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SERVICE DATE - APRIL 16, 2003

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: April 11, 2003

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. At the request of the Wisconsin Department of Transportation (WisDOT), on behalf of the City, the negotiation period under the NITU was extended several times; the latest extension is due to expire on April 17, 2003.¹

On April 3, 2003, WisDOT, on behalf of the City, filed a request to extend the negotiating period for an additional 180 days. WisDOT states that it and UP have a general agreement, but more time is needed to reach a final agreement. In a response filed April 4, 2003, UP advised the Board that it supports the extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.² Under the circumstances, an extension of the negotiation period is warranted and will promote trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the negotiation period will be extended for an additional 180 days from April 17, 2003 (until October 14, 2003).

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

It is ordered:

1. The request to extend the NITU negotiating period is granted.

¹ The most recent extension of the negotiation period under the NITU was authorized by decision served October 16, 2002.

² See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58.

2. The NITU negotiating period is extended until October 14, 2003.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary