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SERVICE DATE – NOVEMBER 14, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 251X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT  
EXEMPTION—IN DANE COUNTY, WI

Decided: November 9, 2006

By decision and notice of interim trail use or abandonment (NITU) served on May 31, 2005, a 180-day period was authorized for Union Pacific Railroad Company (UP) and Wisconsin & Southern Railroad Company (WSOR) to negotiate an interim trail use/rail banking agreement with Wisconsin Department of Natural Resources (WisDNR) for a 4.4-mile line of railroad, known as the Central Soya Line, Harvard Subdivision, between milepost 85.5 in the City of Madison and milepost 89.9 in the City of Fitchburg, in Dane County, WI.<sup>1</sup> The trail use negotiation period was scheduled to expire on November 28, 2005, but, by decisions served on November 22, 2005, and June 6, 2006, the negotiation period was extended until November 23, 2006.

On October 25, 2006, Wisconsin Department of Transportation (WisDOT) filed a request on behalf of WisDNR for an additional 180-day extension of the negotiating period. WisDOT states that negotiations are currently continuing in good faith between the parties, but more time is needed to finalize negotiations. By facsimile filed on November 2, 2006, UP states that it is willing to continue to negotiate with WisDOT/WisDNR and supports the extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiation period may be extended. Under the circumstances, an extension of the negotiating period is warranted and will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).<sup>2</sup> Accordingly, the NITU negotiating period will be extended for an additional 180 days from November 23, 2006 (until May 22, 2007).

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

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<sup>1</sup> Notice of the exemption was served and published in the Federal Register on May 2, 2005 (70 FR 22758). The May 31, 2005 decision and notice also made the exemption subject to several environmental conditions.

<sup>2</sup> See Rail Abandonment—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. WisDOT's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended to May 22, 2007.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary