

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
May 10, 2017
Part of
Public Record

AB-303 (SUB-NO. 47X)
WISCONSIN CENTRAL LTD. –
ABANDONMENT EXEMPTION
IN LINCOLN COUNTY, WISCONSIN

**CITY OF TOMAHAWK
PETITION FOR EXTENSION OF NEGOTIATING PERIOD**

BACKGROUND

Wisconsin Central Ltd. (WCL) filed with the Surface Transportation Board (Board) a Notice of Exemption under 49 C.F.R. § 1152 Subpart F – Exempt Abandonments to abandon a .49-mile line of railroad, extending from milepost 132.89 and ending at milepost 133.38, all within the City of Tomahawk, Lincoln County, WI. The line traverses through United States Postal Service Zip Code 54487.

On November 6, 2015, the City of Tomahawk (CTW), a municipality in the State of Wisconsin, executed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the .49-mile segment of WCL railroad, from milepost 132.89 to milepost 133.38, all within CTW, Lincoln County, WI. On November 6, 2015, the Wisconsin Department of Transportation (WisDOT) filed a Petition for Interim Trail Use pursuant to 49 C.F.R. § 1152.29(a) 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 CTW for the full right-of-way involved in this proceeding. WisDOT and CTW therein agreed to 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.

FILING FEE WAIVED

On November, 9, 2015, WCL filed a letter with the Board stating its intent to negotiate with CTW for a possible interim trail use/rail banking agreement.

On service date November 25, 2015, the Board issued an NITU under 49 C.F.R. § 1152.29, allowing CTW 180 days until May 23, 2016 to negotiate a trail use agreement with WCL.

On May 11, 2016, WisDOT filed a petition on CTW's behalf requesting that the Board extend the negotiating period for 180 days to continue its acquisition negotiations with WCL. WCL filed a letter supporting CTW's request on May 12, 2016.

On service date May 16, 2016, the Board granted CTW's petition and extended the negotiation period until November 19, 2016.

On November 10, 2016, WisDOT filed a petition on CTW's behalf requesting that the Board extend the negotiating period for 180 days to continue its acquisition negotiations with WCL. WCL filed a letter supporting CTW's request on November 10, 2016.

On service date November 15, 2016, the Board granted CTW's petition and extended the negotiation period until May 18, 2017.

CTW now respectfully requests the Board grant an additional 180 days to continue negotiations, which continue in good faith. Since November 2016, CTW has completed its evaluation of relevant title work, and determined to proceed with negotiations to acquire the corridor by a trail use agreement with WCL under the NITU. CTW believes that the parties have held productive discussions and are making progress towards reaching agreement. CTW seeks an extension of the negotiating period to allow the parties to continue working towards a trail use agreement.

MOTION

WisDOT respectfully requests the Board extend the negotiation period for an additional 180 days to permit the parties to continue negotiating in good faith for a trail for the land corridor and related real property, for the .49-mile segment of WCL railroad, from milepost 132.89 to milepost 133.38, all within CTW, Lincoln County, Wisconsin to CTW. This will allow all forms of transportation to be provided in a unified, interconnected, economically-efficient, and environmentally sound manner.

Respectfully submitted,



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May 10, 2017

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Petition for Extension of Negotiating Period in regards to **AB303 (Sub-No. 47X)**, by electronic mail, or regular mail pursuant to 49 C.F.R. § 1104.12, this 10th day of May 2017, on all parties of record on the service list.

A handwritten signature in dark ink, appearing to read "Bennett Conard", is written over a horizontal line.

Bennett J. Conard, Attorney
State Bar No. 1100005
Wisconsin Department of Transportation
Office of General Counsel