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VIA E-FILING

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room #100
Washington, DC 20423-0001

RE: Proposed Abandonment of the Royal Industrial Lead from Milepost 475.15 to Milepost 477.10 near Laurens, a total distance of 1.95 miles, in Pocahontas County, Iowa (the “Line”); STB Docket No. AB-33 (Sub-No. 304X)

Dear Ms. Brown:

Union Pacific Railroad Company (“Union Pacific”) has received a request from the Iowa Natural Heritage Foundation on behalf of the Pocahontas County Conservation Board and the City of Laurens (collectively, “INHF Trail Group”) dated March 1, 2017 seeking a 180 day extension of the negotiation period to August 29, 2017 for interim trail use and rail banking under the provisions of 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 Royal Industrial Lead, as defined above, a distance of 1.95 miles in Pocahontas County, Iowa.

The Union Pacific is willing to continue to negotiate with INHF Trail Group concerning the acquisition of the subject property for trail use and supports the INHF Trail Group’s request for a 180-day extension of the negotiation period with regard to the Line from Milepost 475.15 to Milepost 477.10 for a total distance of 1.95 miles to August 29, 2017. A copy of INHF Trail Group’s request to extend the negotiation period is attached hereto as **Exhibit A** and is hereby made a part hereof.

Sincerely yours,

Mack H. Shumate, Jr.
Senior General Attorney

Attachment



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March 1, 2017

Cynthia Brown, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

BEFORE THE SURFACE TRANSPORTATION BOARD

RE: Union Pacific Railroad Company- Abandonment in Pocahontas County, Iowa;
Docket # AB-33-304X

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

In partnership and on behalf of the Pocahontas County Conservation Board, the City of Laurens (public agencies) and the Iowa Natural Heritage Foundation (non-profit corporation) 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 **August 29, 2017**.

The Iowa Natural Heritage Foundation (INHF) has been negotiating with the Union Pacific Railroad Company (UPRR) on behalf of the local public agencies, but the parties need additional time to complete the 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 **August 29, 2017**. 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 (Milepost 475.15 and Milepost 477.10). 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 Pocahontas County Conservation Board, the City of Laurens requests that an extension of the NITU negotiation period be granted through **August 29, 2017**.

Respectfully Submitted,



Andrea Boulton
Statewide Trails Coordinator, Iowa Natural Heritage Foundation

cc: Pocahontas County Conservation Board, City of Laurens

CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2017 a true and accurate copy of the foregoing motion has been served to the following party via email and via FAX to (877) 213-4433

Mack H. Shumate
Union Pacific Railroad
101 North Wacker Drive, Room 1920
Chicago, IL 60606-1718



Andrea Boulton, Statewide Trails Coordinator
Iowa Natural Heritage Foundation

cc: Pocahontas CCB, City of Laurens