

219379

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

May 16, 2007

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

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

ENTERED
Office of Proceedings

MAY 24 2007

Part of
Public Record



RE STB Docket No AB-33 (Sub-No 251X) Union Pacific Railroad Company -
Abandonment Exemption - in Dane County, WI - STB Docket No AB 383 (Sub-No
4X) Wisconsin & Southern Railroad Company - Discontinuance of Service Exemption -
in Dane County, WI -Petition for Extension for Notice of Interim Trail Use

Dear Mr. Williams

Enclosed for filing are the original and ten (10) copies of the Wisconsin Department of
Natural Resources Extension for 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

By my signature below, I certify service upon Mack H. Shumate, Union Pacific, 101 N
Wacker Drive, Suite 1920, Chicago, IL 60606 and John D. Heffner, John D. Heffner, PLLC,
Suite 800, 1920 N Street NW, Washington, DC 20036

Sincerely,

Allyn Lepeska
Attorney

Enclosures

pc Vicki Schaefer
Richard Steffes
Mack H. Shumate
John D. Heffner



BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-33 (Sub-No. 251X)
UNION PACIFIC RAILROAD COMPANY -- ABANDONMENT EXEMPTION --
IN DANE COUNTY, WISCONSIN

AB-383 (Sub-No. 4X)
WISCONSIN & SOUTHERN RAILROAD COMPANY --
DISCONTINUANCE OF SERVICE EXEMPTION --
IN
DANE COUNTY, WISCONSIN

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES
PETITION FOR EXTENSION FOR
NOTICE OF INTERIM TRAIL USE**

BACKGROUND

On May 2, 2005, the Surface Transportation Board provided notice that the Union Pacific Railroad Company (UP) and the Wisconsin & Southern Railroad Company (WSOR) have jointly filed a Notice of Exemption under 49 C F R § 1152 Subpart F for UP to abandon and WSOR to discontinue service over a 4.4-mile line, known as the Central Soya Line, Harvard Subdivision, between Mile Post 85.5 in the City of Madison and Mile Post 89.9 in the City of Fitchburg, in Dane County, WI

On April 5, 2005, 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 the Central Soya Line, Harvard Subdivision, between Mile Post 85.5 Beltline in the City of Madison, Wisconsin and end of track at Mile Post 89.9 in the City of Fitchburg, Wisconsin, a distance of 4.4 miles in Dane County, Wisconsin

On May 6, 2005, the Wisconsin Department of Transportation (WisDOT) on behalf of WisDNR 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 WisDNR for interim trail use. The Board issued a NITU under 49 C F R § 1152.29, which was served on May 31, 2005, allowing the City until November 28, 2005 to negotiate a rail banking agreement with UP.

On November 2, 2005, the Wisconsin Department of Transportation (WisDOT) on behalf of WisDNR 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 WisDNR for interim trail use. The Board issued a NITU under 49 C F R § 1152.29, which was served on November 22, 2005, allowing the City until May 27, 2006 to negotiate a rail banking agreement with UP.

On May 24, 2006, WisDOT on behalf of WisDNR filed a petition for extension of the NITU for 180 days. By decision served on June 6, 2006 the Board extended the negotiating period under the NITU until November 23, 2006.

On October 25, 2006, WisDOT on behalf of WisDNR filed a petition for extension of the NITU for 180 days. By decision served on November 14, 2006 the Board extended the negotiating period under the NITU until May 22, 2007.

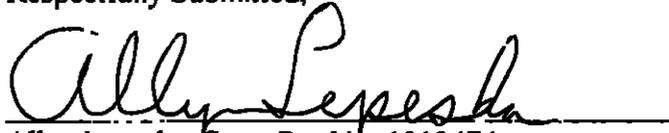
Negotiations are currently continuing in good faith between UP, WSOR and WisDNR. However, more time is needed to finalize negotiations.

MOTION

Therefore, WisDOT respectfully requests that the Board extend the period prescribed to negotiate an interim trail use/rail banking agreement for an additional 180 days for the land corridor and related real property, including bridge structures, on a line of railroad known as the Central Soya Line, Harvard Subdivision, between Mile Post 85.5 in the City of Madison and Mile Post 89.9 in the City of

Fitchburg, in Dane 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 WisDNR

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
5/15/07