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SERVICE DATE - DECEMBER 14, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 17X)

WISCONSIN CENTRAL LTD.--ABANDONMENT EXEMPTION--  
IN MARQUETTE AND ALGER COUNTIES, MI

Decided: December 13, 2000

On December 19, 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 Wisconsin Central Ltd. (WCL) for an approximately 37.3-mile line of railroad on the Marquette-Munising Line, between milepost 154, at a point east of Marquette, and milepost 116.7 in Munising Junction, in Marquette and Alger Counties, MI.<sup>1</sup> At the request of MDNR and WCL, the negotiating period under the NITU was extended by decisions served June 17, 1998, December 14, 1998, June 11, 1999, and June 30, 2000. The latest extension expired on December 5, 2000.

By facsimile received on December 5, 2000, and letter-request filed on December 8, 2000, MDNR requests an extension of the NITU negotiating period for an additional 180 days. MDNR states that it and WCL are continuing to negotiate an interim trail use/rail banking agreement and expect to complete it within 180 days. By facsimile received on December 12, 2000, WCL advised that it supports the extension request.

Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction and the NITU negotiating period may be extended. See Rail Abandonments--Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987). MDNR has shown that the additional time is necessary to complete negotiations. 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). Accordingly, the NITU negotiation period will be extended 180 days from December 5, 2000.

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

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<sup>1</sup> Notice of the exemption under 49 CFR 1152 Subpart F--Exempt Abandonments was served and published in the Federal Register on November 21, 1997 (62 FR 62401-02).

It is ordered:

1. The negotiating period under the NITU is extended to June 3, 2001.
2. The decision is effective on its service date.

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

Vernon A. Williams  
Secretary