

29858
DO

SERVICE DATE - DECEMBER 21, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 117X)

UNION PACIFIC RAILROAD COMPANY-ABANDONMENT
EXEMPTION--IN LAKE COUNTY, CO

Decided: December 15, 1998

On July 2, 1998, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for Lake County Board of County Commissioners (Lake County) to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for an approximately 1.8-mile portion of the Leadville Branch from milepost 274.3 near McWethy Drive to the end of the line at milepost 276.1 at the rail yard near U.S. Highway 24, in Leadville, Lake County, CO. The 180-day period under the NITU is scheduled to expire on December 31, 1998.

On December 11, 1998, Lake County filed a request for an extension of the NITU negotiation period for an additional 180 days.¹ Lake County states that it is actively negotiating with UP for acquisition of the rail segment and anticipates that the negotiations will be concluded successfully given the additional time. By facsimile dated December 15, 1998, UP agreed to the extension request.

Because UP is willing to continue trail use negotiations with Lake County and an extension of the negotiation period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). The requested extension of the negotiation period under the NITU will be granted.

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

It is ordered:

¹ Lake County was evidently under the impression that the 180-day negotiation period expires on December 26, 1998. The 180-day period ran from the effective date of the notice of exemption which was July 4, 1998.

STB Docket No. AB-33 (Sub-No. 117X)

1. The negotiating period under the NITU is extended to June 29, 1999.
2. The decision is effective on its service date.

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

Vernon A. Williams
Secretary