



Wisconsin Department of Transportation

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211493

June 10, 2004

Mr. Vernon A. Williams, Secretary
Office of the Secretary
Surface Transportation Board, Room 1324
1925 K Street, N.W.
Washington, D.C. 20423-0001



RE: **STB Docket No. AB-303 (Sub-No. 26X)** Wisconsin Central Ltd.--Abandonment
Exemption--In Ashland County, WI -- Petition for Notice of Interim Trail Use

Dear Mr. Williams:

Enclosed for filing are the original and ten (10) copies of the City of Ashland, Wisconsin
Petition for Notice of Interim Trail Use.

Please date stamp and return the duplicate copy of this transmittal letter in the prepaid, return
mail envelope for verification of receipt. Thank you.

ENTERED
Office of Proceedings

JUL 09 2004

Sincerely,

Allyn Lepeska
Attorney

AJL/dim

Enclosures

pc: David Frasher
Vicki Schaefer
Michael Barron
Anna Davey

FILING FEE WAIVED

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-303 (SUB-NO. 26X)

WISCONSIN CENTRAL LTD.
-- NOTICE OF EXEMPTION FOR ABANDONMENT--
IN ASHLAND COUNTY, WISCONSIN



CITY OF ASHLAND WISCONSIN
PETITION FOR NOTICE OF INTERIM TRAIL USE

BACKGROUND

On a service date of June 3, 2004, the Surface Transportation Board (STB or Board) served notice that Wisconsin Central LTD (WCL) filed with the Surface Transportation Board a Notice of Exemption pursuant to 49 U.S.C. § 10502 and the Board's regulations at 49 C.F.R Part 1152.50. That Notice of Exemption is for WCL's abandonment of a .48 mile portion of its line of railroad between Milepost 435.35 on Ashland's Lakefront and traveling 2,552 feet to a point where it connects to a private spur that used to serve C. Reiss Coal Company in Ashland, Ashland County, WI. The line traverses through United States postal zip code 54806.

On June 8, 2004, the City of Ashland (ASH) 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 435.35 on Ashland's Lake Superior lakefront, traveling southwest along the lakefront 2522 feet to a point where it connects with a private spur that used to serve C. Reiss Coal Company, a total of approximately 0.48 miles.

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 ASH for specified segments of the right of way involved in this proceeding. ASH 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 ASH have agreed to work cooperatively to acquire and use the right of way.

STATE AND CITY RESPONSIBILITIES

ASH is a Wisconsin city. It has authority to acquire real estate for parks and recreation. Section 62.22, Wis. Stats.

WisDOT is the designated state agency in rail matters in the State of Wisconsin. 49 U.S.C. Appx. § 1654(a) (formerly § 1654(j)), 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."

ASH 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 ASH 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 ASH 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 consists of a map showing the location of all the needed property in Ashland County, Wisconsin.

Exhibit 2 is the required Statement of Willingness by the City of Ashland, Wisconsin to assume full responsibility for management of the property.

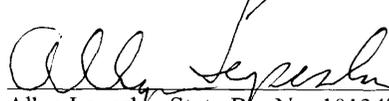
ASH's acquisition of the corridor for present and future transportation purposes as stated above is consistent with all Congressional purposes and neither abandonment nor discontinuance permitted by the STB conditioned as requested by ASH would be inconsistent with or disruptive of potential future rail use.

CONCLUSION

WisDOT respectfully requests the Board to issue a Notice of Interim Trail Use for segment of WCL railroad the from milepost 435.35 on Ashland's Lake Superior lakefront, traveling southwest along the lakefront 2522 feet to a point where it connects with a private spur that used to serve C. Reiss Coal Company, a total of approximately 0.48 miles in the City of Ashland, in Ashland County, WI for interim trail use and rail banking, pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29,, to ASH. This will allow all forms of transportation to be provided in a unified, interconnected, economically-efficient, and environmentally-sound manner.

