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SERVICE DATE – JULY 24, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 205X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION–  
IN SUTTER COUNTY, CA

Decided: July 21, 2006

By decision and notice of interim trail use or abandonment (NITU) served on August 6, 2004, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by Union Pacific Railroad Company (UP) of a 3.39-mile line of railroad known as the Yuba City Industrial Lead, extending from milepost 136.38 near Marysville, CA, to milepost 139.77 near Colusa Junction, CA, in Sutter County, CA. The exemption was subject to public use, environmental, and standard employee protective conditions, as well as a trail use condition authorizing a 180-day period for the City of Yuba City (City) to negotiate an interim trail use/rail banking agreement with UP for the right-of-way involved in this proceeding. The negotiating period under the NITU was scheduled to expire on February 2, 2005, but was extended through July 27, 2006, by decisions served February 23, 2005, October 3, 2005, and December 28, 2005.<sup>1</sup>

On July 17, 2006, the City filed a request for an extension until January 27, 2007. By letter filed on July 20, 2006, UP indicated that it is not willing to negotiate further with the City for trail use. Because the Trails Act permits only voluntary interim trail use, the Board cannot grant the extension request. See Rail Abandonments–Use of Rights-of-Way as Trails, 2 I.C.C.2d 591 (1986). Accordingly, the City's extension request will be denied.

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 denied.

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<sup>1</sup> The public use condition expired on March 4, 2005. The two environmental conditions that were imposed remain in effect.

2. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary