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SERVICE DATE - DECEMBER 6, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 140)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT—
IN LANCASTER AND GAGE COUNTIES, NE, AND MARSHALL COUNTY, KS

Decided: December 1, 2000

On December 17, 1999, a decision and certificate of interim trail use or abandonment (CITU) was served¹ authorizing a 180-day period for the City of Beatrice, the Nebraska Trails Foundation, Inc. (Foundation), and the Lower Big Blue Natural Resources District to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for a 57.72-mile rail line known as the Beatrice Branch extending from milepost 66 near Jamaica, NE, to milepost 125 near Marietta, KS,² in Lancaster and Gage Counties, NE, and Marshall County, KS. The negotiating period under the CITU expired on June 14, 2000, but was extended through December 11, 2000, by decision served August 23, 2000.

By letter filed November 28, 2000, UP requests an extension of the negotiating period for an additional 180 days. According to UP, Foundation needs additional time to organize its resources for purchase of the right-of-way for trail use.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.³ UP has shown that additional time is necessary to complete negotiations. Under the circumstances, an extension of the negotiating period is warranted and will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the CITU negotiating period will be extended for an additional 180 days from December 11, 2000.

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

¹ A corrected decision was served on December 22, 1999.

² The track mileage is 1.28 miles less than the milepost differential because a track relocation on the line between Beatrice and Holmesville, NE, created a milepost discontinuity. (Milepost 101.72 now coincides with milepost 103.)

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

It is ordered:

1. The negotiating period is extended to June 9, 2001.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary