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SERVICE DATE - NOVEMBER 19, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-534 (Sub-No. 1X)

LAKE STATE RAILWAY COMPANY--ABANDONMENT
EXEMPTION--IN ALPENA COUNTY, MI

Decided: November 16, 1998

On November 18, 1997, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the Michigan Department of Natural Resources (MDNR) to negotiate an interim trail use/rail banking agreement with Lake State Railway Company (Lake State) for an 8-mile line of railroad between milepost 0.0 near Alpena, and milepost 8.0 near Hillman, in Alpena County, MI.¹ The initial 180-day period was scheduled to expire on May 15, 1998, but was extended through November 11, 1998, by decision served May 15, 1998.

On November 9, 1998, MDNR and Lake State each filed a request to extend the negotiation period for an additional 180 days. The parties state that they are continuing negotiations towards an agreement and expect to complete an agreement within 180 days.

The negotiation period under the NITU will be extended to May 10, 1999.² It 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.

¹ Notice of the exemption was served and published in the Federal Register on October 17, 1997 (62 FR 54155-56).

² 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).

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It is ordered:

1. The negotiating period under the NITU is extended to May 10, 1999.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary