



Iowa
Natural Heritage
Foundation

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May 15, 2017

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



DECISION ID NO.: 45850
DECIDED DATE: 5/25/17
SERVICE DATE: 5/26/17
APPROVED: [Signature]
Director

☒ extended to 11/19/17

243133

ENTERED

Office of Proceedings

May 15, 2017

Part of

Public Record

BEFORE THE SURFACE TRANSPORTATION BOARD

RE: Union Pacific Railroad, Bristow Subdivision, near Hampton, Franklin County Iowa;
Docket # AB 33 (Sub No 316X)

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

In partnership and on behalf of the Franklin County Conservation Board and the Iowa Natural Heritage Foundation (non-profit corporations) 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 **November 19, 2017**.

The Iowa Natural Heritage Foundation (INHF) and the public agencies have been negotiating with the Union Pacific Railroad (UP) that the parties need additional time to complete the negotiations.

To successfully preserve this corridor for interim trail use and railbanking under section 5(d) of the National Trails System Act, 16 U.S.C. 1247 (n), it is necessary for the negotiation period under the NTFU to be extended up to and including **November 19, 2017**.
See Policy Statement on Rails to Trails

FILING FEE WAIVED

Conversions, Ex Parte No: 274 (Sub: No: 43b) (ICC served Feb. 5, 1990) (extension time promote the establishment of trails and railbanking consistent with the National System Act).

Since the issuance of the NITU, UP at all points has maintained intent to transfer the intact for interim trail use. The railroad has not sold, or offered for sale, any parcels that would interfere with interim trail use and railbanking of the portion of the corridor covered by the NITU (Milepost 318.10 and Milepost 318.66). The line remains intact and throughout the period, the railroad has been negotiating with INHF for the transfer of the corridor intact. Accordingly, the Board retains jurisdiction to extend the period 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 a NITU implementing section 8(d) for rail lines. The STB's authority to extend a NITU was established in Birt v. STB, 90 F.3d 580 (D.C. Cir. 1996). Here the parties merely seek and extend the period for negotiation provided in a previously issued NITU. Such an extension promotes and further the purposes of the Trails Act.

For the reasons stated, INHF on behalf of the Franklin County Conservation Board requests that an extension of the NITU negotiation period be granted through **November 19**

Respectfully Submitted,



Andrea Boulton
Trails Coordinator, Iowa Natural Heritage Foundation

cc: Franklin County Conservation Board

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2017 a true and accurate copy of the foregoing motion has been served to the following party via first-class mail, postage pre-paid and VIA FAX to (877)-213-4433.

Mack H. Shumate
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718



Andrea Boulton, Trails Coordinator
Iowa Natural Heritage Foundation

cc: Franklin County Conservation Board