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SERVICE DATE – DECEMBER 16, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 222X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN OUACHITA COUNTY, AR

Decided: December 15, 2008

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 3.6-mile line of railroad on the El Dorado Subdivision, extending from milepost 457.0 near Gilcrest to milepost 460.6 near El Dorado Junction, in Ouachita County, AR. Notice of the exemption was served and published in the Federal Register on May 31, 2006 (71 FR 30978-79). The exemption became effective on June 30, 2006.

By decision and notice of interim trail use or abandonment (NITU) served on June 27, 2006, the proceeding was reopened and a 180-day period was authorized for the City of Camden, AR (City), to negotiate an interim trail use/rail banking agreement with UP for the right-of-way involved in this proceeding pursuant to the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The trail use negotiation period under the NITU was scheduled to expire on December 27, 2006, but was extended to December 16, 2008, by decisions served on December 26, 2006, July 16, 2007, January 23, 2008, and June 19, 2008.¹

By letter dated December 10, 2008, the City has requested an additional 180-day extension of the NITU negotiating period. On December 11, 2008, UP filed a letter stating that it is willing to continue to negotiate for interim trail use/rail banking with the City and supports the City's request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment

¹ In addition to interim trail use, the NITU also imposed a public use condition that expired on December 27, 2006, and may not be extended, and two environmental conditions. One of the conditions was an historic preservation condition, which was removed by decision served on September 28, 2006. The other environmental condition remains in effect.

of trail use and rail banking consistent with the Trails Act.² Accordingly, the NITU negotiating period will be extended for an additional 180 days, from December 16, 2008, to June 14, 2009.

This decision 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 negotiation period for an additional 180 days is granted.
2. The negotiating period under the NITU is extended to June 14, 2009.
3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary

² See Rail Abandonments – Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).