

38586
DO

SERVICE DATE – LATE RELEASE DECEMBER 3, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 29X)

WISCONSIN CENTRAL LTD.–ABANDONMENT EXEMPTION–
IN FOREST COUNTY, WI

Decided: December 3, 2007

By decision and notice of interim trail use or abandonment (NITU) served on December 13, 2005, a 180-day period was authorized for the Wisconsin Department of Natural Resources, acting through the Wisconsin Department of Transportation (collectively, the State), to negotiate an interim trail use/rail banking agreement with Wisconsin Central Ltd. (WCL) for a 4.62-mile line of railroad from milepost 235.84 on the Pembine Sub (formerly milepost 249.38 on the old Shawano Sub), near Crandon, to the end of the track at milepost 231.22 on the Pembine Sub (formerly milepost 254.00 on the old Shawano Sub), in Forest County, WI. The negotiating period under the NITU was extended by decisions served on June 8, 2006, December 8, 2006, and June 6, 2007. The latest extension is set to expire on December 3, 2007.

On November 27, 2007, the State filed a request to extend the NITU negotiating period for an additional 180 days. The State explains that negotiations with WCL continue in good faith, but more time is needed to finalize negotiations. In its response, WCL states that it agrees with the request for an extension.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.¹ An extension of the negotiating period will promote the establishment of trail use and rail banking, consistent with the National Trail System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended for an additional 180 days from December 3, 2007 (until May 31, 2008).

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

¹ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. The State's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended for 180 days, until May 31, 2008.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary