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SERVICE DATE - OCTOBER 31, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 20X)

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

Decided: October 28, 2002

On November 17, 1999, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the State of Wisconsin Department of Natural Resources (WisDNR) to negotiate an interim trail use/rail banking agreement with Wisconsin Central Ltd. (WCL) for a 1.63-mile line of railroad between milepost 198.37 and milepost 200 in Green Bay, Brown County, WI. The negotiating period under the NITU was extended several times for a portion of the right-of-way from milepost 198.37 to milepost 199.84. The latest extension is scheduled to expire on November 3, 2002.¹

By facsimile filed on October 21, 2002, WisDNR and WCL jointly filed a motion for an extension of the negotiating period for an additional 180 days. The parties state that WisDNR made an initial timely offer to WCL, but more time is needed to finalize negotiations.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.² Under the circumstances, an extension of the negotiation 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 negotiation period will be extended to May 2, 2003.

¹ The most recent extension of the negotiation period under the NITU was authorized by decision served May 3, 2002.

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

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

It is ordered:

1. The negotiating period under the NITU is extended to May 2, 2003.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary