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SERVICE DATE - JULY 2, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 104X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT
EXEMPTION--IN OCONTO COUNTY, WI

Decided: June 30, 1998

On January 9, 1997, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources (WisDNR) to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for an approximately 8.3-mile line of railroad known as the Oconto Falls Industrial Lead from milepost 54.4, near Oconto, to the end of the line at milepost 46.1, near Stiles Junction, in Oconto County, WI.¹ The negotiation period was extended several times; the latest extension is scheduled to expire on July 3, 1998.

On June 29, 1998, the WisDNR and UP filed a joint motion to extend the negotiation period for a period of 180 days from July 3, 1998, to complete an interim trail use/rail banking agreement. The parties state that an initial timely offer has been made and that negotiations are currently continuing, but that additional time is needed to finalize negotiations.

Because UP is willing to continue trail use negotiations with WisDNR and an extension of the negotiation 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 requested extension will be granted. 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).

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 December 30, 1998.

¹ Notice of the exemption was published in the Federal Register on December 11, 1996 (61 FR 65264).

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2. This decision is effective on the service date.

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

Vernon A. Williams
Secretary