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May 12, 2020

## **VIA ELECTRONIC FILING**

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W., Room 1034  
Washington, DC 20423-0001

Re: **Docket No. AB-303 (Sub-No. 40X)**  
**Wisconsin Central Ltd. – Abandonment Exemption –**  
**In Kaukauna, Outagamie County, Wisconsin**

Dear Ms. Brown:

Pursuant to the Notice of Interim Trail Use (“NITU”) first issued in the above-captioned proceeding on April 17, 2013, and ultimately extended through October 6, 2015 by decision served April 17, 2015, Wisconsin Central Ltd. (“WCL”) and the City of Kaukauna, through the Wisconsin Department of Transportation (“WisDOT”) hereby jointly notify the Board in accordance with 49 C.F.R. § 1152.29(h) that on May 14, 2015<sup>1</sup>, WCL and the City of Kaukauna entered into a “Trail Use/Railbanking Purchase Agreement” with respect to a 0.8 mile right-of-way extending from milepost 112.9 (designated as milepost 112.86 in the sale document, and intended by WCL and the City of Kaukauna to be contiguous to a previous sale of right-of-way abandoned in *Wisconsin Central Ltd. – Abandonment Exemption – In Outagamie County, WI*, Docket No. AB-303 (Sub-No. 35X)) and milepost 113.7. The parties certify that the agreement requires the City of Kaukauna to fulfill the responsibilities of 49 C.F.R. § 1152.29(a)(2). A map of the railbanked right-of-way is attached.

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<sup>1</sup> WCL and WisDOT only recently determined that they had not notified the Board of completion of the trail agreement within ten (10) days of closing on the sale, as contemplated by 49 C.F.R. § 1152.29(h), but note that the Trail Use/Railbanking Purchase Agreement herein was executed and consummated within the NITU negotiation period as extended.

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The railbanked right-of-way does not include the entire rail line covered by the NITU. The line segment between milepost 113.7 and milepost 114.0 was not conveyed to the City of Kaukauna, and WCL's abandonment exemption with respect to that .30 mile segment has since lapsed. That segment thus remains a part of WCL's regulated line of railroad. Under these circumstances, the parties do not seek issuance of a replacement NITU under 49 C.F.R. § 1152.29(h).

The City of Kaukauna, through WisDOT, has authorized this submission on its behalf. Please feel free to contact me if you have any questions regarding this filing. Thank you for your assistance on this matter.

Respectfully submitted,

*Thomas J. Healey*

Thomas J. Healey  
Attorney for Wisconsin Central Ltd.

cc: Vincent R. Bauer, WisDOT  
Robert Jakel, City of Kaukauna