environmental and historic conditions remain in effect.

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

It is ordered:

1. The request of the Council to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended for 180 days, until May 3, 2007.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary