

SERVICE DATE – AUGUST 21, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 251X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT  
EXEMPTION–IN DANE COUNTY, WI

Decided: August 20, 2007

By decision and notice of interim trail use or abandonment (NITU) served on May 31, 2005, a 180-day period was authorized for Union Pacific Railroad Company (UP) to negotiate an interim trail use/rail banking agreement with Wisconsin Department of Natural Resources (WisDNR) for a 4.4-mile line of railroad, known as the Central Soya line, Harvard Subdivision, between milepost 85.5 in the City of Madison and milepost 89.9 in the City of Fitchburg, in Dane County, WI. The negotiation period was scheduled to expire on November 28, 2005, but was subsequently extended several times. The latest extension decision, served on June 7, 2007, extended the negotiation period under the NITU until August 20, 2007.<sup>1</sup>

On August 8, 2007, Wisconsin Department of Transportation (WisDOT) filed a request on behalf of WisDNR for an additional 180-day extension of the negotiating period. WisDOT states that negotiations are currently continuing in good faith between the parties, but more time is needed to finalize negotiations. On August 14, 2007, UP filed its response stating that it is willing to continue to negotiate with WisDOT/WisDNR.

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended. An extension of the 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).<sup>2</sup> Accordingly, the NITU negotiation period will be extended for an additional 180 days from August 20, 2007 (until February 16, 2008).

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

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<sup>1</sup> Notice of the exemption was served and published in the Federal Register on May 2, 2005 (70 FR 22758). The May 31, 2005 decision and notice also made the exemption subject to several environmental conditions.

<sup>2</sup> See Rail Abandonments - Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. WisDOT's request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended to February 16, 2008.
3. The decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams  
Secretary