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SERVICE DATE - NOVEMBER 4, 1997
SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 105X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN KANE COUNTY, IL

Decided: October 30, 1997

By decision and notice of interim trail use or abandonment (NITU) served on April 29, 1997, a 180-day period was authorized for the City of Elgin, IL (the City), to negotiate an interim trail use/rail banking agreement with the Union Pacific Railroad Company (UP) for a 2.8-mile segment of the East Elgin Industrial Lead between milepost 41.0 near Elgin Junction and milepost 43.8 near East Elgin, in Kane County, IL. The 180-day negotiating period expired on October 26, 1997.¹

On October 22, 1997, the City filed a request for a 180-day extension of the negotiating period. The City states that the voluminous nature of the documents, including old deeds and other property records, have delayed the railroad in completing the necessary title searches so as to allow the completion of an agreement. UP agrees with this request for an extension.

Where, as here, the carrier has not abandoned the line at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board's jurisdiction is not terminated and the negotiating period may be extended.² The requested extension of the negotiation period will be granted. The City has shown that the additional time is necessary to complete negotiations. 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 NITU negotiating period will be extended for an additional 180 days from October 26, 1997.

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

It is ordered:

1. The City's request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended until April 24, 1998.
3. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary

¹ The City's observation that the negotiated period "would appear to expire as of October 29, 1997" is not accurate.

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