

220456



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

October 16, 2007

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OCT 17 2007

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**VIA U.P.S. OVERNIGHT**

Mr. Vernon Williams, Secretary  
Surface Transportation Board  
395 E Street, S.W., Room 1149  
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 Iowa Natural Heritage Foundation ("IHNH") in partnership with 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 IHNH 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 April 22, 2008. A copy of the IHNH's request dated October 16, 2007 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



IOWA  
NATURAL HERITAGE  
FOUNDATION

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October 16, 2007

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

VIA FAX: 202-565-9002

**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.**

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

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On behalf of the Dallas County Conservation Board (public agency) the Iowa Natural Heritage Foundation 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 22, 2008.

The Iowa Natural Heritage Foundation and the Dallas County Conservation Board have been actively negotiating with the Union Pacific Railroad (UPRR), but the parties need additional time to finalize negotiations.

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 22, 2008. See Policy Statement on Rails to Trails

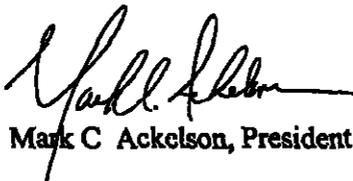
Conversions, Ex Parte No. 274 (Sub No 13b) (ICC served Feb. 5, 1990)  
(extensions of time promote the establishment of trails and railbanking  
consistent with the National Trails System Act)

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 Iowa Natural Heritage Foundation Dallas County Conservation Board request that an extension of the NITU negotiation period be granted through April 22, 2008.

Respectfully Submitted,



Mark C Ackelson, President

cc: Mike Wallace, Dallas County Conservation Board



IOWA  
NATURAL HERITAGE  
FOUNDATION  
*"for those who follow"*

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 18, 2007, 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

  
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Mark C Ackelson, President

cc: Mike Wallace, DCCB