

SERVICE DATE - JULY 25, 1997

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-3 (Sub-No. 136X)

MISSOURI PACIFIC RAILROAD COMPANY--ABANDONMENT
EXEMPTION--IN SHAWNEE COUNTY, KS

Decided: July 23, 1997

By decision and notice of interim trail use or abandonment (NITU) served January 27, 1997,¹ a 180-day period was authorized for the Kansas Horse Foundation and its affiliate, Serenata Farms School of Equestrian Arts (collectively KHF) to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP)² for a 1.81-mile portion of the Topeka Industrial Lead from milepost 404.72 at the end of the line to milepost 406.53, near Topeka, in Shawnee County, KS. The negotiation period is scheduled to expire on July 27, 1997.

On July 22, 1997, KHF filed a request for a 180-day extension of the negotiation period until January 27, 1997. According to KHF, it has been in constant negotiations with UP. Also on July 22, 1997, UP replied to the extension request, stating that it agrees with the extension request.

The extension request slightly exceeds the customary request of 180 days. The 180-day period is not statutory. It was adopted in *Rail Abandonments--Use of Rights-of-Ways as Trails*, 2 I.C.C.2d 591, 605 (1986), to promote the expeditious conclusion of negotiations. In keeping with 49 CFR 1100.3 and the consensual nature of the National Trails System Act, 16 U.S.C. 1247(d), the requested extension will be granted. UP is willing to continue trail use negotiations and the requested extension will promote the establishment of trail use and rail banking consistent with the 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 Statement 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 request to extend the interim trail use negotiation period is granted.
2. The NITU negotiation period is extended to January 27, 1998.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

¹ Notice of the exemption was published in the *Federal Register* on July 11, 1996 (61 FR 33958-59).

² On January 1, 1997, Missouri Pacific Railroad Company merged into UP.