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SERVICE DATE - MAY 11, 2000

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-303 (Sub-No. 20X)

WISCONSIN CENTRAL LTD.--ABANDONMENT  
EXEMPTION--IN BROWN COUNTY, WI

Decided: May 5, 2000

Wisconsin Central Ltd. (WCL) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon a 1.63-mile line of its railroad between milepost 198.37 and milepost 200 in Green Bay, Brown County, WI. Notice of the exemption was served and published in the Federal Register on October 19, 1999 (64 FR 56384-85). On November 17, 1999, a decision and notice of interim trail use or abandonment (NITU) was served, that reopened the proceeding to implement interim trail use/rail banking for the entire line under 49 CFR 1152.29 and the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), and provided a 180-day period for the Wisconsin Department of Natural Resources (WisDNR) to negotiate an interim trail use/rail banking agreement with WCL for the right-of-way involved in this proceeding.<sup>1</sup>

In a joint petition filed May 3, 2000, WCL and WisDNR filed a request for an additional 180-day extension of the negotiating period. The parties state that WisDNR has made an initial timely offer to WCL. However, the parties indicate that, while negotiations are currently continuing in good faith between them, more time is needed to finalize negotiations. WCL states that it is only agreeable to an extension of the negotiating period for the portion of the right-of-way between milepost 198.37 and milepost 199.84 and requests that the NITU not be extended for the portion of the right-of-way from milepost 199.84 to milepost 200.

Where, as here, the carrier is willing to continue trail use negotiations between milepost 198.37 and milepost 199.84, the Board may extend the NITU negotiating period for that segment.<sup>2</sup> Under the circumstances, an extension is warranted and will promote the establishment of trails and rail banking consistent with the Trails Act. Accordingly, the NITU negotiation period for that

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<sup>1</sup> The November 17 decision also imposed environmental conditions that required WCL to: (a) consult with the Wisconsin Department of Transportation (WisDOT) to obtain permits that may be required from the District Maintenance section for salvage activities that may affect the highway right-of-way; and (b) consult with the WisDOT to determine if any compliance with WisDOT's Policy/Standards/Procedures that govern the cleanup of salvage debris along the right-of-way is required.

<sup>2</sup> See Rail Abandonment - Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

portion of the line between milepost 198.37 and milepost 199.84 will be extended for an additional 180 days from May 16, 2000.

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

It is ordered:

1. The joint motion to extend the NITU negotiating period for that portion of the line from milepost 198.37 to milepost 199.84 is granted. The remaining portion of the line between milepost 199.84 and milepost 200 may be fully abandoned on May 17, 2000, if the environmental conditions imposed in this proceeding have been met.

2. The NITU negotiating period for that portion of the line from milepost 198.37 to milepost 199.84 is extended to November 12, 2000.

3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary