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SERVICE DATE – MAY 28, 2010

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 303 (Sub-No. 26X)

WISCONSIN CENTRAL LTD.—ABANDONMENT EXEMPTION—  
IN ASHLAND COUNTY, WIS.

Decided: May 27, 2010

On July 1, 2004, a decision and notice of interim trail use or abandonment (NITU) was served in this proceeding authorizing a 180-day period for the City of Ashland, Wis. (the City), to negotiate an interim trail use/rail banking agreement with Wisconsin Central Ltd. (WCL) for a 0.48-mile line of railroad from milepost 435.35 on Ashland's lakefront and traveling 2,552 feet to a point where it connects to a private spur that used to serve the C. Reiss Coal Company in Ashland, Ashland County, Wis.<sup>1</sup> The negotiating period under the NITU was extended several times, with the latest extension scheduled to expire on June 2, 2010.

By motion filed on May 19, 2010, the City seeks an extension of the negotiating period for an additional 180 days. The City states that negotiations are currently continuing in good faith between it and WCL, and since the parties have secured a memorandum of understanding, they have drafted and executed a purchase sale option. In a response filed on the same date, WCL agreed to the City's extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the Trails Act.<sup>2</sup> Accordingly, the NITU negotiating period will be extended for an additional 180 days, until November 29, 2010. Given the time that has elapsed since abandonment was granted, the negotiating parties are again urged to conclude their negotiations so that further extensions are not necessary.

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

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<sup>1</sup> Six environmental conditions were also imposed in that decision.

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

It is ordered:

1. The City's request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended until November 29, 2010.
3. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.