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May 2, 2006

**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 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 a request from the Dallas County Conservation Board 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 Dallas County Conservation Board and/or the Iowa Natural Heritage Foundation concerning the acquisition of the subject property for public use or trail use and supports the Dallas County Conservation Board's request to negotiate for an additional 180 days to and including October 22, 2006. A copy of the Iowa Dallas County Conservation Board's request dated April 19, 2006 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,

Mack H. Shumate, Jr.

Enclosures

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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 October 22, 2006. 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. 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 October 22, 2006.

Respectfully Submitted,



Mike Wallace

Director

Dallas County Conservation Board