



www.cn.ca

U.S. Legal Affairs

Michael J. Barron
Counsel

17641 South Ashland Avenue
Homewood, Illinois 60430

T 708-332-3954
F 708-332-4361
michael.barron@cn.ca

211696

July 27, 2004

Via First Class Mail and Fax (202) 565-9004

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001



Re: Docket AB-303 (Sub No. 18X), Wisconsin Central Ltd. – Abandonment
Exemption – Polk County, Wisconsin – Petition for Extension of Notice of
Interim Trail Use

Dear Secretary Williams:

Enclosed please find an original and ten copies of the Joint Motion of Wisconsin Central Ltd. and Wisconsin Department of Natural Resources and Polk County to extend the Notice of Interim Trail Use negotiating period deadline currently in place (August 8, 2004) for the above referenced abandonment by an additional 180 days.

Very truly yours,

Michael J. Barron, Jr.
Counsel

Encl.

cc : Allyn Lepeska

ENTERED
Office of Proceedings

AUG 2 - 2004

Part of
Public Record

211696

BEFORE THE
SURFACE TRANSPORTATION BOARD



AB-303 (SUB-NO. 18X)

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

ENTERED
Office of Proceedings

AUG 2 - 2004

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES
AND WISCONSIN CENTRAL LTD. JOINT
PETITION FOR EXTENSION OF NOTICE OF INTERIM TRAIL USE**

Part of
Public Record

BACKGROUND

On November 24, 1997, Wisconsin Central Ltd. (WCL) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon its line of railroad known as the Dresser-Amery Line, between milepost 47.83 in Dresser and milepost 63.08 (the end of the line) in Amery, a distance of 15.25 miles, in Polk County, WI. The line traverses U.S. Postal Service ZIP codes 54001 and 54009, and includes the stations of Wanderoos at milepost 56.3 and Amery at milepost 62.9.

On September 16, 1997, 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 between

Dresser Milepost 47.83 and Amery Milepost 63.08, a distance of approximately 15.25 miles in Polk County, Wisconsin.

On December 18, 1997, 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 March 13, 1998, allowing the WisDNR the full 180 days from date of service to negotiate a rail banking agreement with WCL. On September 4, 1998, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources filed a motion for extension of the negotiating period for 180 days. Under service date of October 2, 1998, the Board ordered that the NITU negotiating period is extended to March 8, 1999.

On November 19, 1998, Polk County sent a Statement of Willingness to WCL and the Board for this same segment of WCL railroad. Polk County is working closely with WisDNR to acquire the rail corridor.

On February 23, 1999, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources filed a motion for extension of the negotiating period for 180 days. Under service date of March 5, 1999, the Board ordered that the NITU negotiating period is extended to September 4, 1999.

On August 17, 1999, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a joint motion for extension of the negotiating period for 180 days. Under service date of August 30, 1999, the Board ordered that the NITU negotiating period is extended to March 2, 2000.

On February 18, 2000, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a joint motion for extension of the negotiating period for 180 days. Under service date of March 1, 2000, the Board ordered that the NITU negotiating period is extended to August 29, 2000.

On August 11, 2000, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a joint motion for extension of the negotiating period for 180 days. Under service date of August 23, 2000, the Board ordered that the NITU negotiating period is extended to February 25, 2001.

On February 9, 2001, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a joint motion for extension of the negotiating period for 180 days. Under service date of February 27, 2001, the Board ordered that the NITU negotiating period is extended to August 24, 2001.

On August 23, 2001, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a motion for extension of the negotiating period for 180 days. Under service date of August 29, 2001, the Board ordered that the NITU negotiating period is extended to February 20, 2002.

On January 30, 2002, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a motion for extension of the negotiating period for 180 days. Under service date of February 19, 2002, the Board ordered that the NITU negotiating period is extended to August 19, 2002.

On August 12, 2002, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a motion for extension of the

negotiating period for 180 days. Under service date of August 15, 2002, the Board ordered that the NITU negotiating period is extended to February 15, 2003.

On February 3, 2003, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a motion for extension of the negotiating period for 180 days. Under service date of February 14, 2003, the Board ordered that the NITU negotiating period is extended to August 14, 2003.

On July 28, 2003, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a motion for extension of the negotiating period for 180 days. Under service date of August 13, 2003, the Board ordered that the NITU negotiating period is extended to February 10, 2004.

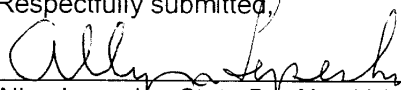
On January 28, 2004, the Wisconsin Central Limited and Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources filed a motion for extension of the negotiating period for 180 days. Under service date of February 10, 2004, the Board ordered that the NITU negotiating period is extended to August 8, 2004.

WisDNR made an initial timely offer to WCL. Negotiations are currently continuing in good faith between WisDNR or Polk County and WCL. WCL did sell the portion between milepost 49.6 and milepost 63.08 but the parties are still negotiating on the portion between milepost 47.83 and milepost 49.6, and more time is needed to finalize negotiations.

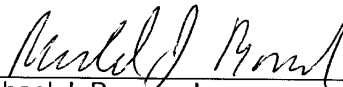
MOTION

Therefore, WisDNR, Polk County and WCL move that the period prescribed to negotiate an interim trail use/rail banking agreement be extended for 180 days for the segment of line between milepost 47.83 and milepost 49.6.

Respectfully submitted,



Allyn Lepeska, State Bar No. 1013474
Wisconsin Department of Transportation
4802 Sheboygan Avenue, Room 115-B
P. O. Box 7910 Madison, WI 53707
(608) 266-0253
Attorney for Wisconsin Department of
Transportation



Michael J. Barron, Jr.
Counsel
Canadian National/Illinois Central
17641 South Ashland Avenue
Homewood, IL 60432
708-332-3954
Attorney for Wisconsin Central LTD

July 20, 2004