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SERVICE DATE - JANUARY 10, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-3 (Sub-No. 135X)

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

Decided: January 6, 1997

On July 18, 1996, a decision and notice of interim trail use or abandonment (NITU) was served authorizing 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 approximately 2.65 miles of the FPE Spur-North Clinton Line (portion of the Clinton Branch) from milepost 262.6 at the end of the line near FPE Spur to milepost 265.25 near North Clinton, in Henry County, MO.<sup>1</sup> The negotiation period is scheduled to expire on January 14, 1997.

On December 19, 1996, MDNR filed a request to extend the NITU negotiation period. MDNR states that it and MP are negotiating in good faith to consummate a conveyance/donation of the subject segment but that they have been unsuccessful in reaching agreement regarding terms of the conveyance to the State of Missouri. By letter filed December 28, 1996, MP agrees to the extension and suggests a 180-day period.

The requested extension of the negotiation period under the NITU will be granted. It will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy State on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

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

It is ordered:

1. The negotiating period under the NITU is extended to July 13, 1997.
2. The decision is effective on the service date.

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

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<sup>1</sup> Notice of the exemption was published in the Federal Register on June 19, 1996 (61 FR 31222-23).

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Vernon A. Williams  
Secretary