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SERVICE DATE - APRIL 30, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 126X)

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

Decided: April 27, 1999

On November 5, 1998, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the City of Fort Atkinson (City) to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for the 2.0-mile line of railroad on the Clyman Branch from the end of the line at milepost 110.0 to milepost 112.0 near Fort Atkinson, in Jefferson County, WI.¹ The 180-day period under the NITU is scheduled to expire on May 7, 1999.²

On April 20, 1999, Wisconsin Department of Transportation (WisDot) on behalf of the City filed a request for an additional 180-day extension of the negotiation period. WisDot states that negotiations between the parties (the City and UP) are currently continuing in good faith, but more time is needed to finalize negotiations. By letter filed April 22, 1999, UP states that is agreeable to the NITU extension.

Because UP is willing to continue trail use negotiations with the City and an extension of the negotiation period will promote the establishment of trail use 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.

¹ Notice of the exemption under 49 CFR 1152 subpart F was served and published in the Federal Register on October 8, 1998 (63 FR 54186-87).

² The November 5 decision also imposed an environmental condition that required UP to consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying three geodetic markers identified on the line.

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It is ordered:

1. The negotiating period under the NITU is extended to November 3, 1999.
2. The decision is effective on its service date.

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

Vernon A. Williams
Secretary