

FILED FEE WAIVED
WISCONSIN DOT

BEFORE THE SURFACE TRANSPORTATION BOARD

AB-33 (Sub-No. 251X) 221604
**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, Harvard Subdivision, 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 notice of interim trail use/rail banking (NITU) under 16 U.S.C. §1247(d) and 49 C F R §1152.59. UP indicated its willingness to negotiate with WisDNR for interim trail use. The Board issued an NITU under 49 C F R. §1152.59, 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, WisDOT on behalf of WisDNR filed a petition for extension of the NITU for 180 days, according to WisDOT files and STB website. By decision served November 21, 2005, the Board extended the negotiating period under NITU until May 27, 2006.

On May 24, 2006, WisDOT on behalf of WisDNR filed a petition for extension of the NITU for 180 days. By decision served June 6, 2006, the Board extended the negotiating period under 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 November 14, 2006, the Board extended the negotiating period under NITU until May 22, 2007.

On May 24, 2007, WisDOT on behalf of WisDNR filed a petition for extension of the NITU for 180 days. By decision served June 7, 2007, the Board extended the negotiating period under NITU until August 20, 2007.

On August 8, 2007, WisDOT on behalf of WisDNR filed a petition for extension of the NITU for 180 days. By decision served August 21, 2007, the Board extended the negotiating period under NITU until February 16, 2008.

Negotiations are currently continuing in good faith between UP, WSOR and WisDNR. An agreement in principle has been reached, but more time is needed to finalize the 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. §1152.59 to WisDNR.*

Respectfully Submitted,

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February 14, 2008**