

36559
DO

SERVICE DATE – DECEMBER 20, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 26X)

WISCONSIN CENTRAL LTD.–ABANDONMENT EXEMPTION–
IN ASHLAND COUNTY, WI

Decided: December 19, 2005

Wisconsin Central Ltd. (WCL) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 0.48-mile line of railroad from milepost 435.35 on Ashland's lakefront and traveling 2,255 feet to a point where it connects to a private spur that used to serve C. Reiss Coal Company in Ashland, Ashland County, WI. Notice of the exemption was served and published in the Federal Register on June 3, 2004 (69 FR 31453-54). By decision and notice of interim trail use or abandonment (NITU) served July 1, 2004, the proceeding was reopened and a 180-day period was authorized for the City of Ashland, WI (the City), to negotiate with WCL pursuant to section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), for the right-of-way involved in this proceeding.¹ The negotiating period under the NITU was extended by decisions served on December 17, 2004, and June 28, 2005, with the latest extension scheduled to expire on December 25, 2005.

On December 14, 2005, the City filed a motion to extend the negotiating period for an additional 180 days. The City states that negotiations are currently continuing in good faith between it and WCL. The City states, however, that more time is needed to finalize negotiations. WCL filed a response stating that it agrees with the requested NITU extension.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.² The parties have shown that the additional time is necessary to complete negotiations. An extension of time will promote the establishment of trails and rail banking consistent with the Trails Act. Accordingly, the NITU negotiating period will be extended for 180 days, from December 25, 2005, until June 23, 2006.

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

¹ Six environmental conditions were also imposed in that decision.

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

It is ordered:

1. The City's request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended until June 23, 2006.
3. This decision is effective on the date of service.

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

Vernon A. William
Secretary