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SERVICE DATE - FEBRUARY 20, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 189X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—  
IN EAU CLAIRE COUNTY, WI

Decided: February 19, 2004

By decision and notice of interim trail use or abandonment (NITU) served on August 30, 2002, a 180-day period was authorized for the Wisconsin Department of Transportation (WisDOT), on behalf of the City of Eau Claire, WI (CECW), to negotiate an interim trail use rail/banking agreement with Union Pacific Railroad Company (UP) for a 1.65-mile line of railroad known as the Eau Claire Industrial Lead, extending between milepost 0.00 near N. Barstow Street and milepost 1.65 south of Truax Boulevard, in Eau Claire, Eau Claire County, WI. At the request of WisDOT, on behalf of CECW, the negotiating period under the NITU was extended by decisions served April 10, 2003, and August 25, 2003. The latest extension is scheduled to expire on February 21, 2004.

On January 20, 2004, WisDOT, on behalf of CECW, requested an additional 180-day extension of the negotiating period. On February 18, 2004, UP notified the Board that, after several conversations with representatives of CECW and WisDOT, it has been determined that there is no funding available to CECW for the purchase of the line. Rather than continue to expose itself to potential liability related to the trackage and bridge, UP has decided to consummate the abandonment, remove or sell the bridge and sell the available property. Therefore, UP is not agreeable to an extension of the trail use negotiation period.

Because trail use is voluntary with the carrier, and UP has advised that it is not agreeable to a further extension, an extension of the negotiating period cannot be granted. Thus, WisDOT's request, on behalf of CECW, will be denied.

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

It is ordered:

1. WisDOT's request, on behalf of CECW, to extend the NITU negotiating period is denied.

2. This decision is effective on the date of service.

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

Vernon A. Williams  
Secretary