

 GRANTED Office of Proceedings	DECISION ID NO.: <u>42310</u>
	DECIDED DATE: <u>3/30/12</u>
	SERVICE DATE: <u>3/30/12</u>
	APPROVED: <u>Kahele Olanrewaju</u> Director
	<input checked="" type="checkbox"/> <u>extended to 9/26/12</u>

BEFORE THE
TRANSPORTATION BOARD

AB-303 (SUB-NO. 37X)

ENTERED
Office of Proceedings
MAR 23 2012
Part of
Public Record

WISCONSIN CENTRAL LTD. -
ABANDONMENT EXEMPTION
IN WESTON, MARATHON COUNTY, WISCONSIN

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES (DNR) MOTION TO EXTEND
TIME TO NEGOTIATE FOR INTERIM TRAIL USE AGREEMENT**

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 a line of railroad, near Weston, WI, from Milepost 17.50 to Milepost 18.64, a distance of 1.14 miles in Marathon County, WI. The line runs through United States Postal Service Zip Code 54474.

On February 18, 2011, the Deputy Secretary of the Wisconsin Department of Natural Resources (DNR) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the 1.14-mile segment of WCL railroad, from Milepost 17.50 near Weston, WI to Milepost 18.64 in Marathon County, WI.

The Wisconsin Department of Transportation (WisDOT), on behalf of DNR, petitioned the Board 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 specified segments of the right of way involved in this proceeding. DNR will 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 DNR have agreed to work cooperatively to acquire and use the right of way. DNR's acquisition of the corridor for present and future transportation purposes as stated above is consistent with all

Congressional purposes and neither abandonment nor discontinuance permitted by the Board conditioned as requested by DNR would be inconsistent with or disruptive of potential future rail use.

The Board issued a NITU under 49 C.F.R. § 1152.29, served on April 5, 2011, allowing DNR until October 2, 2011, to negotiate a rail banking agreement with WCL.

On October 19, 2011, and by supplemental filing October 24, 2011, DNR moved the Board to extend the negotiating period for 180 days. The Board granted the extension on service date November 16, 2011 until March 30, 2012.

Both DNR and WCL continue to negotiate in good faith, and a successful transaction is expected. At this time, the offer to purchase has been accepted by the railroad, and the purchase proposal is being finalized by the state process. This transaction will be one part of a package of purchases, and thus another extension is needed to complete the transaction.

CONCLUSION

DNR respectfully requests the Board extend the negotiating period for 180 days to finalize the Interim Trail Use Agreement for the land corridor and related real property, for the 1.14-mile segment of WCL railroad, from Milepost 17.50 near Weston, WI to Milepost 18.64 in Marathon County, Wisconsin to DNR.

Respectfully submitted,

Kathleen Chung

Kathleen Chung, State Bar No. 1032802
Wisconsin Department of Transportation
4802 Sheboygan Avenue, Room 115-B
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-8752
Attorney for Wisconsin Department of Transportation
3/23/12

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing cover letter in regards to AB303 (Sub-No. 37X), by electronic mail, pursuant to 49 C.F.R. §1104.12, this 23rd day of March, 2012, on all parties of record on the service list.

Kathleen Chung

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