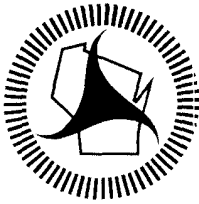


215007



Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle
Governor

Frank J. Busalacchi
Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P O Box 7910
Madison, WI 53707-7910

Telephone: 608-266-8810
FAX: 608-267-6734
E-mail: ogc.exec@dot.state.wi.us

October 14, 2005

Mr. Vernon A. Williams, Secretary
Office of the Secretary
Surface Transportation Board, Room 1324
1925 K Street, N.W.
Washington, D.C. 20423-0001



RE: **STB Docket No. AB-303 (Sub-No. 29X)** Wisconsin Central Ltd--Abandonment
Exemption--In Forest County, WI – Petition for Notice of Interim Trail Use

Dear Mr. Williams:

Enclosed for filing are the original and ten (10) copies of the WisDNR's Petition for Notice of Interim Trail Use.

Please date stamp and return the duplicate copy of this transmittal letter in the prepaid, return mail envelope for verification of receipt. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Allyn Lepeska'.

Allyn Lepeska
Attorney

Enclosures

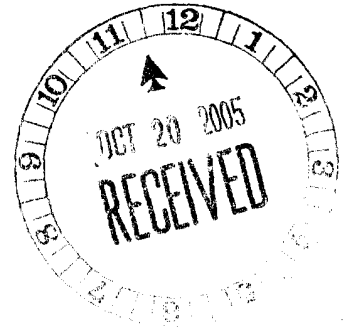
pc: Vicki Schaefer
Michael Barron
Richard Steffes

ENTERED
Office of Proceedings
OCT 20 2005
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-303 (SUB-NO. 29X)

WISCONSIN CENTRAL LTD. –
ABANDONMENT EXEMPTION
IN FOREST COUNTY, WISCONSIN



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WISCONSIN DEPARTMENT OF NATURAL RESOURCES
PETITION FOR NOTICE OF INTERIM TRAIL USE

BACKGROUND

Wisconsin Central Ltd. (WCL) filed with the Surface Transportation Board (Board) a Notice of Exemption under 49 CFR 1152 Subpart F – Exempt Abandonments to abandon a 4.62-mile line of railroad, from milepost 235.84 on the Pembine Sub (formerly milepost 249.38 on the old Shawano Sub) near Crandon, to milepost 231.22 on the Pembine Sub (formerly milepost 254.00 on the old Shawano Sub), in Forest County, WI. The line traverses through United States Postal Service Zip Code 54520.

On March 28, 2005, the Wisconsin Department of Natural Resources (WisDNR) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the 4.62 mile segment of WCL railroad starting at MP 235.84 on the Pembine Sub (f/k/a MP 249.38 on the old Shawano sub) and ending at MP 231.22 on the Pembine Sub (f/k/a on the old Shawano sub) near Crandon, Forest County, Wisconsin.

PURPOSE

Wisconsin Department of Transportation (WisDOT) petitions to obtain a notice of interim trail use for interim highway, bicycle, pedestrian and other trail purposes and railbanking pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 for WisDNR for specified segments of the right of way

involved in this proceeding. WisDNR will use or preserve the land corridor and related real property for interim public transportation and recreational purposes (including highway, pedestrian and other trail), subject to restoration for railroad purposes. WisDOT and WisDNR have agreed to work cooperatively to acquire and use the right of way.

STATE AND CITY RESPONSIBILITIES

WisDNR is the lead state agency for designating, acquiring, developing for public use and maintaining a system of state trails as part of the state park system for use by equestrians, bicyclists, cross county skiers or hikers. Secs. 23.09(2)(d)12, 23.175(2)(a) and 23.30(1), Wis. Stats. It is required to encourage other state agencies to participate in the planning, establishing, developing and maintaining of state trails. Sec. 23.175(2)(b), Wis. Stats. WisDNR is authorized to spend funds with the approval of the Governor for the acquisition of lands. Secs. 20.914 and 23.14, Wis. Stats.

WisDOT is the designated state agency in rail matters in the State of Wisconsin. 49 U.S.C. Appx. § 1654(a) (formerly § 1654(j)), 49 C.F.R. § 266.1 and Ch. 85, Wis. Stats. WisDOT is responsible for all state and federally-aided highway construction and all state and federally-aided airport construction in Wisconsin. Secs. 84.01(2) and 114.32(1) and (5), Wis. Stats. WisDOT has the statutory first right to acquire for present or future transportation, recreational or scenic purposes any property used in operating a railroad that is abandoned in Wisconsin. Sec. 85.09(2), Wis. Stats.

WisDOT has state statutory authority to incorporate trails into the highway right-of-way in sec. 84.06(11), Wis. Stats.:

"(11) State Trails. As a part of any highway improvement or as a separate project under this section, a portion of a hiking **trail**, cross-country ski **trail**, bridle **trail** or bicycle **trail** under the management of a state agency, municipality or nonprofit **may be incorporated into the highway right-of-way**, and facilities for safe crossing of the highway may be provided."

WisDNR and WisDOT need the interim trail use designation to fulfill federal and state transportation and environmental responsibilities.

NOTICE OF INTERIM TRAIL USE

WisDOT respectfully requests that the Board provide WisDNR a notice of interim bicycle, pedestrian and other trail use and rail banking condition to accomplish the above public purposes. WisDOT is interested in having WisDNR acquire and use the right of way of the rail line being abandoned for interim bicycle, pedestrian or other trail use and rail banking.

Exhibit 1 consists of a map showing the location of all the needed property in Forest County, Wisconsin.

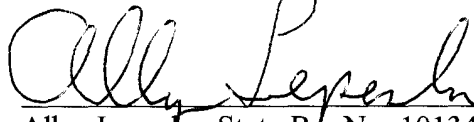
Exhibit 2 is the required Statement of Willingness by the WisDNR to assume full responsibility for management of the property.

WisDNR's acquisition of the corridor for present and future transportation purposes as stated above is consistent with all Congressional purposes and neither abandonment nor discontinuance permitted by the STB conditioned as requested by WisDNR would be inconsistent with or disruptive of potential future rail use.

CONCLUSION

WisDOT respectfully requests the Board to issue a Notice of Interim Trail Use for the land corridor and related real property, including bridge structure, for a 4.62-mile line of WCL railroad, from milepost 235.84 on the Pembine Sub (formerly milepost 249.38 on the old Shawano Sub) near Crandon, to milepost 231.22 on the Pembine Sub (formerly milepost 254.00 on the old Shawano Sub), in Forest County, WI to the WisDNR. This will allow all forms of transportation to be provided in a unified, interconnected, economically-efficient, and environmentally sound manner.

Respectfully submitted,

A handwritten signature in cursive script, reading "Allyn Lepeska", written over a horizontal line.

Allyn Lepeska, State Bar No. 1013474

Wisconsin Department of Transportation

4802 Sheboygan Avenue, Room 115-B

P. O. Box 7910

Madison, WI 53707-7910

(608) 266-0253

Attorney for Wisconsin Department of Transportation

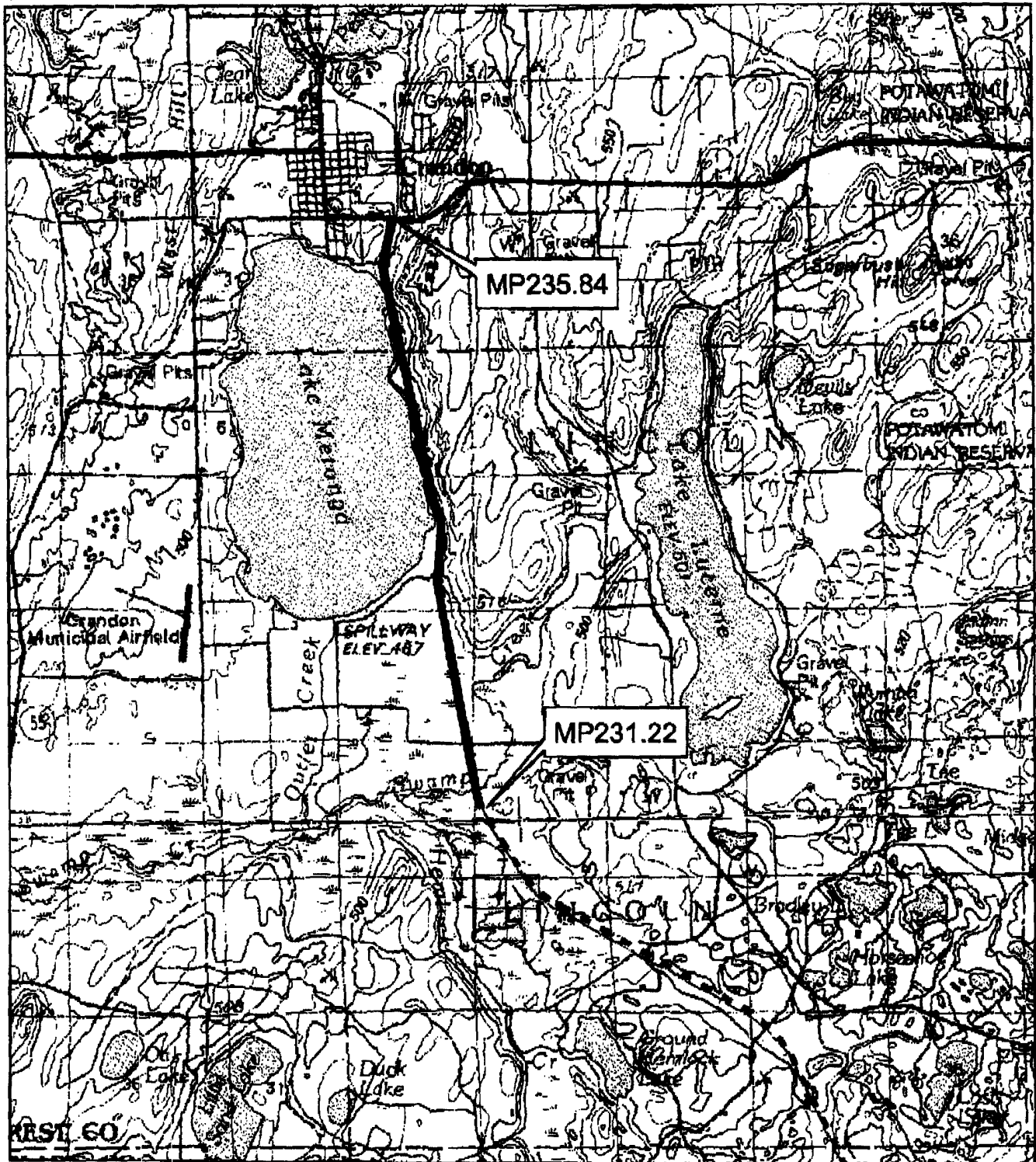
EXHIBIT

1



EXHIBIT 1

Wisconsin Central LTD. - N.I.T.U. Proposal Crandon to White Lake



Forest
County

— Proposed Abandonment

- - - State Trail

▨ DNR Managed Land

0 0.25 0.5 1 1.5 2 Miles



Created by WDNR
Bureau of Facilities and Lands
March, 2005

EXHIBIT

2

BEFORE THE
SURFACE TRANSPORTATION BOARD

WISCONSIN CENTRAL, LTD
ABANDONMENT EXEMPTION IN
LANDGLADE COUNTY

STATEMENT OF WILLINGNESS TO ACCEPT RESPONSIBILITY BY
STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
PURSUANT TO 49 CFR 1152.29

In order to establish interim trail use and rail banking under 16 USC 1247(d) and 49 CFR 1152.29, the State of Wisconsin Department of Natural Resources (WDNR) is willing to assume full responsibility for management of the property it acquires from the present owner and operator, Wisconsin Central, LTD. Upon acquisition, WDNR is willing to assume full responsibility for its operations on the property and for the payment of any taxes or assessments that thereafter may be lawfully levied against it. Segment for which WDNR is making this Statement of Willingness is the following portion of the line:

A 4.62-mile line of railroad starting at MP 235.84 on the Pembine Sub (f/k/a MP 249.38 on the old Shawano Sub) and ending at MP 231.22 on the Pembine Sub (f/k/a MP 254.00 on the old Shawano Sub) near Crandon, Forest County.

A map depicting the property that is to be acquired by WDNR is attached to this pleading as Exhibit "1".

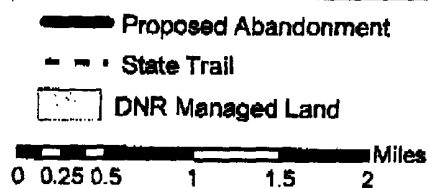
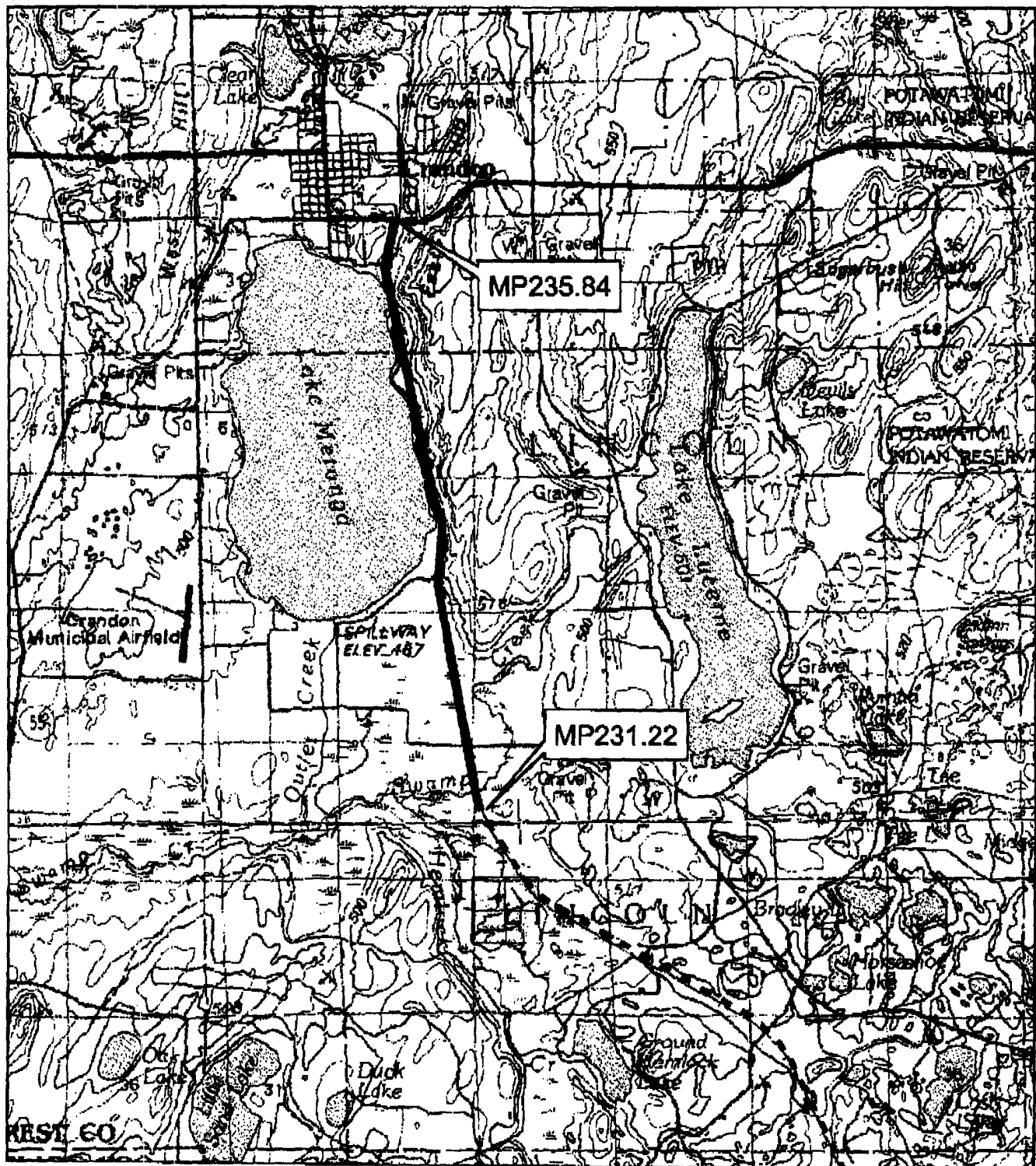
WDNR acknowledges that use of the property is subject to the WDNR continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the property for rail service. A copy of this statement is being served on the railroad, Wisconsin Central LTD, on the same date it is being served on the Surface Transportation Board.



State of Wisconsin, Department of Natural Resources
By: Scott Hassett

3-28-05

Date

EXHIBIT 1**Wisconsin Central LTD. - N.I.T.U. Proposal****Crandon to White Lake**

Created by WIDNR
Bureau of Facilities and Lands
March, 2005