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SERVICE DATE - APRIL 24, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 126X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT
EXEMPTION--IN JEFFERSON COUNTY, WI

Decided: April 18, 2001

On November 5, 1998, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the City of Fort Atkinson (City) to negotiate an interim trail use/rail banking agreement with Union Pacific Railroad Company (UP) for the 2.0-mile line of railroad on the Clyman Branch from the end of the line at milepost 110.0 to milepost 112.0 near Fort Atkinson, in Jefferson County, WI. Extensions of the negotiating period were granted by decisions served April 30, 1999, October 21, 1999, July 3, 2000, and October 18, 2000. The latest extension is scheduled to expire on April 26, 2001.¹

On April 12, 2001, Wisconsin Department of Transportation (WisDot), on behalf of the City, filed a request to extend the negotiating period for an additional 180 days. WisDot states that negotiations between the parties (the City and UP) are currently continuing in good faith. Also on April 12, 2001, UP advised that it is agreeable to an extension of the NITU negotiating period.

Because UP is willing to continue trail use negotiations with the City and an extension of the negotiation period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), the requested extension will be granted. The purpose of the Trails Act is to preserve rail corridors for possible reactivation of rail service by permitting and encouraging their interim trail use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

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

¹ Notice of the exemption under 49 CFR 1152 Subpart F was served and published in the Federal Register on October 8, 1998 (63 FR 54186-87).

It is ordered:

1. The request to extend the interim trail use negotiating period is granted.
2. The NITU negotiating period is extended until October 23, 2001.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary