

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 260X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN DOUGLAS AND SARPY COUNTIES, NE

Decided: February 20, 2009

By decision and notice of interim trail use or abandonment (NITU) served on July 25, 2008 (July 2008 decision), the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by Union Pacific Railroad Company (UP) of a 3.45-mile line of its Millard Industrial Lead extending between milepost 22.85, in Omaha, and milepost 19.4, in La Vista, in Douglas and Sarpy Counties, NE, subject to trail use, public use, environmental, and standard employee protective conditions. In this decision, the Board is granting a request to extend the interim trail use negotiation period.

The July 2008 decision authorized the Nebraska Trails Foundation, Inc. (NTFI), on its own behalf and that of the Papio-Missouri River Natural Resources District (District), to negotiate with UP for interim trail use/rail banking until February 20, 2009, for a portion of the line extending between milepost 19.4 in La Vista, and milepost 22.1 in Omaha, under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act).¹

By letter dated February 11, 2009, NTFI, on its own behalf and that of the District, has requested an extension of the NITU negotiating period until April 20, 2009. On February 12, 2009, UP advised that it supports the request and is willing to continue to negotiate for interim trail use/rail banking with NTFI for the portion of the line extending between milepost 19.4 in La Vista, and milepost 22.1 in Omaha.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the Trails Act.² Accordingly, the NITU negotiating

¹ In addition to interim trail use, the NITU also imposed a public use condition that is also scheduled to expire on February 20, 2009 and may not be extended, and it imposed three environmental conditions that remain in effect.

² See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58
(continued . . .)

period will be extended for that portion of the line extending between milepost 19.4 in La Vista and milepost 22.1 in Omaha, from February 20, 2009, to April 20, 2009.

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

It is ordered:

1. The request to extend the NITU negotiation period is granted.
2. The negotiating period under the NITU is extended for that portion of the line extending between milepost 19.4 in La Vista, and milepost 22.1 in Omaha, from February 20, 2009, until April 20, 2009.
3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary

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(1987).