

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: July 2, 1997

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 (WisDOT) 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 is scheduled to expire on July 8, 1997.

By motion filed June 26, 1997, the WisDOT requests an extension of the negotiation period, stating that it has made an initial timely offer and that negotiations are currently continuing in good faith. By letter filed June 30, 1997, UP states that it is agreeable to the extension request.

The requested extension of the negotiation period under the NITU will be granted.² This 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) (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).

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 January 4, 1998.
2. This decision is effective on the service date.

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

Vernon A. Williams
Secretary

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

² Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiation period and is willing to continue trail use negotiations, the Board retains jurisdiction to extend the NITU negotiation period. See *Rail Abandonments--Supplemental Trails Act Procedures*, 4 I.C.C.2d152, 157-58 (1987); *Missouri Pacific Railroad Company--Abandonment in OK*, Docket No. AB-3 (Sub-No. 63) (ICC served Jan. 2, 1990); and *St. Louis Southwestern Railway Company--Abandonment in Smith and Cherokee Counties, TX*, Docket No. AB-39 (Sub-No. 12) (ICC served Mar. 27, 1992).