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SERVICE DATE - JANUARY 23, 1998

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: January 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 January 23, 1998, by decisions served December 21, 1995, February 9, 1996, September 12, 1996, February 12, 1997, and December 16, 1997.

In a joint petition filed January 13, 1998, WCL and WisDNR request another 180-day extension of the NITU negotiating period. Although E&LS is still attempting to purchase the line, petitioners anticipate that E&LS and WCL should have a final determination regarding that matter within the next six months. The joint petitioners state that the line has not been abandoned and that WCL remains willing to negotiate interim trail use/rail banking with WisDNR if E&LS fails to purchase the rail line.

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 January 23, 1998. In view of the number of past extensions of the negotiating period, however, the parties are 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 are not necessary.

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

It is ordered:

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

1. The NITU negotiating period is extended for 180 days to July 22, 1998.
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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