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SERVICE DATE - JANUARY 9, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 22X)

WISCONSIN CENTRAL LTD.–ABANDONMENT EXEMPTION–IN CALUMET AND
BROWN COUNTIES, WI

Decided: January 8, 2003

On January 19, 2001, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the Wisconsin Department of Natural Resources, acting through the Wisconsin Department of Transportation (collectively referred to as WisDNR/DOT), to negotiate an interim trail use/rail banking agreement with Wisconsin Central Ltd. (WCL), for a 12.6-mile line of railroad, known as the Hilbert-Greenleaf Line, extending from milepost 170.4 at Hilbert to milepost 183 at Greenleaf, in Calumet and Brown Counties, WI. By joint request of WCL and WisDNR/DOT, the negotiating period under the NITU was extended by decisions served on July 17, 2001, January 11, 2002, and July 11, 2002. The latest extension is scheduled to expire on January 9, 2003.

On December 23, 2002, WisDNR/DOT and WCL jointly filed a motion to extend the NITU negotiating period for an additional 180 days. The parties state that the negotiations to reach an agreement for interim trail use/rail banking are currently continuing in good faith, but that more time is needed to finalize negotiations.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).¹ Accordingly, the NITU negotiating period will be extended for an additional 180 days from January 9, 2003.

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

¹ See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

It is ordered:

1. The joint motion of WisDNR/DOT and WCL to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended for 180 days until July 8, 2003.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary