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SERVICE DATE - OCTOBER 2, 1998
SURFACE TRANSPORTATION BOARD
DECISION

STB Docket No. AB-303 (Sub-No. 18X)

WISCONSIN CENTRAL LTD.--ABANDONMENT EXEMPTION—
IN POLK COUNTY, WI

Decided: September 29, 1998

By decision and notice of interim trail use or abandonment (NITU) served on March 13, 1998, a 180-day period was authorized for the Wisconsin Department of Natural Resources (WisDNR) to negotiate an interim trail use/rail banking agreement with Wisconsin Central Ltd. (WCL) for a 15.25-mile line of railroad known as the Dresser-Amery Line, between milepost 47.83 in Dresser and milepost 63.08 in Amery, in Polk County, WI. The 180-day negotiating period expired on September 9, 1998.

On September 4, 1998, WisDNR¹ filed a motion for an extension of the negotiating period for 180 days. WisDNR states that, while negotiations are currently continuing in good faith between WisDNR and WCL, more time is needed to finalize negotiations. WisDNR also states that WCL is agreeable to an extension of time to continue negotiations and has authorized WisDNR to file the motion.

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 to extend the NITU negotiating period.² WisDNR has shown that the additional time is necessary to complete negotiations. An extension of time will promote the establishment of trails 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 a period of 180 days from September 9, 1998, or until March 8, 1999.

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

It is ordered:

¹ WisDNR's motion is actually filed by the Wisconsin Department of Transportation on its behalf.

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

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1. WisDNR's request to extend the NITU negotiation period is granted.
2. The NITU negotiating period is extended until March 8, 1999.
3. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary