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SERVICE DATE - AUGUST 2, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 143X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT AND DISCONTINUANCE
OF TRACKAGE RIGHTS EXEMPTION—IN WRIGHT, FRANKLIN AND CERRO GORDO
COUNTIES, IA

Decided: July 30, 2001

On February 10, 2000, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for Iowa Trails Council and the Wright County Conservation Board, a county government agency (collectively, ITC), to negotiate an interim trail use/rail banking agreement with the Union Pacific Railroad Company (UP) for the 12.38-mile line of railroad over the Thornton Industrial Lead (formerly known as the Fort Dodge Branch) from milepost 17.14 near Thornton to milepost 29.52 near Belmond, in Wright, Franklin and Cerro Gordo Counties, IA.¹ The 180-day period under the NITU was extended by decisions served August 1, 2000, and February 2, 2001. The latest extension is scheduled to expire on August 4, 2001.

By letter submitted by facsimile on July 20, 2001, and filed on July 26, 2001, ITC requested an extension of the negotiating period for an additional 180 days so that it can complete negotiations with UP for acquisition of the right-of-way. In a response submitted by facsimile on July 30, 2001, UP agreed to the extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the 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 negotiating period will be extended to January 15, 2002.

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

¹ Notice of the exemption was served and published in the Federal Register on January 12, 2000 (65 FR 1947-48).

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

It is ordered:

1. The negotiating period under the NITU is extended to January 15, 2002.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary