

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 25X)

WISCONSIN CENTRAL LTD.—ABANDONMENT EXEMPTION—IN
LANGLADE, MENOMINEE AND SHAWANO COUNTIES, WI

Decided: July 3, 2001

By decision and notice of interim trail use or abandonment (NITU) served on January 5, 2001, the Board granted the petition for exemption filed by Wisconsin Central Ltd. (WCL) for abandonment of a 34.3-mile line of railroad known as the White Lake-Shawano Line, between milepost 280 north of White Lake and milepost 314.3 north of Shawano, in Langlade, Menominee, and Shawano Counties, WI. The exemption was subject to environmental, historic preservation, and standard employee protective conditions, as well as a trail use condition authorizing a 180-day period, until July 4, 2001, for the Wisconsin Department of Natural Resources (WisDNR)¹ to negotiate an interim trail use/rail banking agreement with WCL. The decision was scheduled to become effective on February 4, 2001. Subsequently, by decision served on February 2, 2001, the January 5 decision was stayed until further order with respect to the trail use/rail banking in Menominee County that was authorized.² In all other respects, the January 5 decision took effect as scheduled on February 4, 2001.

On June 29, 2001, WisDOT and WCL jointly filed a petition for an extension of the NITU negotiating period for 180 days. Petitioners state that negotiations are moving slowly and that more time is needed to finalize negotiations on the segment not under partial stay.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.³ Petitioners have shown that the additional time is necessary to complete negotiations. An extension of time will promote the establishment of trails and rail

¹ The Wisconsin Department of Transportation (WisDOT) sought the interim trail use/rail banking condition on behalf of WisDNR.

² A petition for judicial review of the Board's decision allowing interim trail use/rail banking in Menominee County is pending in Menominee Indian Tribe of Wisconsin et al. v. STB et al., No. 01-1100 (D.C. Cir. filed March 2, 2001). The parties currently are engaged in settlement negotiations.

³ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended for a period of 180 days from July 4, 2001.

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 until December 31, 200. However, the stay remains in effect as to the portion of the line in Menominee County.
2. This decision is effective on its service date.

By the Board, Beryl Gordon, Acting Director, Office of Proceedings.

Vernon A. Williams
Secretary