



GRANTED

Office of Proceedings

DECISION ID NO.: 44035  
DECIDED DATE: 9/25/14  
SERVICE DATE: 9-26-14  
APPROVED: Rachel Campbell  
Director

NIIV only - extended to 3/22/15.

BEFORE THE SURFACE TRANSPORTATION BOARD

236691

AB-303 (SUB-NO. 43X)

ENTERED  
Office of Proceedings  
September 17, 2014  
Part of  
Public Record

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

FILING FEE WAIVED

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 Surface Transportation Board (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.

WisDNR reports that it is expecting an appraisal of the property, which has been delayed due to staff changes. WisDNR is still negotiating with WCL in good faith, and expects to make an offer for purchase by the end of the year.

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.

### **MOTION**

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,

*Kathleen Chung*

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September 17, 2014

## 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 17<sup>th</sup> day of September 2014, on all parties of record on the service list.

  
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Kathleen Chung, Attorney  
State Bar no. 1032802  
Wisconsin Department of Transportation  
Office of General Counsel