

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 18X)

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

Decided: February 15, 2002

By decision and notice of interim trail use or abandonment (NITU) served on March 13, 1998, a 180-day period was authorized for the Wisconsin Department of Natural Resources (WisDNR) to negotiate an interim trail use/rail banking agreement with Wisconsin Central Ltd. (WCL) for a 15.25-mile line of railroad known as the Dresser-Amery Line, between milepost 47.83 in Dresser and milepost 63.08 in Amery, in Polk County, WI. The 180-day negotiating period was extended through February 20, 2002, by decisions served October 2, 1998, March 5, 1999, August 30, 1999, March 1, 2000, August 28, 2000, February 22, 2001, and August 29, 2001.

On January 30, 2002, WisDNR¹ and WCL jointly filed a petition for an extension of the negotiating period for 180 days. Petitioners state that, while negotiations are currently continuing in good faith between WisDNR and WCL, 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 Petitioners 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 National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended for a period of 180 days from February 20, 2002.

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

It is ordered:

1. Petitioners' request to extend the NITU negotiating period is granted.

¹ The Wisconsin Department of Transportation is filing on behalf of WisDNR.

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

2. The NITU negotiating period is extended until August 19, 2002.
3. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary