

39353
DO

SERVICE DATE – SEPTEMBER 12, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 255)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT—IN CARVER AND
SCOTT COUNTIES, MN

Decided: September 11, 2008

By decision and certificate of interim trail use or abandonment (CITU) served on April 1, 2008, the Board granted the application filed by Union Pacific Railroad Company (UP) for abandonment of its Chaska Industrial Lead, extending from milepost 38.6, at Merriam, to milepost 33.0, on the east side of Chaska, a distance of 5.6 miles, in Carver and Scott Counties, MN. The abandonment was subject to public use, environmental, historic preservation, and standard employee protective conditions, as well as a trail use condition authorizing a 180-day period for the Office of Carver County Regional Railroad Authority (CCRRA) to negotiate an interim trail use/rail banking agreement with UP for the right-of-way involved in this proceeding. The negotiating period expires on September 28, 2008.

By letter filed on September 3, 2008, CCRRA requests an extension of the negotiating period for 180 days, until March 27, 2009. CCRRA states that an extension of time is necessary to complete negotiations. In a pleading filed on August 28, 2008, UP concurs in the request to extend the negotiating period.

Where, as here, the carrier is willing to continue trail use negotiations, the CITU negotiating period may be extended.¹ An extension of time will promote the establishment of trails 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 September 28, 2008 (until March 27, 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 CITU negotiating period is granted.
2. The negotiating period under the CITU is extended to March 27, 2009.

¹ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary