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December 9, 2013

VIA E-FILING

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room #100
Washington, DC 20423-0001

235161
ENTERED
Office of Proceedings
December 9, 2013
Part of
Public Record

RE: Proposed Abandonment of the Thornton Industrial Lead from Milepost 29.52 to Milepost 30.02 also near Belmond, IA, a total distance of 0.5 miles in Wright County, Iowa; STB Docket No. AB-33 (Sub-No. 292X)

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the Iowa National Heritage Foundation (the "Commenter") dated December 6, 2013, seeking a Public Use Condition under the provisions of 49 U.S.C. §0905 and 49 C.F.R. §1152.28 and interim trail use and rail banking under the provisions of 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Belmond Industrial Lead, as defined above, a distance of .50 miles in Wright County, Iowa.

The Union Pacific is willing to negotiate with Commenter concerning the acquisition of the subject property for trail use and supports the Commenter's request for the standard 180-day negotiation period with regard to the Line from Milepost 29.52 to Milepost 30.2 for a total distance of 0.50 miles. A copy of Commenter's request is attached hereto as **Exhibit A** and is hereby made a part hereof.

Sincerely yours,



Mack H. Shumate, Jr.
Senior General Attorney

Attachment

cc: Iowa National Heritage Foundation

2013_12_09] 180-Day Ext Trail Use Request.doc



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December 6, 2013

Cynthia T. Brown
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

RE: Union Pacific Railroad Abandonment, Wright County, Iowa;
Docket # AB-33 Sub 292X

In partnership with and on behalf of the City of Belmont and Wright County Conservation Board (public agencies), the Iowa Natural Heritage Foundation (non-profit corporation) hereby moves the Surface Transportation Board (STB or Board) to extend the time period for negotiation of a mutually acceptable interim trail use/railbanking agreement in this proceeding up and including **June 30, 2014**.

The Iowa Natural Heritage Foundation (INHF) and the public agencies have been actively negotiating with Union Pacific Railroad (UPRR), but the parties need additional time to complete the negotiations.

To successfully preserve this corridor for interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. 1247 (d), it is necessary for the negotiation period under the NITU to be extended up to and including **June 30, 2014**. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub. No. 13b) (ICC served Feb. 5, 1990) (extensions of time promote the establishment of trails and railbanking consistent with the National Trails System Act).

Since the issuance of the NITU, UPRR at all points has maintained intent to transfer the line intact for interim trail use. The railroad has not sold, or offered for sale, any parcels of land that would interfere with interim trail use and railbanking of the portion of the corridor that is covered by the NITU (between milepost 29.52 and milepost 30.02). The line remains intact and throughout the period, the railroad has been negotiating with INHF for the transfer or sale of the corridor intact. Accordingly, the Board retains jurisdiction to extend the NITU to continue bona fide and active negotiations for interim trail use of the line.

In similar instances, this Board has reopened proceedings to permit the issuance of orders implementing section 8(d) for rail lines. The STB's authority to extend a NITU was upheld in Birt v. STB, 90 F.3d 580

(D.C. Cir. 1996). Here the parties merely seek an extension in the period for negotiation provided in a previously issued NITU. Such an extension will promote and further the purposes of the Trails Act.

For the reasons stated, INHF, City of Belmond and Wright County Conservation Board requests that an extension of the NITU negotiation period be granted through **June 30, 2014**.

Respectfully Submitted,



Joe McGovern
President, Iowa Natural Heritage Foundation

cc: Wright County Conservation Board, City of Belmond