

Michael J. Barron, Jr.  
Counsel  
Legal Department

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Canadian National/Ilinois Central  
455 North Cityfront Plaza Drive  
Chicago, Illinois 60611-5317  
Telephone: (312) 755-7954  
Fax: (312) 755-7669  
Internet: Michael.Barron@cn.ca



December 19, 2002

**Via Overnight Delivery**

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W., Room 700  
Washington, DC 20423-0001

Re: Docket No. AB-303 (Sub-No. 22X), Wisconsin Central Ltd. —  
Abandonment Exemption — Calumet and Brown Counties,  
Wisconsin — Petition for Extension of Notice of Interim Trail Use

Dear Secretary Williams:

Enclosed please find an original and ten copies of the Joint Motion of Wisconsin Central Ltd. and Wisconsin Department of Natural Resources to extend the Notice of Interim Trail Use negotiating period deadline currently in place (January 9, 2003) for the above-referenced abandonment by an additional 180 days.

Respectfully submitted,

  
Michael J. Barron, Jr.  
Counsel for Wisconsin Central Ltd.

Encl.

cc: Mr. Allyn Lepaske, WisDOT

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BEFORE THE  
SURFACE TRANSPORTATION BOARD

**AB-303 (SUB-NO. 22X)**

WISCONSIN CENTRAL LTD. -- ABANDONMENT EXEMPTION --  
IN CALUMET AND BROWN COUNTIES, WISCONSIN

**JOINT MOTION OF WISCONSIN DEPARTMENT OF  
NATURAL RESOURCES AND WISCONSIN CENTRAL LTD  
FOR EXTENSION OF TIME TO REACH AN AGREEMENT ON  
AN INTERIM TRAIL USE/RAIL BANKING AGREEMENT**

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On October 2, 2000, the Wisconsin Central Ltd. (WCL) filed with the Surface Transportation Board (Board) a petition to abandon a line of railroad known as the Hilbert-Greenleaf Line, between milepost 170.4 at Hilbert and milepost 183 at Greenleaf, in Calumet and Brown Counties, WI, a distance of 12.6 miles. The line traverses U.S. Postal Service Zip Codes 54129, 54123, and 54126 and includes station at Greenleaf (milepost 183).

On July 20, 2000, the Wisconsin Department of Natural Resources 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 line at Hilbert Milepost 170.0<sup>1</sup> to Greenleaf Milepost 183.0, a distance approximately 13 miles in Calumet and Brown Counties, Wisconsin.

<sup>1</sup> Although the WisDNR's Statement of Willingness, for the portion of line from Hilbert Milepost 170.0 to Greenleaf Milepost 183.0, WCL's Petition for Exemption is for the line of railroad from Hilbert Milepost 170.4 to Greenleaf Milepost 183 and thus the NITU request will be for the same segment.

On November 9, 2000, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources filed a request for a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 CFR 1152.29. WCL indicated its willingness to negotiate with WisDNR for interim trail use.

The Board issued a NITU under 49 CFR 1152.29, which was served on January 19, 2001, allowing the WisDNR the full 180 days from date of service to negotiate a rail banking agreement with WCL. The 180 day period under NITU was scheduled to expire on July 18, 2001.

On July 13, 2001, WisDNR/DOT and FVW jointly filed a motion to extend the NITU negotiating period for an additional 180 days. The Board issued a NITU under 49 CFR 1152.29, which was served on July 17, 2001 allowing the parties until January 14, 2002 to negotiate a trail use agreement.

On December 26, 2001, WisDNR/DOT and FVW jointly filed a motion to extend the NITU negotiating period for an additional 180 days. The Board issued a NITU under 49 CFR 1152.29, which was served on January 11, 2001 allowing the parties until July 13, 2002 to negotiate a trail use agreement.

On July 2, 2002, WisDNR/DOT and FVW jointly filed a motion to extend the NITU negotiating period for an additional 180 days. The Board issued a NITU under 49 CFR 1152.29, which was served on July 11, 2001 allowing the parties until January 9, 2003 to negotiate a trail use agreement.

WisDNR has made an initial contact with WCL to negotiate a trail use agreement. Negotiations will continue in good faith between WisDNR and WCL. However, more time is needed to finalize negotiations. WCL is agreeable to an extension of time to continue negotiations.

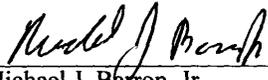
#### **MOTION**

Therefore, WisDNR and WCL move that the period prescribed to negotiate an interim trail use/rail banking agreement be extended for 180 days for the land corridor and related real property,

including bridge structures, on a line of railroad known as the Hilbert-Greenleaf Line, between milepost 170.4 at Hilbert and milepost 183.0 at Greenleaf, in Brown and Calumet Counties, WI, a distance of 12.6 miles for interim trail use and rail banking.

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  
12/13/02

  
Michael J. Barron, Jr.  
Counsel  
Canadian National/Illinois Central  
455 North Cityfront Plaza Drive  
Chicago, IL 60611-5317  
(312) 755-7954  
Attorney for Wisconsin Central LTD.