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SERVICE DATE - NOVEMBER 8, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-534 (Sub-No. 2X)

LAKE STATE RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN
ALPENA AND PRESQUE ISLE COUNTIES, MI

Decided: November 7, 2002

On May 22, 2000, 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 (MIDNR) to negotiate an interim trail use/rail banking agreement with Lake State Railway Company (Lake State) for a portion of Lake State's Huron Subdivision (the main line) extending northward from the U.S. Highway 23 crossing in Alpena (milepost 125.2) to the end of the main line just north of Metz, MI (milepost 151.25), and Lake State's entire Rogers City Branch extending northward from a point on the main line at Posen, MI (milepost 141.8), to Rogers City, MI, ending at RCB milepost 11.5, a distance of 37.55 miles, in Alpena and Presque Isle Counties, MI. The negotiating period under the NITU was extended by decisions served on November 17, 2000, May 4, 2001, December 18, 2001, and May 17, 2002. The latest extension is due to expire on November 8, 2002.

By letter filed on November 6, 2002, Lake State requests an additional 180-day extension of the negotiating period. It states that Lake State and MIDNR are continuing negotiations towards an agreement and expect to complete an agreement within 180 days.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.¹ An extension of the negotiating period 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 an additional 180 days from November 8, 2002.

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

¹ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. Lake State's request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended until May 7, 2003.
3. This decision is effective on the date of service.

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

Vernon A. Williams
Secretary