



GRANTED

Office of
Proceedings

DECISION ID NO.: 44687
DECIDED DATE: 8/21/15
SERVICE DATE: 8/24/15
APPROVED: Rachelle D Campbell
Director

☒ extended to
2/17/16

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-303 (SUB-NO. 44X)

239022

ENTERED
Office of Proceedings
August 12, 2015
Part of
Public Record

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

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WDNR)
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 line of railroad located in Forest County, Wisconsin, referred to herein as the “Line” between the northern edge of Prusinski Lane, at or about milepost 242.21 on the Pembine Sub (formerly milepost 243.00 on the old Shawano Sub) in or around Argonne, Forest County, Wisconsin and ending at milepost 235.85 on the Pembine Sub (formerly milepost 249.38 on the Old Shawano Sub) in Crandon, Forest County, Wisconsin, a distance of approximately 6.4 miles.

On August 4, 2014, the Wisconsin Department of Transportation (WisDOT) filed a Petition for Interim Trail Use, on behalf of the Wisconsin Department of Natural Resources (WDNR), pursuant to 49 C.F.R. § 1152.29(a) and 49 C.F.R. § 1152.29(b)(3) to obtain a notice of interim trail use for interim highway, bicycle, pedestrian and other trail purposes and rail banking pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 for WDNR for the full right of way involved in this proceeding. WisDOT and WDNR therein agreed to use or preserve the land corridor and related real property for interim public transportation and recreational purposes

FILING FEE WAIVED

(including highway, pedestrian and other trail), subject to restoration for railroad purposes. WisDOT and WDNR also agreed to work cooperatively to acquire and use the right of way.

On August 4, 2014, the WDNR also executed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the 6.4-mile segment of WCL railroad between the northern edge of Prusinski Lane, at or about milepost 242.21 on the Pembine Sub (formerly milepost 243.00 on the old Shawano Sub) in or around Argonne, Forest County, Wisconsin and ending at milepost 235.85 on the Pembine Sub (formerly milepost 249.38 on the Old Shawano Sub) in Crandon, Forest County, Wisconsin. On August 18, 2014, at the Board's request, WDNR executed and filed a corrected Statement of Willingness.

On service date August 26, 2014, the Board granted the petition and ordered the proceeding reopened for 180 days to permit WDNR and WCL to reach a trail/rail banking agreement, until February 22, 2015.

On service date February 9, 2015 WDNR petitioned for the Board to extend the NITU negotiation period for another 180 days to allow WDNR and WCL to continue negotiations. On service date February 18, 2015, the Board extended the NITU again for 180 days to August 21, 2015 for WDNR and WCL to continue negotiations.

WDNR now respectfully requests the Board grant an additional 180 days to continue negotiations, which continue in good faith. Since the Board's decision on February 18, 2015, WDNR staff has been in contact with officials from WCL to discuss the current status of this and other WDNR acquisitions from WCL. Both parties confirmed they are still interested in continuing negotiations for this segment. WDNR had an appraisal done of the corridor, however that appraisal was not sufficient per WDNR standards. Therefore, WDNR has commissioned

their review appraiser to provide an opinion of value for the approximately 6.4 miles of corridor between Crandon and Argonne, Wisconsin. Once the opinion of value is completed WDNR will continue negotiations with WCL.

MOTION

Therefore, WisDOT respectfully petitions the Board to extend the time period to reach a trail/rail banking agreement for the land corridor and related real property, for the segment of WCL railroad between the northern edge of Prusinski Lane, at or about milepost 242.21 on the Pembine Sub (formerly milepost 243.00 on the old Shawano Sub) in or around Argonne, Forest County, Wisconsin and ending at milepost 235.85 on the Pembine Sub (formerly milepost 249.38 on the Old Shawano Sub) in Crandon, Forest County, Wisconsin, a distance of approximately 6.4 miles.

Respectfully submitted,



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Attorney for Wisconsin Department of Transportation

August 12, 2015

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Petition to Extend Negotiating Period, in regards to **AB303 (Sub-No. 44X)**, by electronic mail, or regular mail pursuant to 49 C.F.R. §1104.12, this 12th day of August, 2015, on all parties of record on the service list.

A handwritten signature in cursive script, reading "Kathleen Chung", is written over a horizontal line.

Kathleen Chung, Attorney
State Bar no. 1032802
Wisconsin Department of Transportation
Office of General Counsel