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SERVICE DATE - NOVEMBER 17, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-534 (Sub-No. 2X)

LAKE STATE RAILWAY COMPANY--ABANDONMENT EXEMPTION--IN
ALPENA AND PRESQUE ISLE COUNTIES, MI

Decided: November 16, 2000

By decision and notice of interim trail use or abandonment (NITU) served on May 22, 2000, a 180-day period was authorized for the Michigan Department of Natural Resources (MIDNR) to negotiate an interim trail use/rail banking agreement with Lake State Railway Company (Lake State) for a portion of Lake State's Huron Subdivision (the main line) extending northward from the U.S. Highway 23 crossing in Alpena (milepost 125.2) to the end of the main line just north of Metz, MI (milepost 151.25), and Lake State's entire Rogers City Branch extending northward from a point on the main line at Posen, MI (milepost 141.8), to Rogers City, MI, ending at RCB milepost 11.5, a distance of 37.55 miles, in Alpena and Presque Isle Counties, MI. The 180-day period under the NITU is scheduled to expire on November 18, 2000.

By letter-request filed on November 13, 2000, and by facsimile received on November 14, 2000, MIDNR and Lake State, respectively, request an extension of the NITU negotiating period for an additional 180 days. They state that they are continuing negotiations towards an agreement and that they expect to complete an agreement within 180 days.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.¹ The requested extension will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended for an additional 180 days from November 18, 2000.

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

It is ordered:

1. The requests of MIDNR and Lake State to extend the NITU negotiating period are granted.

¹ See Rail Abandonments--Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

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2. The negotiating period under the NITU is extended for 180 days until May 17, 2001.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary