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SERVICE DATE - JANUARY 23, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 190X)

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

Decided: January 21, 2004

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 2-mile line of railroad, known as the Menomonie Industrial Lead, extending from milepost 0.90 near Stout Oak Street to milepost 2.90 near 12th Avenue West, in Dunn County, WI. Notice of the exemption was served and published in the Federal Register on January 10, 2003 (68 FR 1510-11). By decision and notice of interim trail use or abandonment (NITU) served on February 7, 2003, the proceeding was reopened and a 180-day period was authorized for the City of Menomonie (the City), acting through the Wisconsin Department of Transportation (WisDOT), to negotiate an interim trail use/rail banking agreement with UP for the right-of-way involved in this proceeding.¹ The negotiating period under the NITU was scheduled to expire on August 6, 2003, but was extended until February 2, 2004, by a decision served on August 15, 2003.

By letter filed on January 15, 2004, UP indicates that it has received a request, which UP attaches as Exhibit A, from WisDOT requesting an extension of the negotiating period for an additional 180 days. Subsequently, WisDOT filed its request on January 20, 2004. According to WisDOT, the City and UP have had initial discussions and had some initial concerns, but are willing to continue discussions. UP advises that it is willing to continue to negotiate with the City and that it supports the request to extend the negotiating period.

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).²

¹ The decision and notice also made the exemption subject to a salvage condition and a historic preservation condition. By decision served on March 18, 2003, the historic preservation condition imposed on the entire line was modified to limit the condition to the two bridges, D-3 and D-5, located at mileposts 2.12 and 2.38, respectively.

² See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

Accordingly, the NITU negotiating period will be extended for an additional 180 days from February 2, 2004, or until July 31, 2004.

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

It is ordered:

1. The request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended for 180 days until July 31, 2004.
3. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary