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SERVICE DATE – FEBRUARY 27, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 258X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN SHELBY COUNTY, TN

Decided: February 26, 2009

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 2.61-mile line of railroad known as the Memphis Subdivision, extending from milepost 387.0 to milepost 389.61 in Shelby County, TN. Notice of the exemption was served and published in the Federal Register on August 20, 2008 (73 FR 49240).

By decision and notice of interim trail use or abandonment (NITU) served September 17, 2008, the proceeding was reopened and a 180-day period was authorized for Greater Memphis Greenline (GMG) to negotiate an interim trail use/rail banking agreement with UP for the right-of-way involved in this proceeding pursuant to the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The trail use negotiation period under the NITU is scheduled to expire on March 18, 2009.¹ In this decision, the Board is granting a request to extend the interim trail use negotiation period.

On February 11, 2009, GMG submitted a request for an additional 180-day extension of the NITU negotiating period to September 15, 2009. GMG states that the time is needed to allow for future appraisals and for the parties to conclude their negotiations.² By letter dated February 18, 2009, UP has stated its willingness to continue negotiations for interim trail use/rail banking with GMG and its support for GMG's request.

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

¹ In addition to interim trail use, the NITU also imposed a public use condition, which is also scheduled to expire on March 18, 2009, and may not be extended, and three environmental conditions that remain in effect.

² Although the request slightly exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company—Abandonment Exemption—Wendel-Alturas Line in Modoc and Lassen Counties, CA, Docket No. AB-12 (Sub-No. 184X) (STB served Sept. 1, 2005).

of trail use and rail banking consistent with the Trails Act.³ Accordingly, the NITU negotiating period will be extended from March 18, 2009, to September 15, 2009.

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

It is ordered:

1. GMG's request to extend the NITU negotiating period until September 15, 2009, is granted.

2. This decision is effective on its date of service.

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

Anne K. Quinlan
Acting Secretary

³ See Rail Abandonments – Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).