

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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236409

**AB-303 (SUB-NO. 44X)**

WISCONSIN CENTRAL LTD. –  
ABANDONMENT EXEMPTION  
IN FOREST COUNTY, WISCONSIN

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ENTERED  
Office of Proceedings  
August 6, 2014  
Part of  
Public Record

**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 CFR 1152 Subpart F – Exempt Abandonments to abandon a line of railroad located in Forest County, Wisconsin, referred to herein as the “Line” between the northern edge of Prusinski Lane, at or about milepost 242.21 on the Pembine Sub (formerly milepost 243.00 on the old Shawano Sub) in or around Argonne, Forest County, Wisconsin and ending at milepost 235.85 on the Pembine Sub (formerly milepost 249.38 on the Old Shawano Sub) in Crandon, Forest County, Wisconsin, a distance of approximately 6.4 miles.

On August 4, 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 6.4-mile segment of WCL railroad between the northern edge of Prusinski Lane, at or about milepost 242.21 on the Pembine Sub (formerly milepost 243.00 on the old Shawano Sub) in or around Argonne, Forest County, Wisconsin and ending at milepost 235.85 on the Pembine Sub (formerly milepost 249.38 on the Old Shawano Sub) in Crandon, Forest County, Wisconsin.

**FILING FEE WAIVED**

## **PURPOSE**

Wisconsin Department of Transportation (WisDOT) petitions 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 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 WisDNR have agreed to work cooperatively to acquire and use the right of way.

## **STATE RESPONSIBILITIES**

WisDOT is the designated state agency in rail matters in the State of Wisconsin. 49 CFR §1152.2(g); 49 C.F.R. § 266.1 and Ch. 85, Wis. Stats. WisDOT is responsible for all state and federally-aided highway construction and all state and federally-aided airport construction in Wisconsin. Secs. 84.01(2) and 114.32(1) and (5), Wis. Stats. WisDOT has the statutory first right to acquire for present or future transportation, recreational or scenic purposes any property used in operating a railroad that is abandoned in Wisconsin. Sec. 85.09(2), Wis. Stats.

WisDOT has state statutory authority to incorporate trails into the highway right-of-way in sec. 84.06(11), Wis. Stats.:

"(11) **State Trails.** As a part of any highway improvement or as a separate project under this section, a portion of a hiking trail, cross-country ski trail, bridle trail or bicycle trail under the management of a state agency, municipality or nonprofit may be incorporated into the highway right-of-way, and facilities for safe crossing of the highway may be provided."

WisDNR and WisDOT need the interim trail use designation to fulfill federal and state transportation and environmental responsibilities.

### **NOTICE OF INTERIM TRAIL USE**

WisDOT respectfully requests that the Board provide WisDNR a notice of interim bicycle, pedestrian and other trail use and rail banking condition to accomplish the above public purposes. 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.

**Exhibit 1** is the required Statement of Willingness by WisDNR to assume full responsibility for management of the property, which includes a map showing the location of all the needed property in Forest County, Wisconsin.

This action will enable WisDNR to pursue transaction negotiations with WCL for the acquisition of this corridor between the cities of Crandon and Argonne, in Forest County, Wisconsin. The acquisition of this corridor would extend the Wolf River State Trail approximately 6.4 miles in Forest County, Wisconsin. WisDNR's cooperative partner, Forest County, would develop and operate this section of the trail along with the existing Wolf River State Trail it already manages. The acquisition of this corridor would be an important step toward connecting the state trail network, as approved in the State Trails Network Plan. It is a critical link in a connection between the Wolf River State Trail and the Nicolet State Trail to the east. WisDNR's State of Willingness to Accept Financial Responsibility (SoW) is signed by Mr. Mike Bruhn, who has authority to execute the SoW on behalf of WisDNR.

## CONCLUSION

WisDOT respectfully petitions the Board to issue a Notice of Interim Trail Use for the land corridor and related real property, for the segment of WCL railroad between the northern edge of Prusinski Lane, at or about milepost 242.21 on the Pembine Sub (formerly milepost 243.00 on the old Shawano Sub) in or around Argonne, Forest County, Wisconsin and ending at milepost 235.85 on the Pembine Sub (formerly milepost 249.38 on the Old Shawano Sub) in Crandon, Forest County, Wisconsin, a distance of approximately 6.4 miles. This will allow all forms of transportation to be provided in a unified, interconnected, economically-efficient, and environmentally sound manner.

Respectfully submitted,



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August 6, 2014

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SURFACE TRANSPORTATION BOARD

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**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY BY  
STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
PURSUANT TO 49 CFR 1152.29**

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR § 1152.29, the State of Wisconsin Department of Natural Resources (WDNR) is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Canadian National Railway Company and operated by Wisconsin Central Ltd. The property extends from railroad milepost 235.84 in Crandon to railroad milepost 242.21 in Argonne, Wisconsin, a distance of approximately 6.37 miles in Forest County, Wisconsin. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-303 (Sub-No. 44X).

A map depicting the property depicting the right-of-way is attached as **Exhibit 1**.

WDNR acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad, Wisconsin Central Ltd., on the same date it is being served on the Board.

  
\_\_\_\_\_  
Wisconsin Department of Natural Resources

8/4/14  
\_\_\_\_\_  
Date

By: Mike Bruhn  
Office of the Secretary  
101 S Webster Street, Madison, WI 53703

WDNR contact:  
Brigit Brown  
State Trails Coordinator  
101 S Webster Street, Madison, WI 53703  
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# Map – Argonne Jct – Crandon, WI

## EXHIBIT 1

