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VIA E-FILE

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

RE: Union Pacific--Abandonment Exemption--In Franklin County, Iowa, AB 33 (Sub-No. 316X)

Dear Ms. Brown:

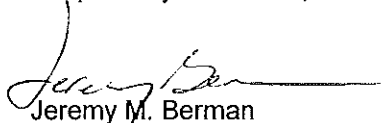
On January 4, 2018, the Iowa National Heritage Foundation ("INHF"), on behalf of the Franklin County Conservation Board, filed a Motion to Extend the Time Period for Negotiation of an Interim Trail Use/Railbanking Agreement ("Motion") in the above-captioned proceeding. Union Pacific agrees to INHF's request and is willing to continue negotiations with INHF.

While Union Pacific believes the extension sought by INHF should be granted, INHF may have inadvertently used the incorrect procedural device to obtain the requested extension. The Motion seeks to extend the negotiating period for the notice of interim trail use ("NITU") that was issued in the Board decision served on December 10, 2013. The NITU negotiating period was extended several times. The most recent extension was granted in the decision served on May 26, 2017 and expired on November 19, 2017.

If the Board finds that the negotiation period for the existing NITU cannot be extended because it expired prior to INHF's request, then the Board should consider INHF's request as a request to reopen this proceeding and issue a new NITU. The Board may accept trail use requests as long as the Board retains jurisdiction over the right-of-way and the carrier is willing to enter into negotiations. *McCloud Railway Company--Abandonment and Discontinuance of Service Exemption--In Siskiyou, Shasta, and Modoc Counties, Cal.* Docket No. AB 914X, slip op at 2 (STB served Oct. 3, 2011). Here, the Board retains jurisdiction over the right-of-way because Union Pacific did not consummate its abandonment authority and Union Pacific is willing to enter negotiations with INHF. For the reasons stated in the Motion, a decision allowing the parties additional time to negotiate is warranted.

For the foregoing reasons, Union Pacific requests that the Board either: (1) grant INHF's Motion; or (2) deem INHF's Motion as a request to reopen this proceeding and issue a new NITU.

Respectfully Submitted,


Jeremy M. Berman

Cc: Andrea Boulton (INHF)