

215-323



December 8, 2005

VIA Facsimile #202/565-9002 and 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 Perry Subdivision from M.P. 296.8 near Waukee, Iowa to M.P. 275.9 (Equation M.P. 275.9 = 361.8) near Perry, Iowa, and from M.P. 361.8 to M.P. 369.0 near Dawson, Iowa, a total distance of 28.1 miles in Dallas County, Iowa; STB Docket No. AB-33 (Sub-No. 213X)

Dear Mr. Williams:

The Union Pacific Railroad Company has received another request from the Iowa Natural Heritage Foundation for an additional 180 day extension in which to complete negotiations for the acquisition of that portion of the Union Pacific's right-of-way known as the Perry Subdivision from M.P. 296.8 near Waukee, Iowa to M.P. 275.9 (Equation M.P. 275.9 = 361.8) near Perry, Iowa and from M.P. 361.8 to M.P. 369.0 near Dawson, Iowa, a total distance of 28.1 miles in Dallas County, Iowa. The Union Pacific is willing to continue to negotiate with the Iowa Natural Heritage Foundation concerning the acquisition of the subject property for public use or trail use and supports the Iowa Natural Heritage Foundation's request to negotiate for an additional 180 days. A copy of the Iowa Natural Heritage Foundation's request dated November 28, 2005 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.

Very truly yours,

ENTERED
Office of Proceedings

Enclosure

Part of
Public Record



Dallas County Conservation Board
Forest Park Museum
1477 K Avenue
Perry, Iowa 50220

Mike Wallace, Director
Administrative Office: 515-465-3577
Fax: 515-465-3579
Kuehn Conservation Area: 515-834-2795
E-mail: dallascocons@iowatelecom.net
www.co.dallas.ia.us

November 28, 2005

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, DALLAS County, Iowa;
Docket # AB-33 (Sub-No. 213X) between milepost 296.8 near Waukee to milepost
275.9 (equation M.P 275.9=361.8) near Perry, and from milepost 361.8 to milepost
369.0 near Dawson, Dallas County, Iowa.

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

In partnership with the Iowa Natural Heritage Foundation (INHF) the Dallas County Conservation Board (public agency) 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 **April 12, 2006**.

Dallas County and Iowa Natural Heritage Foundation have been negotiating with the Union Pacific Railroad (UPRR), but the parties need additional time to complete the negotiations and obtain grant funds for acquisition.

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 April 12, 2006. See Policy Statement on Rails to Trails

Members of the Board

Shirley Kiefer

Doug Volz

Craig Fleishman

Dennis Sondgeroth

Ray Harden



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. 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 the Dallas County Conservation Board and Iowa Natural Heritage Foundation request that an extension of the NITU negotiation period be granted through **April 12, 2006**.

Respectfully Submitted,



Mike Wallace
Director
Dallas County Conservation Board

cc: Iowa Natural Heritage Foundation



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CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2005, 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 312-777-2065.

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

Mike Wallace, Director
Dallas County Conservation Board

c: Iowa Natural Heritage Foundation

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DEC - 2 2005
LAW DEPARTMENT
UNION PACIFIC RR CO

Members of the Board

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