

210013



February 3, 2004

VIA U.P.S. OVERNIGHT

Mr. Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20423-0001

Re: Proposed Abandonment of the Ankeny Subdivision from M. P. 341.1 near Slater to the end of the line at M. P. 353.5 near Woodward (Equation 346.4 = 346.6), a distance of 12.2 miles in Boone and Dallas Counties, Iowa; STB Docket No. AB-33 (Sub-No. 187X)

Dear Mr. Williams:

The Union Pacific Railroad Company ("UP") has received the attached request from the Iowa Natural Heritage Foundation ("INHF") dated January 27, 2004 for a 180-day extension in which to complete negotiations for the acquisition under the provisions pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the UP's right-of-way known as the Ankeny Subdivision from Milepost 341.1 near Slater to the end of the line at Milepost 353.5 near Woodward (Equation 346.3 = 346.6), a distance of 12.2 miles in Boone and Dallas Counties, Iowa.

INHF's letter recognizes UP's need to salvage as soon as practicable the bridge decking (the "bridge superstructure") from the Des Moines River Bridge. UP's engineering department plans to install the bridge superstructure at another bridge location on the UP's railroad system. Therefore, UP desires to salvage this bridge superstructure as soon as practicable. However, at INHF's request, the piers for the Des Moines River Bridge shall be preserved for future use by INHF for its trails use purposes. Maintaining the piers will also provide a means of re-establishing rail service on the entire line if and when the need should arise.

ENTERED
Office of Proceedings

FEB 04 2004

Part of
Public Record

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

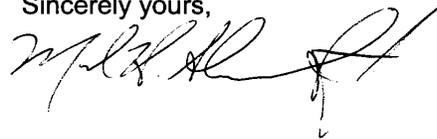
UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

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Vernon Williams, Secretary
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Therefore, UP is willing to continue to negotiate with the INHF concerning the acquisition of the subject property for trail use and supports the INHF's request for an extension of the negotiation period to and including August 10, 2004. A copy of the INHF's request is attached hereto as Exhibit A and hereby made a part hereof.

Enclosed with this original are ten (10) copies of this filing for use by the Board.

Sincerely yours,

A handwritten signature in black ink, appearing to be "Vernon Williams", written in a cursive style.

Attachments

cc: John Peterson
Iowa State Governor's Office

Iowa Natural Heritage Foundation



IOWA
NATURAL HERITAGE
FOUNDATION
"for those who follow"

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505 Fifth Avenue
Des Moines, IA 50309-2321

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e-mail: info@inhf.org

January 27, 2004

Vernon A. Williams, Secretary
Surface Transportation Board
1925 "K" Street, NW
Washington, D.C. 20423-0001

BEFORE THE SURFACE TRANSPORTATION BOARD

RE: Union Pacific Railroad Abandonment, Boone and Dallas Counties in Iowa;
Docket # AB-33 (Sub-No. 187X) from Mile post 341.1 near Slater to
milepost 353.5 near Woodward

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

On behalf of the Boone and Dallas County Conservation Boards (county government agencies) the Iowa Natural Heritage Foundation (INHF) 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 August 10, 2004.

The Iowa Natural Heritage Foundation has been negotiating with the Union Pacific Railroad (UPRR) and we have submitted grant requests to three grant programs for funding assistance to acquire the line. The recommendation for funding will not be known until mid February and mid March. Consequently INHF, Boone and Dallas County Conservation Boards and UPRR will need more time in which to finalize the trail use agreement. In our negotiations with UP we recognize their interest in salvaging the Des Moines River Bridge decking. The Des Moines River bridge piers, other bridge structures along the line, and ballast must still be preserved for trail use however.



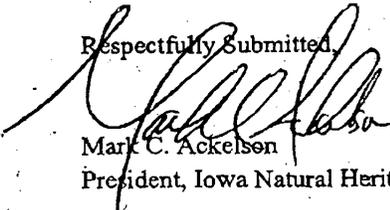
To successfully preserve this corridor for interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. 1247 (d), it is necessary for the negotiation period under the NITU to be extended up to and including February 10, 2004. See Policy Statement on Rails to Trails 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 (Mile post 341.1 near Slater and milepost 353.5 near Woodward). 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 Boone and Dallas County Conservation Boards requests that an extension of the NITU negotiation period be granted through August 10, 2004.

Respectfully Submitted,



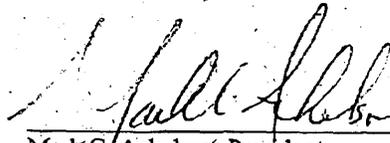
Mark C. Ackelson

President, Iowa Natural Heritage Foundation

CERTIFICATE OF SERVICE

I hereby certify that on this 27th Day of January, 2004, I have served a true and accurate copy of the foregoing motion on the following party via first-class mail, postage pre-paid and via FAX to 312-777-2065.

Mack H. Shumate, Jr.
Union Pacific Railroad
101 N. Wacker Dr. Rm 1920
Chicago, IL 60606-1718



Mark C. Ackelson, President
Iowa Natural Heritage Foundation