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SERVICE DATE – SEPTEMBER 17, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 303 (Sub-No. 20X)

WISCONSIN CENTRAL LTD.–ABANDONMENT
EXEMPTION–IN BROWN COUNTY, WIS.

Decided: September 16, 2010

On November 17, 1999, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the State of Wisconsin Department of Natural Resources (WisDNR) to negotiate an interim trail use/rail banking agreement with Wisconsin Central Ltd. (WCL) for a 1.63-mile line of railroad between milepost 198.37 and milepost 200 in Green Bay, Brown County, Wis. The negotiating period under the NITU was extended several times for the portion of the right-of-way from milepost 198.37 to milepost 199.84. The negotiation period under the NITU expired on February 23, 2010. On March 24, 2010, a NITU was served, which authorized a 180-day period for the City of Green Bay (Green Bay) to negotiate an interim trail use/rail banking agreement with WCL for the right-of-way involved in this proceeding for portion of the line between mileposts 198.37 and 199.84. The negotiation period under this NITU is scheduled to expire on September 20, 2010.

On September 10, 2010, WisDNR on behalf of Green Bay filed a motion for an extension of the NITU negotiating period with respect to the portion of the line between mileposts 198.37 and 199.84 for an additional 180 days. WisDNR states that negotiations are currently continuing in good faith and that discussions continue, including whether any part of the rail yard will be purchased along the rail line. On September 13, 2010, WCL filed its response stating that it is agreeable to the requested extension of Green Bay's negotiation period under the NITU.

The negotiation period under the NITU will be extended for an additional 180 days to March 19, 2011. An extension of the negotiation period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. § 1247(d) (Trails Act). The purpose of the Trails Act is to preserve corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy Statement on Rails to Trails Conversion, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). Given the time that has elapsed since abandonment was authorized, the parties are again urged to conclude their negotiations so that further extensions are not necessary.

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

It is ordered:

1. Green Bay's request to extend the NITU negotiation period is granted.
2. The negotiation period under the NITU is extended to March 19, 2011, for the portion of the right-of-way between milepost 198.37 and milepost 199.84.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.