

SERVICE DATE – AUGUST 8, 2011

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: August 5, 2011

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, Polk County, Wis. In a series of decisions, the negotiating period was extended through January 30, 2006.

On January 18, 2006, WisDNR¹ and Polk County, Wis. (Petitioners) jointly filed a petition for an extension of the negotiating period for 180 days. Petitioners stated that WCL had sold to WisDNR the portion of the line between milepost 49.6 and milepost 63.08, but that the parties were still negotiating on the portion between milepost 47.83 and milepost 49.6 (the Segment) and needed more time to finalize negotiations on the Segment. WCL filed a response agreeing to the extension request. Accordingly, the negotiating period for the Segment was extended. Further decisions, the most recent of which was served on December 27, 2010, extended the negotiating period until July 3, 2011.

On May 18, 2011, WCL filed a letter indicating that Petitioners do not intend to continue interim trail use negotiations for the Segment. WCL reiterates what WDOT first stated in a letter filed on January 25, 2010: that a quarry potentially may be opened along the Segment and, if so, the quarry would require rail service. In its letter, WCL requests a one-year extension of the deadline for filing a notice of consummation, from September 2, 2011, to September 2, 2012. Such an extension will allow WCL to see if the prospective quarry development continues to progress toward fruition and to ensure the possibility of reactivation of rail service on the Segment if it is needed.

Under 49 C.F.R. § 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. Good cause has been shown, and the deadline for filing the notice of consummation will be extended to September 2, 2012.

¹ The Wisconsin Department of Transportation (WDOT) filed on behalf of WisDNR.

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

It is ordered:

1. WCL's request for a 1-year extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before September 2, 2012.
3. This decision is effective on its date of service.

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