

Wisconsin Department of Transportation

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September 16, 2005

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

214727



RE: **STB Docket No. AB-303 (Sub-No. 20X)** Wisconsin Central LTD.--Abandonment
Exemption--In Brown County, WI -- Motion for Extension of Time to Reach
Agreement on a Notice of Interim Trail Use

Dear Mr. Williams:

Enclosed for filing are the original and ten (10) copies of the Wisconsin Department of Natural Resource's Motion for Extension of Time to Reach Agreement on a 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,

Allyn Lepeska
Attorney

Enclosures

pc: Vicki Schaefer
Michael Barron, Jr.
Richard Steffes

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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 CFR 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.

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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 CFR 1152.29. WCL indicated its willingness to negotiate with WisDNR for interim trail use.

The Board issued a NITU under 49 CFR 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 CFR 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 CFR 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 CFR 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 CFR 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 CFR 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 CFR 1152.29, which was served on October 31, 2001, 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 CFR 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 CFR 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 CFR 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 CFR 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.

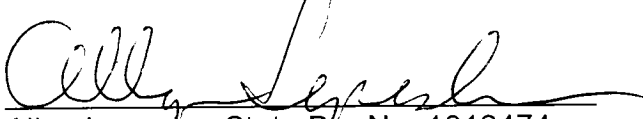
WisDNR submitted a request for an additional 180-day extension of the negotiating period for the right-of-way between milepost 198.37 and milepost 199.84 in April of 2005. The Board issued a NITU under 49 CFR 1152.29, which was served on May 4, 2005 allowing the WisDNR until October 18, 2005, to negotiate a rail banking agreement with WCL for the right-of-way between milepost 198.37 and milepost 199.84.

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,

A handwritten signature in black ink, appearing to read "Allyn Lepeska", written over a horizontal line.

Allyn Lepeska, State Bar No. 1013474
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9/16/2005