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SERVICE DATE - JANUARY 29, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 123X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT
EXEMPTION--IN BUTLER COUNTY, IA

Decided: January 26, 1999

On August 27, 1998, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the Iowa Trails Council (ITC) to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for a 5.95-mile line of railroad on the Bristow Branch from milepost 288.8 near Clarksville to milepost 294.75 near Allison, in Butler County, IA.¹ The 180-day period under the NITU is scheduled to expire on February 24, 1999.

On January 11, 1999, ITC filed a request for an additional 180-day extension of the negotiation period. ITC states that negotiations between the parties have not been completed.² By letter filed January 19, 1999, UP states that is agreeable to the NITU extension, but only for that portion of the line between milepost 288.8 and milepost 294.40, because it intends to retain the segment from milepost 294.40 to milepost 294.75 and reclassify it as yard track.

Where, as here, the carrier is willing to continue trail use negotiations for the segment between milepost 288.8 and milepost 294.40, the Board may extend the NITU negotiating period for that segment.³ Under the circumstances, an extension is warranted and will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiation period for the portion of the line discussed above will be extended for an additional 180 days from February 24, 1999.

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

¹ Notice of the exemption under 49 CFR 1152 subpart F was served and published in the Federal Register on July 29, 1998 (63 FR 40581-82).

² By facsimile dated January 20, 1999, ITC amended its extension of the trail use negotiation period to cover only that portion of the right-of-way from milepost 288.8 to milepost 294.40. ITC states that UP is not willing to agree to extend the trail use negotiating period for the line segment from milepost 294.40 to milepost 294.75.

³ See Rail Abandonments - Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

It is ordered:

1. ITC's request to extend the NITU negotiation period for that portion of the line from milepost 288.8 to milepost 294.40 is granted.
2. The NITU negotiating period for that portion of the line from milepost 288.8 to milepost 294.40 is extended to August 23, 1999.
3. The decision is effective on its service date.

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

Vernon A. Williams
Secretary