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SERVICE DATE – LATE RELEASE MAY 31, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 303 (Sub-No. 31X)

WISCONSIN CENTRAL LTD.—ABANDONMENT
EXEMPTION—IN SAWYER COUNTY, WIS.

Decided: May 31, 2011

Wisconsin Central Ltd. (WCL) filed a notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a 1.80-mile line of railroad between milepost 100.80 and milepost 102.60, in Hayward, Sawyer County, Wis. Notice of the exemption was served and published in the Federal Register on November 21, 2007 (72 Fed. Reg. 65,645-46). The exemption became effective on December 21, 2007.

By decision and notice of interim trail use or abandonment (NITU) served on December 19, 2007, the proceeding was reopened and a 180-day period was authorized for Wisconsin Department of Transportation, on behalf of the County of Sawyer, Wis.(CSW) to negotiate an interim trail use/rail banking agreement with WCL for the right-of-way involved in this proceeding pursuant to the National Trails System Act, 16 U.S.C. § 1247(d) (Trails Act).¹ The negotiating period under the NITU was extended several times, with the latest extension scheduled to expire on June 1, 2011.

By motion filed on May 4, 2011, CSW requests an additional 180-day extension of the NITU negotiating period. CSW indicates that it is evaluating its legal options, including reversion, which are relevant to the parties' negotiations. According to CSW, if it could acquire the property by reversion, its negotiating position with WCL would be affected. CSW states that it requires additional time to confirm and clarify its legal position. In a response filed on May 16, 2011, WCL states that it agrees to the extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the NITU negotiating period will promote the establishment of trail use and rail banking consistent with the Trails Act.² Accordingly, the NITU negotiating period will be extended for an additional 180 days from June 1, 2011, to November 28, 2011.

¹ That decision also imposed 5 environmental conditions.

² See Rail Abans.—Use of Rights-of Way as Trails—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

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

It is ordered:

1. CSW's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended to November 28, 2011.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.