



Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle
Governor

Frank J. Busalacchi
Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P.O. Box 7910
Madison, WI 53707-7910

Telephone: 608-266-8810
FAX: 608-267-6734
E-mail: ogc.exec@dot.state.wi.us

September 12, 2006

217538



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-33 (Sub-No. 190X)** Union Pacific Railroad Company--
Abandonment Exemption--In Dunn County, WI -- Motion for Extension of Time to
Reach Agreement on a Notice of Interim Trail Use

Dear Mr. Williams:

Enclosed for filing are the original and ten (10) copies of the City of Menomonie's
Motion for Extension of Time to Reach Agreement on a 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.

Sincerely,
Allyn Lepeska
Allyn Lepeska
Attorney

Enclosures

pc: Vicki Schaefer
Mack H. Shumate, Jr. (via fax 312-777-2065)
Bert D. Petersen
Ronald Schroeder

ENTERED
Office of Proceedings
SEP 13 2006
Part of
Public Record

FILING FEE WAIVED

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-33 (SUB-NO. 190X)

UNION PACIFIC RAILROAD COMPANY -- ABANDONMENT EXEMPTION --
IN DUNN COUNTY, WISCONSIN

**CITY OF MENOMONIE WISCONSIN
PETITION FOR EXTENSION OF
NOTICE OF INTERIM TRAIL USE**

BACKGROUND

On December 23, 2002, the Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a petition under 49 C.F.R. 1152, Subpart F – Exempt Abandonments and Discontinuances of Service and Trackage Rights, for exempt abandonment of the Menomonie Industrial Lead from milepost 0.90 near Stout Oak Street to milepost 2.90 near 12th Avenue West, a distance of 2.00 miles in Dunn County, Wisconsin, (the “Line”). The Line traverses U.S. Postal Service ZIP code 54751.

On January 6, 2003, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which

was served on February 7, 2003, allowing the City until August 6, 2003 to negotiate a rail banking agreement with UP.

On August 11, 2003, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for an extension of a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on August 15, 2003, allowing the City until February 2, 2004 to negotiate a rail banking agreement with UP.

On January 9, 2004, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for an extension of a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on January 23, 2004, allowing the City until July 31, 2004 to negotiate a rail banking agreement with UP.

On July 21, 2004, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for an extension of a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on July 30, 2004, allowing the City until January 27, 2005 to negotiate a rail banking agreement with UP.

On January 12, 2005, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for an extension of a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the City for interim trail use. The Board issued a NITU

under 49 C.F.R. 1152.29, which was served on January 26, 2005, allowing the City until July 26, 2005 to negotiate a rail banking agreement with UP.

On July 14, 2005, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for an extension of a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on July 25, 2005, allowing the City until January 22, 2006 to negotiate a rail banking agreement with UP.

On February 27, 2006, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for an extension of a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on March 15, 2006, allowing the City until July 21, 2006 to negotiate a rail banking agreement with UP.

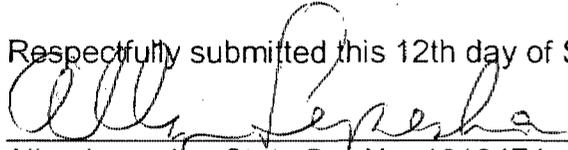
The City and UP did negotiate a rail banking agreement. Unfortunately the final details have not been finalized. UP agrees with this request for an extension. The abandonment has not been consummated.

MOTION

Therefore, WisDOT respectfully requests that the Board extend the period prescribed to negotiate an interim trail use/rail banking agreement for an additional 90 days for the land corridor and related real property, including bridge structures, on a line of railroad known as the Menomonie Industrial Lead from milepost 0.90 near Stout Oak Street to milepost 2.90 near 12th Avenue West, a distance of 2.00 miles in Dunn County,

Wisconsin, for interim trail use and rail banking, pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 to the City of Menomonie.

Respectfully submitted this 12th day of September, 2006,



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