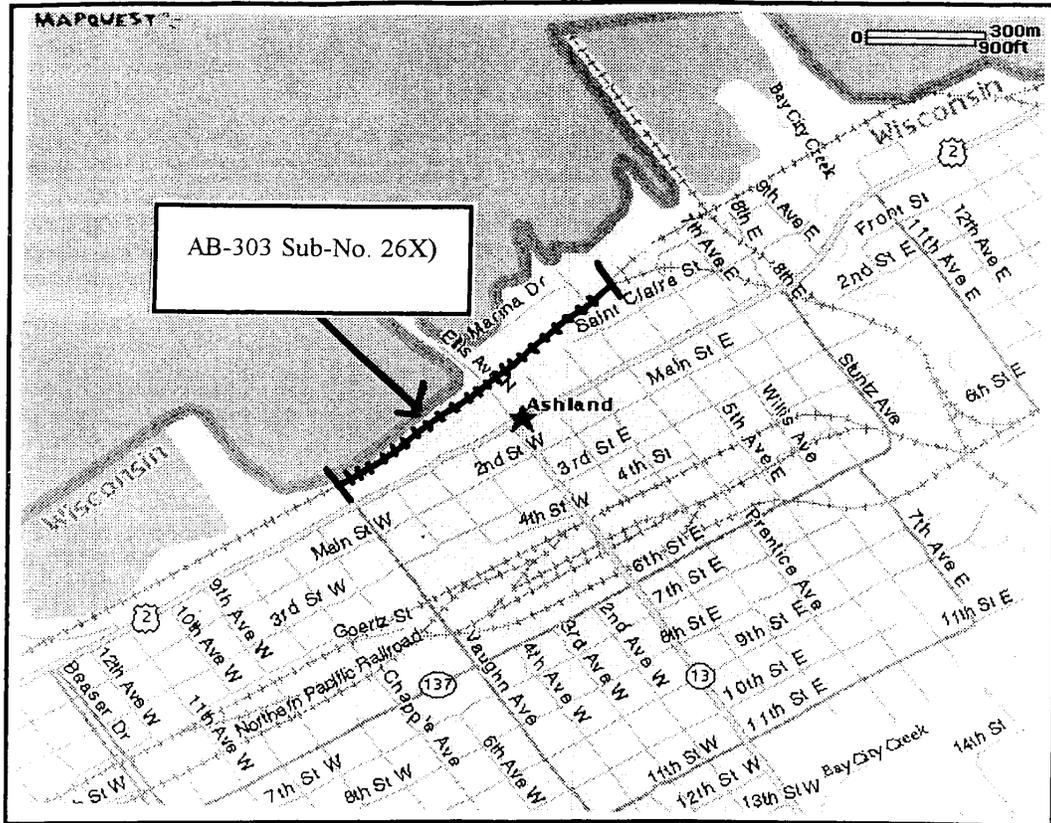
Dated this 10th day of June, 2004.

Respectfully submitted,



Allyn Lepeska, State Bar No. 1013474
Wisconsin Department of Transportation
4802 Sheboygan Avenue, Room 115-B
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-0253
Attorney for Wisconsin Department of
Transportation

EXHIBIT A



BEFORE THE
SURFACE TRANSPORTATION BOARD

WISCONSIN CENTRAL LTD (WCL)
ABANDONMENT EXEMPTION IN
CITY OF ASHLAND AND ASHLAND COUNTY

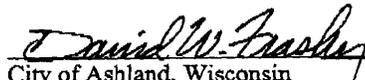
STATEMENT OF WILLINGNESS TO ACCEPT
RESPONSIBILITY BY CITY OF ASHLAND
PURSUANT TO 49 CFR 1152.29

In order to establish interim trail use and rail banking under 16 USC 1247(d) and 49 CFR 1152.29, the City of Ashland is willing to assume full responsibility for management of the property it acquires from the present owner and operator, WCL. Upon acquisition, the City is willing to assume full responsibility for its operations on the property and for the payment of any taxes or assessments that thereafter may be lawfully levied against it. The segment for which the City is making this Statement of Willingness is the following portion of the line:

“Ashland Trackage” from milepost 435.35 on Ashland’s Lake Superior lakefront, traveling southwest along the lakefront 2552 feet to a point where it connects with a private spur that used to serve C. Reiss Coal Company, a total of approximately 0.48 miles.

A map depicting the property that is to be acquired by the City is attached to this pleading as Exhibit “1”.

The City acknowledges that use of the property is subject to the City continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the property for rail service. A copy of this statement is being served on the railroad, WCL, on the same date it is being served on the Surface Transportation Board.



City of Ashland, Wisconsin
By: David W. Frasher, City Administrator

6-8-04
Date

EXHIBIT A

