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January 10, 2005

**VIA Facsimile #202/565-9003 and UPS Overnight Delivery**

Mr. Vernon Williams, Secretary  
Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" St., N.W., Room 504  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

JAN 11 2005

Part of  
Public Record

ATTN: Ann E. Newman

**RE: Docket No. AB-33(Sub-No.218X), Union Pacific Railroad Company**  
- **Abandonment Exemption - In Kootenai County, Idaho from**  
- **M.P. 2.25 to M.P. 7.50 (Coeur'd Alene Industrial Lead)**

Dear Ms. Newman:

The Union Pacific Railroad Company ("Union Pacific") has received a request from the North Idaho Centennial Trail Foundation ("NICTF") for a Public Use Condition and a Notice of Interim Trail Use pursuant to 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 Coeur'd Alene Industrial Lead from Milepost 2.25 at Feeley Spur to Milepost 7.50 near Gibbs, a distance of approximately 5.25 miles in Kootenai County, Idaho.

Union Pacific is willing to negotiate with NICTF concerning the acquisition of the subject property for a public use condition or an interim trail use condition and supports the NICTF's request to negotiate for a period of 180 days from the December 16, 2004 effective date of the authorization of the subject abandonment. A copy of the NICTF's request is attached hereto as Exhibit "A" and hereby made a part hereof.

Ten (10) additional copies of this letter and exhibit are enclosed for the Board's use and distribution.

Sincerely yours,

Enclosures

cc: NICTF

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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

# North Idaho Centennial Trail Foundation



December 16, 2004

Secretary Vernon A. Williams  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423

Re: Union Pacific Railroad Company Abandonment Exemption in Kootenai County, Idaho  
STB Docket No. AB-33 (Sub-No. 218X)

Dear Secretary Williams:

This request is filed on behalf of the North Idaho Centennial Trail Foundation (the "Proponent"), a private non-profit organization dedicated to the stewardship of the North Idaho Centennial Trail and the development of recreational trails in Kootenai County, Idaho.

The Proponent requests the issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization of the Union Pacific Coeur d'Alene Industrial Lead from Milepost 2.25 at Feeley Spur to Milepost 7.50 near Gibbs in Kootenai County, Idaho.

#### **A. Request for Public Use Condition**

The Proponent requests the Surface Transportation Board 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 for public use on reasonable terms. The justification for this condition is that the 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 important open space and its preservation as a recreational trail is consistent with that end. The time period sought is 180 days from the effective date of the abandonment authorization, as the Proponent has not had an opportunity to assemble or to review title information, complete a trail plan or commence negotiations with the carrier.

**www.northidahocentennialtrail.com**  
**P.O. Box 5163 Coeur d'Alene, ID 83814-1952**

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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 reasons indicated above.

**B. Request for Interim Trail Use**

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

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d) and 49 C.F.R. §1152.29, the North Idaho Centennial Trail Foundation is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), 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.

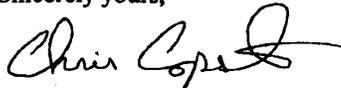
The property, known as the Coeur d'Alene Industrial Lead extends from railroad milepost 2.25 at Feeley Spur to railroad milepost 7.50 near Gibbs, a distance of 5.25 miles in Kootenai County, Idaho. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub-NO. 218X). A map depicting the right-of-way is attached.

The North Idaho Centennial Trail Foundation acknowledges that use of the right-of-way is subject to the user 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 Charles W. Saylor, director-legal support services, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, Nebraska 68179 by U.S. Mail, postage prepaid, first class, this 16th day of December, 2004.

In addition to ten (10) duplicates for the STB, I am enclosing one more, for which I request to be time and date stamped and returned in the enclosed envelope. Also enclosed is a check in the amount of one hundred and fifty dollars (\$150.00) for the application filing fee.

Sincerely yours,



Chris Copstead, Chairman  
North Idaho Centennial Trail Foundation

Enclosures:

Map

Ten (10) Duplicates

Application Filing Fee

