

211791



August 11, 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 August 9, 2004 for an additional 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 previous letter of January 27, 2004 recognized 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. UP has already begun removal and relocation of the bridge super structure. 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

AUG 12 2004

Part of
Public Record

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

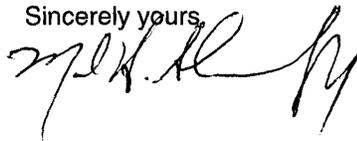
UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

August 11, 2004
Vernon Williams, Secretary
Surface Transportation Board
Page 2

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 January 10, 2005. 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.

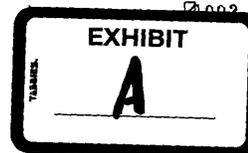
Sincerely yours,

A handwritten signature in black ink, appearing to read "Vernon Williams", written over the typed name "Vernon Williams" which is partially obscured by the signature.

Attachments

cc: Jchn Peterson
Iowa State Governor's Office

Iowa Natural Heritage Foundation



IOWA NATURAL HERITAGE FOUNDATION "for those who follow"

Insurance Exchange Bldg. Suite 444 505 Fifth Avenue Des Moines, IA 50309-2321 Phone: 515-288-1846 Fax: 515-288-0137 e-mail: info@inhf.org www.inhf.org

August 9, 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 January 10, 2005.

The Iowa Natural Heritage Foundation has been negotiating with the Union Pacific Railroad (UPRR) and the parties need more time in which to finalize the trail use agreement.

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)

J:\projects\trails\central.iowa trail system\ankeny to woodward\slater-woodward\stb corres\stb extension august 2004.doc

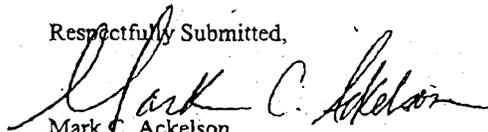
(extensions of time promote the establishment of trails and railbanking consistent with the National Trails System Act).

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,



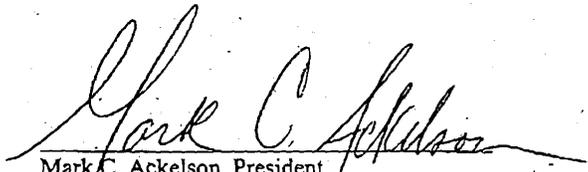
Mark C. Ackelson
President, Iowa Natural Heritage Foundation

j:\projects\trails\central iowa trail system\keny to woodward\slater-woodward\stb corres\stb extension august 2004.doc

CERTIFICATE OF SERVICE

I hereby certify that on this 9th Day of August 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