

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 201X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN FRANKLIN COUNTY, IA

Decided: December 20, 2007

By decision and notice of interim trail use or abandonment (NITU) served on September 12, 2003, the Board granted the petition for exemption filed by Union Pacific Railroad Company (UP) for abandonment of a 7.84-mile line of railroad, in the western portion of the Bristow Subdivision, extending from milepost 318.66, near Hampton, to milepost 326.50, near Coulter, in Franklin County, IA. The exemption was subject to public use, environmental, and standard employee protective conditions, as well as a trail use condition authorizing a 180-day period for the Iowa Trails Council (Council), on behalf of the Franklin County Conservation Board, to negotiate an interim trail use/rail banking agreement with UP for the right-of-way involved in this proceeding. The negotiating period was extended through December 20, 2007, by decisions served on March 26, 2004, September 23, 2004, March 4, 2005, September 13, 2005, February 24, 2006, September 13, 2006, March 27, 2007, September 11, 2007, and October 19, 2007.

By facsimile filed on December 17, 2007, Council requests an extension of the negotiating period. Council states that an extension of time is necessary to finalize negotiations. In a response filed on December 17, 2007, UP concurs in the request to extend the negotiating period, but only for 120 days.

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended.¹ An extension of time will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). Accordingly, the NITU negotiating period will be extended for an additional 120 days from December 20, 2007 (until April 18, 2008).² Given the time that has elapsed since abandonment was authorized, the parties are again urged to conclude their negotiations so that further extensions are not necessary.

¹ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

² Trail use/rail banking is voluntary and can be implemented only if an abandoning railroad agrees to negotiate an agreement. See section 8(d) of the Trails Act. Therefore, the negotiating period may be extended only for the agreed term of 120 days.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended to April 18, 2008.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary