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SERVICE DATE - OCTOBER 21, 1999

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: October 14, 1999

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. The 180-day negotiating period under the NITU was scheduled to expire on May 7, 1999, but was extended through November 3, 1999, by a decision served April 30, 1999.

On October 7, 1999, 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, but that more time is needed to finalize negotiations. By letter filed October 12, 1999, UP states that it is agreeable to the NITU extension.

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 use as recreational trails. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990).

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

It is ordered:

1. The negotiating period under the NITU is extended to May 1, 2000.
2. This decision is effective on its service date.

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

Vernon A. Williams
Secretary