

242027

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
November 10, 2016
Part of
Public Record

AB-303 (SUB-NO. 47X)
WISCONSIN CENTRAL LTD. –
ABANDONMENT EXEMPTION
IN LINCOLN COUNTY, WISCONSIN

CITY OF TOMAHAWK
PETITION FOR EXTENSION OF NEGOTIATING PERIOD

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 .49-mile line of railroad, extending from milepost 132.89 and ending at milepost 133.38, all within the City of Tomahawk, Lincoln County, WI. The line traverses through United States Postal Service Zip Code 54487.

On November 6, 2015, the City of Tomahawk (CTW), a municipality in the State of Wisconsin, executed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the .49-mile segment of WCL railroad, from milepost 132.89 to milepost 133.38, all within CTW, Lincoln County, WI. On November 6, 2015, the Wisconsin Department of Transportation (WisDOT) filed a Petition for Interim Trail Use pursuant to 49 C.F.R. § 1152.29(a) to obtain a notice of interim trail use for interim highway, bicycle, pedestrian and other trail purposes and rail banking pursuant to 16 U.S.C. §1247(d) and 49 C.F.R. §1152.29 for CTW for the full right-of-way involved in this proceeding. WisDOT and CTW therein agreed to use or preserve the land corridor and related real property for interim public transportation and

FILING FEE WAIVED

recreational purposes (including highway, pedestrian and other trail), subject to restoration for railroad purposes.

On November, 9, 2015, WCL filed a letter with the Board stating its intent to negotiate with CTW for a possible interim trail use/rail banking agreement.

On service date November 25, 2015, the Board issued an NITU under 49 C.F.R. §1152.29, allowing CTW 180 days until May 23, 2016 to negotiate a trail use agreement with WCL.

On May 11, 2016, WisDOT filed a petition on CTW'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 CTW's request on May 12, 2016.

On service date May 16, 2016, the Board granted CTW's petition and extended the negotiation period until November 19, 2016.

CTW now respectfully requests the Board grant an additional 180 days to continue negotiations, which continue in good faith. Since May 2016, CTW has been evaluating title work on the property, and continues compile the needed title documents in order to fully assess the consequences between a trail use and a full abandonment. CTW seeks an extension of the negotiating period to allow the parties to compile and analyze the title work and determine how to proceed.

MOTION

WisDOT respectfully requests the Board extend the negotiation period for an additional 180 days to permit the parties to continue negotiating in good faith for a trail for the land corridor and related real property, for the .49-mile segment of WCL railroad, from milepost 132.89 to milepost 133.38, all within CTW, Lincoln County, Wisconsin to

CTW. This will allow all forms of transportation to be provided in a unified, interconnected, economically-efficient, and environmentally sound manner.

Respectfully submitted,



Bennett J. Conard, State Bar No. 1100005
Wisconsin Department of Transportation
4802 Sheboygan Avenue, Room 115-B
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-8810
Attorney for Wisconsin Department of Transportation
November 10, 2016

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Petition for Extension of Negotiating Period in regards to **AB303 (Sub-No. 47X)**, by electronic mail, or regular mail pursuant to 49 C.F.R. §1104.12, this 10th day of November 2016, on all parties of record on the service list.



Bennett J. Conard, Attorney
State Bar No. 1100005
Wisconsin Department of Transportation
Office of General Counsel