

SERVICE DATE - JUNE 30, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 17X)

WISCONSIN CENTRAL LTD.--ABANDONMENT EXEMPTION--
IN MARQUETTE AND ALGER COUNTIES, MI

Decided: June 28, 2000

On December 19, 1997, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for the Michigan Department of Natural Resources (MDNR) to negotiate an interim trail use/rail banking agreement with Wisconsin Central Ltd. (WCL) for an approximately 37.3-mile line of railroad on the Marquette-Munising Line, between milepost 154, at a point east of Marquette, and milepost 116.7 in Munising Junction, in Marquette and Alger Counties, MI.¹ At the request of MDNR and WCL, the negotiating period under the NITU was extended by decisions served June 17, 1998, December 14, 1998, June 11, 1999, and December 9, 1999. The latest extension expired on June 8, 2000.

By facsimile received on June 8, 2000, and letter-request filed on June 12, 2000, MDNR requests an extension of the NITU negotiation period for an additional 180 days. MDNR states that it and WCL are continuing to negotiate an interim trail use/rail banking agreement and expect to complete an agreement within 180 days. In a facsimile submission received on June 9, 2000, WCL initially stated that it opposed the extension of the negotiating period and that it intended to file a notice of consummation of the abandonment. By facsimile received on June 14, 2000, WCL requested that the Board not rule on MDNR's extension request until WCL had had an opportunity to review the situation. By facsimile received on June 23, 2000, and letter filed June 26, 2000, WCL advised that it supports the 180-day extension and requested that its letter submitted by facsimile on June 9, 2000, be disregarded.

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. See Rail Abandonments - Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987). MDNR has shown that the additional time is necessary to complete negotiations. 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). Accordingly, the NITU negotiation period will be extended 180 days from June 8, 2000.

¹ Notice of the exemption under 49 CFR 1152 Subpart F--Exempt Abandonments was served and published in the Federal Register on November 21, 1997 (62 FR 62401-02).

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

It is ordered:

1. The negotiating period under the NITU is extended to December 5, 2000.
2. The decision is effective on its service date.

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

Vernon A. Williams
Secretary