

BEFORE THE
SURFACE TRANSPORTATION BOARD

238009

ENTERED
Office of Proceedings
March 19, 2015
Part of
Public Record

AB-303 (SUB-NO. 43X)

WISCONSIN CENTRAL LTD. –
ABANDONMENT EXEMPTION
IN BARRON COUNTY, WISCONSIN

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WisDNR)
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 C.F.R §1152 Subpart F – Exempt Abandonments to abandon an 0.80-mile line of railroad, extending from milepost 55.2 and ending at milepost 56.0, in Rice Lake, Barron County, WI. The line traverses through United States Postal Service Zip Code 54868.

On January 27, 2014, the Wisconsin Department of Natural Resources (WisDNR) executed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the 0.80-mile segment of WCL railroad, from milepost 55.2 to milepost 56.0, in Rice Lake, Barron County, WI.

On February 6, 2014, the Wisconsin Department of Transportation (WisDOT) petitioned to obtain a notice of interim trail use for interim highway, bicycle, pedestrian and other trail purposes and railbanking pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 for WisDNR for specified segments of the right of way involved in this proceeding. WisDNR intended and intends 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. WisDOT and WisDNR agreed to work cooperatively to acquire and use the right of way.

By decision on service date March 27, 2014, the Board granted WisDNR's request and permitted the parties to enter into negotiations for an interim trail use under 49 C.F.R. §1152.29, and ordered a negotiation period of 180 days until September 23, 2014.

On September 17, 2014, WisDNR petitioned the Board to extend the negotiation period for 180 days. WisDNR reported that it was expecting an appraisal of the property, which was delayed due to staff changes. WisDNR was still negotiating with WCL in good faith, and still expected to make an offer for purchase of the corridor to WCL.

On service date September 26, 2014, the Board granted WisDNR's request, and extended the negotiation period for 180 days until March 22, 2015.

On January 19, 2015 WisDNR staff met with officials from WCL to discuss the status of acquisitions from WCL, including this corridor. WisDNR and WCL confirmed that both parties are still interested in continuing negotiations for this corridor and trail request. In February 2015, the WisDNR received the appraisal, and requested additional information from WCL. Once all information is received by WisDNR, the appraisal review process will begin. After the appraisal is reviewed and then approved, and pending the appropriate funding, WisDNR will make an offer to WCL and continue negotiation discussions.

Upon successful completion of negotiations, WisDNR would utilize this corridor for a trail that would connect to the 104-mile Wild Rivers State Trail further into the City of Rice Lake. This project would provide transportation and recreational use to the communities of Rice Lake and Barron County, and does implement the City's long range plan for multi-modal access. This critical

extension of the Wild Rivers State Trail to the south end of Rice Lake would stimulate and improve recreation, tourism and the economic future of the area.

Based on the foregoing progress, and the continued good faith negotiations between the parties, WisDNR expects to acquire this corridor pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29, but needs more time to complete the process.

MOTION

Therefore, WisDOT respectfully moves the Board to extend the negotiating period for 180 days to allow WisDNR and WCL to continue and complete negotiations for an interim bicycle, pedestrian and/or other trail use on the WCL railroad line segment extending from milepost 55.2 and ending at milepost 56.0, in Rice Lake, Barron County, WI, approximately 0.80 miles. WisDOT is interested in having WisDNR acquire and use the right of way of the rail line being abandoned for interim bicycle, pedestrian or other trail use and rail banking. WCL has indicated it would concur with this motion.

Respectfully submitted,



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March 19, 2015

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Petition for NITU in regards to **AB303 (Sub-No. 43X)**, by electronic mail, or regular mail pursuant to 49 C.F.R. §1104.12, this 19th day of March, 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