

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
**AB-303 (SUB-NO. 36X)**  
WISCONSIN CENTRAL LTD. --  
NOTICE OF EXEMPTION FOR ABANDONMENT--  
IN BROWN COUNTY, WISCONSIN

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ENTERED  
Office of Proceedings  
May 14, 2012  
Part of  
Public Record

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
MOTION TO EXTEND TIME TO  
NEGOTIATE A NOTICE OF INTERIM TRAIL USE**

**BACKGROUND**

On Service Date November 10, 2010, the Surface Transportation Board (the Board) served notice that Wisconsin Central, Ltd. (WCL) filed with the Board a verified notice of exemption pursuant to 49 U.S.C. § 10502 and the Board's regulations at 49 C.F.R. § 1152 subpart F to abandon a 1.92-mile railroad line starting at milepost 3.88, in the Village of Howard, WI, and ending at milepost 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation in Brown County, WI. This portion of the line traverses United State Postal Service Zip Code 54307.

On November 9, 2010, the 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 from milepost 3.88 to milepost 4.8, a total of approximately 0.92 miles. This statement of willingness does not include any portion of the line segment that is on the Oneida Tribe of Indians of Wisconsin Reservation in Brown County, WI.

The Board issued a NITU under 49 C.F.R. § 1152.29, which was served on December 9, 2010, allowing WisDNR 180 days until June 7, 2011, to negotiate a rail banking agreement with WCL. By decision served May 31, 2011, the Board extended the negotiating period for 180 days to December 4, 2011, because negotiations were continuing in good faith, but had not concluded.

**FILING FEE WAIVED**

On November 17, 2011, WisDNR (by petition filed by the Wisconsin Department of Transportation) requested that the negotiation period be extended for another 180 days for ongoing negotiations to proceed. The Board granted this request by Decision served December 2, 2011, and extended the negotiating period to June 1, 2012.

In January 2012, the parties executed an Option to Purchase, and expect their respective internal processes will issue approval for the agreed upon purchase.

Thus, WisDNR respectfully requests that the negotiating period be extended for another 180 days for the approval processes to conclude and the transaction to be completed.

### **MOTION**

Therefore, WisDNR moves that the period prescribed to negotiate an interim trail use/rail banking agreement be extended for 180 days for the rail corridor between milepost 3.88 to milepost 4.08, a total of approximately 0.92 miles in Brown County, Wisconsin.

Respectfully submitted,



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May 14, 2012

## CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing letter and attachments in regards to **AB303 (Sub-No. 36X)**, by electronic mail or regular mail, pursuant to 49 C.F.R. §1104.12, this 14<sup>th</sup> day of May, 2012, 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