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SERVICE DATE - JULY 24, 1998

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-303 (Sub-No. 13X)

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

Decided: July 22, 1998

By decision and notice of interim trail use or abandonment (NITU) served February 7, 1995, a 180-day period was provided for Wisconsin Central Ltd. (WCL) and the Wisconsin Department of Natural Resources (WisDNR) to negotiate an interim trail use/rail banking agreement for WCL's 13.9-mile rail line between milepost 183.0 at Greenleaf and milepost 196.9 at Green Bay, in Brown County, WI. WCL's willingness to negotiate trail use was contingent on the failure of on-going negotiations with the Escanaba & Lake Superior Railroad Company (E&LS) for the latter's acquisition of the line for continuing rail service. The initial 180-day negotiating period expired on August 6, 1995, but was extended through July 22, 1998, by decisions served December 21, 1995, February 9, 1996, September 12, 1996, February 12, 1997, December 16, 1997, and January 23, 1998. In the most recent decision, the parties were encouraged to reach a resolution on the possible sale of the line to E&LS as soon as possible so that further extensions of the trail use/rail banking negotiating period would not be necessary.

In a joint petition filed July 8, 1998, WCL and WisDNR request another 180-day extension of the NITU negotiating period. The joint petitioners state that the line has not been abandoned, that WisDNR made an initial timely offer to WCL, and that negotiations are continuing in good faith but that more time is required to finalize negotiations.¹

Under the circumstances, a further extension of the NITU negotiating period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). Accordingly, the NITU negotiating period will be extended for an additional 180 days from July 22, 1998.

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

¹ The parties have not informed us of the outcome of the negotiations between WCL and E&LS. The tenor of the instant pleading suggests that the negotiations have failed.

Docket No. AB-303 (Sub-No. 13X)

It is ordered:

1. The NITU negotiating period is extended for 180 days to January 18, 1999.
2. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary

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