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UT

33-294X
AEI-20269

Planning & Zoning Department

Nampa, Idaho... Today's Vision is Tomorrow's Reality



12/22/10

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: Union Pacific Abandonment in Canyon County, Idaho, AB - 33 (sub-no. 294X)

Dear Mr. Williams:

This request is filed on behalf of the City of Nampa which is a government agency interested in transportation and natural resources, which is hereinafter referred to as 'proponent'.

While not taking a position on the merits of this abandonment, proponent requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between 9 near 2nd St South to railroad milepost 1.75 near E Iowa Ave.

A. Public Use Condition

Proponent requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the rail corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides an important connection between residential neighborhoods, Sherman Elementary, and the Downtown Business district. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to commence negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, The City of Nampa is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by Union Pacific.

The property, known as the Stoddard Industrial Lead in Nampa extends from railroad milepost .9 near 2nd St South to railroad milepost 1.75 near E Iowa Ave. a distance of .85 miles in Canyon County, Idaho. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB - 33 (sub-no. 294X)

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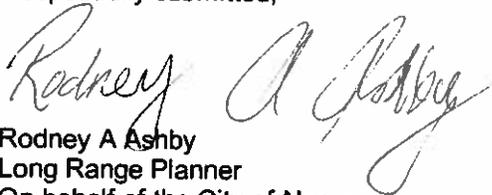
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A map depicting the right-of-way is attached.

The City of Nampa acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Union Pacific Railroad, Paul Nahas at 1400 Douglas Street – Mail Stop 1690, Omaha, NE 68179-1690, by U.S. Mail, postage prepaid, first class, on December 29, 2010.

Respectfully submitted,



Rodney A Ashby
Long Range Planner
On behalf of the City of Nampa