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SERVICE DATE – LATE RELEASE NOVEMBER 25, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 303 (Sub-No. 31X)

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

Decided: November 25, 2011

Wisconsin Central Ltd. (WCL) filed a notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a 1.80-mile line of railroad between milepost 100.80 and milepost 102.60, in Hayward, Sawyer County, Wis. Notice of the exemption was served and published in the Federal Register on November 21, 2007 (72 Fed. Reg. 65,645-46). The exemption became effective on December 21, 2007.

By decision and notice of interim trail use or abandonment (NITU) served on December 19, 2007, the proceeding was reopened and a 180-day period was authorized for Wisconsin Department of Transportation, on behalf of the County of Sawyer, Wis. (CSW) to negotiate an interim trail use/rail banking agreement with WCL for the right-of-way involved in this proceeding pursuant to the National Trails System Act, 16 U.S.C. § 1247(d) (Trails Act).¹ The negotiating period under the NITU was extended several times, with the latest extension scheduled to expire on November 28, 2011.

By motion filed on November 14, 2011, CSW requests an additional 180-day extension of the NITU negotiating period. In a response filed on November 16, 2011, WCL states that it agrees to the extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the NITU negotiating period will promote the establishment of trail use and rail banking consistent with the Trails Act.² Accordingly, the NITU negotiating period will be extended for an additional 180 days from November 28, 2011, to May 26, 2012.

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

¹ That decision also imposed 5 environmental conditions.

² See Rail Abans.—Use of Rights-of-Way as Trails—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. CSW's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended to May 26, 2012.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.