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SERVICE DATE - APRIL 27, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-534 (Sub-No. 1X)

LAKE STATE RAILWAY COMPANY--ABANDONMENT
EXEMPTION--IN ALPENA COUNTY, MI

Decided: April 25, 2001

On November 18, 1997, 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 Lake State Railway Company (Lake State) for an 8-mile line of railroad between milepost 0.0 near Alpena, and milepost 8.0 near Hillman, in Alpena County, MI.¹ The negotiation period was extended several times; the latest extension is scheduled to expire on April 29, 2001.²

On April 23, 2001, MDNR filed a request to extend the negotiating period for an additional 180 days to continue negotiations with the railroad. By facsimile filed April 24, 2001, Lake State also requests an extension of the NITU for an additional 180 days. The parties state that negotiations are continuing and that they expect to complete an agreement within 180 days.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.³ Under the circumstances, an extension of the negotiation period is warranted and will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the negotiating period will be extended to October 26, 2001.

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 17, 1997 (62 FR 54155-56).

² The negotiation period under the NITU was extended by decisions served May 15, 1998, November 19, 1998, May 13, 1999, November 5, 1999, May 12, 2000, and November 21, 2000.

³ See Rail Abandonment--Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

It is ordered:

1. The negotiating period under the NITU is extended to October 26, 2001.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary