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BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-303 (SUB-NO. 20X)
WISCONSIN CENTRAL LTD -- ABANDONMENT EXEMPTION --
IN BROWN COUNTY, WISCONSIN

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
MOTION TO EXTEND TIME TO NEGOTIATE A NOTICE OF INTERIM TRAIL USE

BACKGROUND

The Wisconsin Central Ltd (WCL) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 1152 50 for an exempt abandonment over a line of railroad extending from railroad milepost 198 37 to milepost 200 0 in Green Bay, Brown County, Wisconsin, a distance of 1 63 miles of railroad. The line traverses U.S. Postal Service ZIP codes 54303 and 54304. The Board served its decision under service date of October 19, 1999, that requires trail/use banking requests under 49 C.F.R. 1152 29 to be filed by October 29, 1999.

On October 27, 1999, the State of 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 segment of WCL railroad line extending from railroad milepost 198 37 to milepost 200 0 in Green Bay, Brown County, Wisconsin, a distance of 1 63 miles of railroad.

On October 28, 1999, the Wisconsin Department of Transportation, on behalf of the Wisconsin Department of Natural Resources, filed a request for a Notice of Interim Trail

Use/rail banking (NITU) under 16 U S C 1247(d) and 49 C F R 1152.29 WCL indicated its willingness to negotiate with WisDNR for interim trail use

The Board issued a NITU under 49 C F R 1152.29, which was served on November 17, 1999, allowing the WisDNR the full 180 days from date of service or until May 16, 2000, to negotiate a rail banking agreement with WCL

In a joint petition filed on May 3, 2000, WCL and WisDOT for WisDNR filed a request for an additional 180-day extension of the negotiating period WCL was agreeable to an extension of the negotiating period for the right-of-way between milepost 198.37 and milepost 199.84 The Board issued a NITU under 49 C F R 1152.29, which was served on May 11, 2000, allowing the WisDNR until November 12, 2000, to negotiate a rail banking agreement with WCL for the right-of-way between milepost 198.37 and milepost 199.84

In a joint petition filed on October 30, 2000, WCL and WisDOT for WisDNR filed a request for an additional 180-day extension of the negotiating period WCL was agreeable to an extension of the negotiating period for the right-of-way between milepost 198.37 and milepost 199.84 The Board issued a NITU under 49 C F R 1152.29, which was served on November 9, 2000, allowing the WisDNR until May 11, 2001, to negotiate a rail banking agreement with WCL for the right-of-way between milepost 198.37 and milepost 199.84

In a joint petition filed on May 8, 2001, WCL and WisDOT for WisDNR filed a request for an additional 180-day extension of the negotiating period WCL was agreeable to an extension of the negotiating period for the right-of-way between milepost 198.37 and milepost 199.84 The Board issued a NITU under 49 C F R 1152.29, which was served on May 11, 2001, allowing the WisDNR until November 7, 2001, to negotiate a rail banking agreement with WCL for the right-of-way between milepost 198.37 and milepost 199.84

In a petition filed on November 17, 2001, WisDNR filed a request for an additional 180-day extension of the negotiating period WCL was agreeable to an extension of the

negotiating period for the right-of-way between milepost 198.37 and milepost 199.84. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on November 19, 2001, allowing the WisDNR until May 6, 2002, to negotiate a rail banking agreement with WCL for the right-of-way between milepost 198.37 and milepost 199.84.

In a petition filed on April 23, 2002, WisDNR filed a request for an additional 180-day extension of the negotiating period. WCL was agreeable to an extension of the negotiating period for the right-of-way between milepost 198.37 and milepost 199.84. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on May 3, 2002, allowing the WisDNR until November 3, 2002, to negotiate a rail banking agreement with WCL for the right-of-way between milepost 198.37 and milepost 199.84.

In a joint petition filed on October 21, 2002, WCL and WisDOT for WisDNR filed a request for an additional 180-day extension of the negotiating period for the right-of-way between milepost 198.37 and milepost 199.84. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on October 31, 2002, allowing the WisDNR until May 2, 2003, to negotiate a rail banking agreement with WCL for the right-of-way between milepost 198.37 and milepost 199.84.

In a joint petition filed on April 14, 2003, WCL and WisDOT for WisDNR filed a request for an additional 180-day extension of the negotiating period for the right-of-way between milepost 198.37 and milepost 199.84. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on May 1, 2003, allowing the WisDNR until October 29, 2003, to negotiate a rail banking agreement with WCL for the right-of-way between milepost 198.37 and milepost 199.84.

In a joint petition filed on October 16, 2003, WCL and WisDOT for WisDNR filed a request for an additional 180-day extension of the negotiating period for the right-of-way between milepost 198.37 and milepost 199.84. The Board issued a NITU under 49 C.F.R.

1152 29, which was served on October 27, 2003 allowing the WisDNR until April 26, 2004, to negotiate a rail banking agreement with WCL for the right-of-way between milepost 198 37 and milepost 199 84

In a joint petition filed on April 12, 2004, WCL and WisDOT for WisDNR filed a request for an additional 180-day extension of the negotiating period for the right-of-way between milepost 198 37 and milepost 199 84 The Board issued a NITU under 49 C F R 1152 29, which was served on April 20, 2004 allowing the WisDNR until October 23, 2004, to negotiate a rail banking agreement with WCL for the right-of-way between milepost 198 37 and milepost 199 84

In a joint petition filed on October 6, 2004, WCL and WisDOT for WisDNR filed a request for an additional 180-day extension of the negotiating period for the right-of-way between milepost 198 37 and milepost 199 84 The Board issued a NITU under 49 C F R 1152 29, which was served on October 15, 2004 allowing the WisDNR until April 21, 2005, to negotiate a rail banking agreement with WCL for the right-of-way between milepost 198 37 and milepost 199 84

WisDNR submitted a request for an additional 180-day extension of the negotiating period for the right-of-way between milepost 198 37 and milepost 199 84 in April of 2005 The Board issued a NITU under 49 C F R 1152 29, which was served on May 4, 2005 allowing the WisDNR until October 18, 2005, to negotiate a rail banking agreement with WCL for the right-of-way between milepost 198 37 and milepost 199 84

WisDNR submitted a request for an additional 180-day extension of the negotiating period for the right-of-way between milepost 198 37 and milepost 199 84 in September of 2005 The Board issued a NITU under 49 C F R 1152 29, which was served on October 4, 2005 allowing the WisDNR until April 16, 2006, to negotiate a rail banking agreement with WCL for the right-of-way between milepost 198 37 and milepost 199 84

By letter filed on March 26, 2006 WisDNR requested for an additional 180-day extension of the negotiating period for the right-of-way between milepost 198 37 and milepost 199 84. The Board issued a NITU under 49 C F R 1152.29, which was served on April 17, 2006 allowing the WisDNR until October 13, 2006, to negotiate a rail banking agreement with WCL for the right-of-way between milepost 198 37 and milepost 199 84.

By letter filed on September 25, 2006 WisDNR requested for an additional 180-day extension of the negotiating period for the right-of-way between milepost 198 37 and milepost 199 84. The Board issued a NITU under 49 C F R 1152.29, which was served on October 10, 2006 allowing the WisDNR until March 11, 2007, to negotiate a rail banking agreement with WCL for the right-of-way between milepost 198 37 and milepost 199 84.

By letter filed on February 21, 2007 WisDNR requested for an additional 180-day extension of the negotiating period for the right-of-way between milepost 198 37 and milepost 199 84. The Board issued a NITU under 49 C F R 1152.29, which was served on February 27, 2007 allowing the WisDNR until September 7, 2007, to negotiate a rail banking agreement with WCL for the right-of-way between milepost 198 37 and milepost 199 84.

By motion filed August 23, 2007, WisDNR requested an additional 180-day extension of the negotiating period for the right-of-way between milepost 198 37 and milepost 199 84, a distance of 1.63 miles. By decision dated September 6, 2007, the Board granted the request to extend the NITU negotiation period for an additional 180 days until March 5, 2008.

Because of a scheduling error, WisDNR now submits this motion for an extension of the negotiation period for 180 days. Negotiations are currently continuing in good faith between WisDNR and WCL. However, more time is needed to finalize negotiations. WCL

is agreeable to an extension of time to continue negotiations under a NITU condition for
milepost 198.37 to milepost 199 84

MOTION

Therefore, WisDNR moves that the period prescribed to negotiate an interim trail
use/rail banking agreement be extended for 180 days from milepost 198 37 to milepost
199 84

Respectfully submitted,

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