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SERVICE DATE - JULY 31, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 137X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT AND DISCONTINUANCE
OF TRACKAGE RIGHTS EXEMPTION--IN ADA COUNTY, ID

Decided: July 26, 2000

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances of Service and Trackage Rights to abandon the "Boise Cutoff," an 18.2-mile line of railroad on the Boise Subdivision, from milepost 424.80 near Orchard to milepost 443.0 near Hillcrest, in Ada County, ID. Notice of the exemption was served and published in the Federal Register on July 8, 1999 (64 FR 36968-69).

On August 6, 1999, a decision and notice of interim trail use or abandonment (NITU) was served, that reopened the proceeding to implement interim trail use/rail banking for the entire line under 49 CFR 1152.29 and the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), and authorized a 180-day period for the Ada County and the Treasure Valley Regional Public Transportation Authority to negotiate an interim trail use/rail banking agreement with UP.¹ The negotiating period under the NITU was extended through August 3, 2000, by decision served February 2, 2000.

On July 19, 2000, UP filed a request to extend the NITU negotiation period until January 30, 2001. UP states that negotiations are continuing and progress is being made, but additional time is needed to finalize negotiations.²

The requested extension of the negotiating period under the NITU will be granted. It 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

¹ The August 6 decision also imposed: (a) a 180-day public use condition that required UP to keep intact the right-of-way, including bridges, trestles, culverts and tunnels until February 3, 2000, and (b) a 90-day public use condition that required UP to keep the track, ties and signal equipment intact until November 5, 1999. By decision served November 4, 1999, the 90-day public use condition was further extended for an additional 90 days to February 3, 2000, at the request of the City.

² By letter filed August 12, 1999, UP notified the Board that, on August 7, 1999, it had discontinued rail operations over the line.

permitting and encouraging their interim trial 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 negotiating period under the NITU is extended to January 30, 2001.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary