

 GRANTED Office of Proceedings	DECISION ID NO. 47334
	DECIDED DATE 11/7/2019
	SERVED DATE: 11/8/2019
	APPROVED: <i>au c di</i> Director
☒ Extended to 12/31/2019	

BEFORE THE
SURFACE TRANSPORTATION BOARD

248679

ENTERED
Office of Proceedings
October 29, 2019
Part of
Public Record

AB-303 (SUB-NO. 44X)

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

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WDNR)
EXTENSION REQUEST 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 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, 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.

On August 12, 2015, WisDOT filed a petition on WDNR'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 WDNR's request on August 13, 2015.

On service date August 24, 2015, the Board granted WDNR's petition and extended the negotiation period until February 17, 2016.

On February 16, 2016, WisDOT filed a petition on WDNR's behalf requesting that the Board extend the negotiating period for 180 days to continue its acquisition negotiations with WCL.

On service date March 7, 2016, the Board granted WDNR's petition and extended the negotiation period until August 15, 2016.

On August 11, 2016, WDNR filed a petition requesting that the Board extend the negotiating period for 180 days to continue its acquisition negotiations with WCL.

On service date August 19, 2016, the Board granted WDNR's petition and extended the negotiation period until February 11, 2017.

On February 9, 2017, WDNR petitioned for the Board to extend the NITU negotiating period for another 180 days to allow WDNR and WCL to continue negotiations.

On February 24, 2017, the Board decided to grant WDNR's petition and extended the NITU for 180 days to August 10, 2017 (Decision ID number 45693).

On August 10, 2017, WDNR petitioned the Board to extend the NITU negotiating period for another 180 days to allow WCL and WDNR to continue negotiations.

On August 22, 2017, the Board decided to grant an extension of the NITU negotiating period for 180 days to February 6, 2018.

On February 5, 2018, WDNR entered into record a request to extend the NITU negotiating period for another 180 days. On February 8, 2018, WCL consented to the extension.

On February 9, 2018, the Board decided to grant an extension of the NITU negotiating period for 180 days to August 5, 2018.

On August 3, 2018, WDNR submitted a request to extend the NITU negotiating period 90 days to allow WCL and WDNR to continue negotiations; WCL consented to the 90-day extension request.

On August 8, 2018, the Board decided to grant the 90-day extension request to November 3, 2018 (Decision ID number 46560).

On November 2, 2018, WDNR submitted a request to extend the NITU negotiating period 180 days to allow WCL and WDNR to continue negotiations.

On November 11, 2018, the Board decided to grant WDNR's petition and extended the NITU 180 days to May 2, 2019.

On April 18, 2019, WDNR submitted a request to extend the NITU negotiating period. WCL consented to extend the negotiating period.

On May 20, 2019, the Board decided to grant WDNR's petition and extended the negotiating period to October 29, 2019 (Decision ID number 47019).

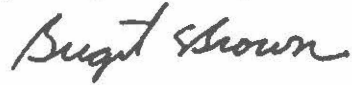
WDNR now respectfully requests the Board grant an additional 63 days to continue negotiations (through December 31, 2019), which continue in good faith for the approximately 6.4 miles of corridor between Crandon and Argonne, Wisconsin. Since the Board's decision in May 2019, the WDNR and WCL have executed (signed) a purchase contract and WDNR received approval in August from the department's governing board for the purchase. The WDNR is working with the Wisconsin legislature on the next state land acquisition approval step with the state Joint Committee on Finance. WCL has agreed to consent to an extension request to allow for completion of WDNR's statutorily required land acquisition process.

MOTION

Therefore, WDNR 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. WDNR additionally requests waiver of the filing fee due to its status as a government entity.

Respectfully submitted,



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October 29, 2019

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of this Petition for Extension of Negotiating Period regarding **AB303 (Sub-No. 44X)**, upon all parties of record in this proceeding by electronic mail, pursuant to 49 C.F.R. §1104.12.



Brigit E. Brown
Wisconsin Department of Natural Resources
October 29, 2019