

237285

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
December 19, 2014
Part of
Public Record

 GRANTED Office of Proceedings	DECISION ID NO.: <u>44196</u>	AB-303 (Sub-No. 39X) WISCONSIN CENTRAL LTD. ABANDONMENT EXEMPTION - IN MANITOWOC COUNTY, WISCONSIN
	DECIDED DATE: <u>12-22-14</u>	
	SERVICE DATE: <u>1-5-15</u>	
	APPROVED: <u>Jared Jettmar</u> <u>Director</u>	
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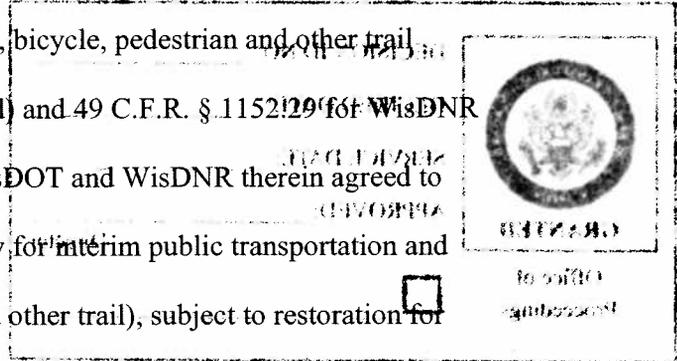
WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WisDNR)
PETITION FOR NOTICE OF INTERIM TRAIL USE

BACKGROUND

Wisconsin Central Ltd., (“WCL”) filed with the Surface Transportation Board (Board) a Verified Notice of Exemption under 49 C.F.R. § 1152 Subpart F – Exempt Abandonments to abandon a portion of its railroad line from milepost 69.0 in Newton, Wisconsin to end of WCL’s ownership at milepost 62.2 in Cleveland, Wisconsin, in Manitowoc County, a distance of approximately 6.8 miles.

On June 21, 2012, the Secretary of the Wisconsin Department of Natural Resources (WisDNR) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 CFR § 1152.29. This statement was submitted for the entire portion of WCL railroad line referenced in WCL’s Verified Notice, extending from milepost 69.0, in Newton, Wisconsin to the end of WCL’s ownership at milepost 62.2 in Cleveland, Wisconsin, all in Manitowoc County, Wisconsin.

On June 29, 2012, the Wisconsin Department of Transportation (WisDOT) filed a Petition for Interim Trail Use pursuant to 49 C.F.R. § 1152.29(a) and 49 C.F.R. § 1152.29(b)(3) 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 WisDNR for the full right of way involved in this proceeding. WisDOT and WisDNR therein agreed 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 also agreed to work cooperatively to acquire and use the right of way.



On July 2, 2012, WCL filed a letter with Board stating its intent to negotiate with WisDNR and WisDOT for a possible interim trail use/rail banking agreement.

On service date, July 13, 2012, the Board issued an NITU under 49 C.F.R. § 1152.29, allowing WisDNR 180 days until January 13, 2013, to negotiate a rail banking agreement with WCL. On December 19, 2012, WisDNR moved the board to extend the negotiation period for 180 days to continue negotiations. By decision served January 7, 2013, the Board did grant an extension of the negotiating period for 180 days to July 8, 2013.

On service date August 9, 2013, the Board extended the NITU negotiation period for 180 days to January 4, 2014 to allow WisDNR and WCL to continue negotiations.

Upon WisDNR petition, on service date, January 30, 2014, the Board extended the NITU negotiation period for 180 days to July 3, 2014 to allow WisDNR and WCL to continue negotiations. Then, upon WisDNR petition, on service date, June 25, 2014, the Board extended the NITU again for 180 days to December 30, 2014 for WisDNR and WCL to continue negotiations.

Since then, WisDNR have agreed upon a schedule to meet to discuss combining this acquisition with other corridors. The parties are continuing to negotiate in good faith, and WCL has indicated it will concur with this petition to extend the negotiating period.

MOTION

Therefore, WisDNR moves that the period prescribed to negotiate an interim trail use/rail banking agreement be extended for 180 more days for the railroad line from milepost 69.0 in Newton, Wisconsin to end of WCL's ownership at milepost 62.2 in Cleveland, Wisconsin, in Manitowoc County.

Respectfully Submitted,

Kathleen Chung

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12/19/14

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Petition for NITU in regards to AB303 39X, to be served by electronic mail, or regular mail pursuant to 49 C.F.R. §1104.12, this 19th day of December 2014, on all parties of record on the service list.



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