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SERVICE DATE - NOVEMBER 19, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 21X)

WISCONSIN CENTRAL LTD.–ABANDONMENT
EXEMPTION–IN MARQUETTE COUNTY, MI

Decided: November 13, 2001

Wisconsin Central Ltd. (WCL) filed a notice of exemption under 49 CFR 1152.50 to abandon an approximately 8.84-mile line of railroad between milepost 154 and milepost 162.84 in Marquette County, MI.¹ On November 14, 2000, 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 WCL for a portion of the right-of-way between milepost 156.57 and milepost 162.84. The NITU was scheduled to expire on May 13, 2001. By decision served on May 11, 2001, the NITU was extended to November 9, 2001, for the portion of the line between milepost 156.57 and milepost 160.12. By decision served on August 15, 2001, the NITU was amended to implement interim trail use/rail banking for the portion of the right-of-way from milepost 156.56 to milepost 156.57. The expiration date of the negotiating period remained the same.

By facsimile received on November 8, 2001, MDNR requests an additional 180-day extension of the negotiating period. MDNR states that negotiations are continuing and are expected to be completed within 180 days. WCL agrees to the extension request.

Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction and the NITU negotiating period may be extended.² MDNR has explained that a 180-day extension is necessary to complete negotiations. Accordingly, the NITU negotiating period will be extended for 180 days from November 9, 2001, or until May 8, 2002.

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 13, 2000 (65 FR 61020-21).

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

It is ordered:

1. The NITU negotiating period for that portion of the line between milepost 156.56 to milepost 160.12 is extended to May 8, 2002.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary