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Service Date- December 11, 1996

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SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-33 (Sub-No. 86)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN MORGAN COUNTY, CO. (JULESBURG SUBDIVISION)

Decided: December 9, 1996

On June 21, 1996, a decision and notice of interim trail use or abandonment (NITU) **was** served authorizing a 180-day period for the Rails to Trails Conservancy (RTC), to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for its line of railroad known as the Julesburg Subdivision extending from milepost 81.10 near Union, to the end of the line at milepost 98.78, near Ft. Morgan, a distance of approximately 17.68 miles, in Morgan County, CO.' The extension is scheduled to expire on December 12, 1996.

On December 2, 1996, RTC filed a request for a 180-day extension of the negotiation period until June 10, 1997. RTC states that the extension request has the consent of UP and that it is continuing to negotiate in good faith with UP for an interim trail use/rail banking agreement, but has not yet reached a final agreement on all of the outstanding issues, including completion of a Phase I environmental site assessment. The parties anticipate concluding negotiations by June 10, 1997.

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 Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13 B)

(ICC served Feb. 5, 1990).

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

It is ordered:

1. The negotiation period under the NITU is extended to June 10, 1997.

2. This decision is effective on its service date

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

Vernon A. Williams
Secretary

¹Notice of the exemption was published in the Federal Register on September 20, 1994 (59 FR 48335).

