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SERVICE DATE – AUGUST 29, 2008

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: August 28, 2008

On November 17, 1999, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the State of Wisconsin Department of Natural Resources (WisDNR) to negotiate an interim trail use/rail banking agreement with Wisconsin Central Ltd. (WCL) for a 1.63-mile line of railroad between milepost 198.37 and milepost 200 in Green Bay, Brown County, WI. The negotiating period under the NITU was extended several times for the portion of the right-of-way from milepost 198.37 to milepost 199.84. The latest extension, served on March 7, 2008, extended the negotiation period until September 1, 2008.

On August 25, 2008, WisDNR filed a motion for an extension of the NITU negotiating period with the respect to the portion of the line between mileposts 198.37 and 199.84 for an additional 180 days. WISDNR states that negotiations are currently continuing in good faith, but that more time is needed to finalize negotiations. On August 26, 2008, WCL filed its response stating that it is agreeable to the requested extension of the negotiation period under the NITU.

The negotiation period under the NITU will be extended for an additional 180 days to February 28, 2009. An extension of the negotiation period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16, U.S.C. 1247(d) (Trails Act). The purpose of the Trails Act is to preserve corridors for possible reactivation of rail service by permitting and encouraging their interim use as recreational trails. See Policy Statement on Rails to Trails Conversion, Ex Parte No. 274 (Sub-No. 13B) (ICC served Feb. 5, 1990). Given the time that has elapsed since abandonment was authorized, the parties are again urged to conclude their negotiations so that further extensions are not necessary.

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

It is ordered:

1. WisDNR's request to extend the NITU negotiation period is granted.

2. The negotiation period under the NITU is extended for 180 days until February 28, 2009.

3. This decision is effective on its service date.

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

Anne K. Quinlan  
Acting Secretary