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DO

SERVICE DATE - JANUARY 2, 1998

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: December 29, 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 on behalf of the Wisconsin Department of Natural Resources (WisDNR) 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.<sup>1</sup> The initial 180-day period was scheduled to expire on July 8, 1997, but was extended through January 4, 1998, by decision served July 3, 1997.

On December 22, 1997, the WisDNR and UP filed a joint motion to extend the negotiation period until July 3, 1998, to complete an interim trail use/rail banking agreement. The parties state that an initial timely offer has been made and that negotiations are currently continuing, but that additional time is needed to finalize negotiations.

Because UP is willing to continue trail use negotiations with WisDNR and an extension of the negotiation 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 requested extension will be granted.<sup>2</sup> 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).

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

<sup>2</sup> Where, as here, the carrier has not consummated the abandonment 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.2d 152, 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).

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

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 July 3, 1998.
2. This decision is effective on the service date.

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

Vernon A. Williams  
Secretary

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