

SERVICE DATE - JULY 28, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 120X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT AND DISCONTINUANCE  
OF SERVICE EXEMPTION--IN WARREN COUNTY, IA

Decided: July 26, 2000

On July 15, 1998, a decision and notice of interim trail use or abandonment (NITU) was served in this proceeding, authorizing a 180-day period for the cities of Carlisle and Indianola, IA, the Warren County Conservation Board, and the Iowa Natural Heritage Foundation (Agencies) to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for a segment of rail line extending between milepost 368.5 near Carlisle and milepost 379.13 near Indianola. The 180-day period under the NITU was scheduled to expire on January 11, 1999.<sup>1</sup> By decisions served January 11, 1999, July 15, 1999, and January 31, 2000, the negotiating period was extended to July 30, 1999, January 31, 2000, and July 31, 2000, respectively.

By motion filed July 21, 2000, the Agencies request a fourth extension of the negotiating period until January 31, 2001, in which to complete negotiations.<sup>2</sup> The Agencies state that they have been actively negotiating with UP and are close to reaching an agreement. They add, however, that the purchase agreement is receiving final review by the Warren County Attorney, that UP still needs to prepare the transfer documents, and that the parties therefore need more time to finalize the agreement. By letter filed July 24, 2000, UP states that it is agreeable to the request.

Because UP is willing to continue trail use negotiations with the Agencies, and an extension of the negotiation period 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 requested extension of the negotiation period under the NITU will be granted. 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).

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<sup>1</sup> A public use condition imposed in the July 15 decision expired on January 11, 1999.

<sup>2</sup> Although the request slightly exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company--Abandonment Exemption--In Jackson, Victoria and Wharton Counties, TX, Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).

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 until January 31, 2001.
2. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary