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SERVICE DATE – JUNE 4, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 26X)

WISCONSIN CENTRAL LTD.—ABANDONMENT EXEMPTION—
IN ASHLAND COUNTY, WI

Decided: June 3, 2009

On July 1, 2004, a decision and notice of interim trail use or abandonment (NITU) was served in this proceeding authorizing a 180-day period for the City of Ashland, WI (the City), to negotiate an interim trail use/rail banking agreement with Wisconsin Central Ltd. (WCL) for a 0.48-mile line of railroad from milepost 435.35 on Ashland's lakefront and traveling 2,552 feet to a point where it connects to a private spur that used to serve the C. Reiss Coal Company in Ashland, Ashland County, WI.¹ The negotiating period under the NITU was extended several times, with the latest extension scheduled to expire on June 7, 2009.

By motion filed on May 18, 2009, the City seeks an extension of the negotiating period for an additional 180 days. The City states that negotiations are currently continuing in good faith between it and WCL and indicates that a deed has been recorded for the western portion of the line. The City adds, however, that more time is needed to finalize negotiations for the eastern portion. In a response filed on May 27, 2009, WCL agreed to the City's extension request.

Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction and the NITU negotiating period may be extended.² Accordingly, the NITU negotiating period will be extended until December 4, 2009. Given the time that has elapsed since abandonment was granted, the negotiating parties are again urged to conclude their negotiations so that further extensions are not necessary.

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

It is ordered:

1. The City's request to extend the NITU negotiating period is granted.

¹ Six environmental conditions were also imposed in that decision.

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

2. The NITU negotiating period is extended until December 4, 2009.
3. This decision is effective on the date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary