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SERVICE DATE – MAY 18, 2011

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: May 16, 2011

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, Wis. (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, Wis.¹ The negotiating period under the NITU was extended several times, with the latest extension scheduled to expire on May 28, 2011.

By motion filed on April 29, 2011, the City seeks an extension of the negotiating period for an additional 180 days. The City states that negotiations over this property will conclude when responsibility for the cleanup of possible contamination of the former railroad corridor is settled. The City adds that it and WCL remain actively interested in consummating this transaction. In a response filed on May 9, 2011, WCL agrees to the City's extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the NITU negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. § 1247(d).² Accordingly, the NITU negotiating period will be extended for an additional 180 days from May 28, 2011, to November 24, 2011.

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

¹ Six environmental conditions were also imposed in that decision.

² See Rail Abans.—Use of Rights-of-Way as Trails—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. The City's request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended until November 24, 2011.
3. This decision is effective on the date of service.

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