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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

September 19, 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

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ENTERED
Office of Proceedings
September 19, 2013
Part of Public
Record

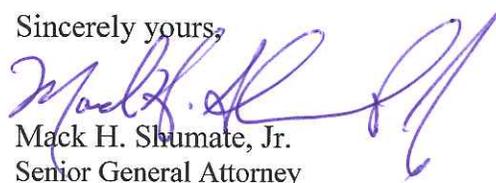
RE: Proposed Abandonment of the Royal Industrial Lead from Milepost 475.15 to Milepost 477.10 near Laurens, a total distance of 1.95 miles, in Pocahontas County, Iowa (the "Line"); STB Docket No. AB-33 (Sub-No. 304X)

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the Iowa Natural Heritage Foundation on behalf of the Pocahontas County Conservation Board and the City of Laurens (collectively, "INHF Trail Group") dated September 19, 2013 seeking a 180 day extension of the negotiation period to March 17, 2014 for 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 Royal Industrial Lead, as defined above, a distance of 1.95 miles in Pocahontas County, Iowa. Based on the original decision in this matter with a Service Date of September 21, 2012, the original 180 day negotiation period ended on March 20, 2013. Even though the September 19, 2013 letter appears to be late, Union Pacific is still willing to extend the negotiation period for 180 days beyond September 17, 2013, the last day of the current negotiation period, to March 17, 2014.

The Union Pacific is willing to continue to negotiate with INHF Trail Group concerning the acquisition of the subject property for trail use and supports the INHF Trail Group's request for a 180-day extension of the negotiation period with regard to the Line from Milepost 475.15 to Milepost 477.10 for a total distance of 1.95 miles to March 17, 2014. A copy of INHF Trail Group's request to extend the negotiation period is attached hereto as **Exhibit A** and is hereby made a part hereof. (Note: There is an obvious typographical error on Exhibit A all references to "March 17, 2013" should be "March 17, 2014.

Sincerely yours,



Mack H. Shumate, Jr.
Senior General Attorney

Attachment

cc: Iowa Natural Heritage Foundation
2013_09_19 AB33 - Sub No. 304X - Trail Use Consent



Exhibit A



Insurance Exchange Building Suite 444
 505 Fifth Ave.
 Des Moines, Iowa 50309

Phone: 515-288-1846
 Fax: 515-288-0137
 e-mail: info@inhf.org
www.inhf.org

September 19, 2013

Cynthia Brown, Secretary
 Surface Transportation Board
 395 E Street, S.W.
 Washington, D.C. 20423-0001

BEFORE THE SURFACE TRANSPORTATION BOARD

RE: Union Pacific Railroad Company- Abandonment in Pocahontas County, Iowa; Docket # AB-33-304X

Motion to Extend the Time Period for Negotiation of an Interim Trail Use/Railbanking Agreement

In partnership and on behalf of the Pocahontas County Conservation Board, the City of Laurens (public agencies) and 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 **March 17, 2013**.

2014 mth

The Iowa Natural Heritage Foundation (INHF) has been negotiating with the Union Pacific Railroad Company (UPRR) on behalf of the local public agencies, 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 **March 17, 2013**. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub. No. 13b) (ICC served Feb. 5, 1990)

2014 mth

(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 (Milepost 475.15 and Milepost 477.10). 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 on behalf of the Pocahontas County Conservation Board, the City of Laurens requests that an extension of the NITU negotiation period be granted through ~~March 17, 2013.~~

2014 *mkL*

Respectfully Submitted,



Anita O'Gara
Vice President, Iowa Natural Heritage Foundation

cc: Pocahontas County Conservation Board, City of Laurens

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2013 a true and accurate copy of the foregoing motion has been served to the following party via first-class mail, postage pre-paid and VIA FAX to (877) 213-4433 and electronic communications.

Mack H. Shumate
Union Pacific Railroad
101 North Wacker Drive, Room 1920
Chicago, IL 60606-1718



Anita O'Gara, Vice President
Iowa Natural Heritage Foundation

cc: Pocahontas CCB, City of Laurens