

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
June 17, 2015
Part of
Public Record

AB-303 (Sub-No. 39X)

WISCONSIN CENTRAL LTD.
- ABANDONMENT EXEMPTION -
IN MANITOWOC COUNTY, WISCONSIN

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WDNR)
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 (WDNR) 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.

FILING FEE WAIVED

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 WDNR for the full right of way involved in this proceeding. WisDOT and WDNR 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 WDNR 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 WDNR 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 WDNR 180 days until January 13, 2013, to negotiate a rail banking agreement with WCL. Since that time WDNR has moved the Board five additional times to extend the negotiation period to continue negotiations. By decisions served January 7, 2013, August 9, 2013, January 30, 2014, June 25, 2014 and January 5, 2015 the Board extended the NITU negotiation periods, for additional 180 days each time, with the current extension to July 5, 2015 to allow WDNR and WCL to continue negotiations.

Since January 5, 2015 WDNR and WCL have agreed upon a purchase price for the acquisition of the land corridor and related real property for interim recreational trail purposes, subject to restoration for railroad purposes. On May 27, 2015 WDNR's Natural Resource Board approved the acquisition of this corridor. WDNR is now waiting upon the necessary approval from Joint Finance Committee and the Governor for the acquisition. WDNR anticipates

receiving those approvals by June 30, 2015 with a closing to occur by no later than November 1, 2015. The parties have negotiated in good faith, and expect to consummate the sale/purchase within the next 180 days. WCL has indicated it will concur with this petition to extend the negotiating period.

MOTION

Therefore, WDNR 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,



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June 17, 2015

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Petition for NITU in regards to **AB303 (Sub. No. 39X)**, to be served by electronic mail, or regular mail pursuant to 49 C.F.R. §1104.12, this 17th day of June 2015, on all parties of record on the service list.



Kathleen Chung, Attorney
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Wisconsin Department of Transportation
Office of General Counsel