

Wisconsin Department of Transportation
Office of General Counsel
4822 Madison Yards Way, Room S922
P. O. Box 7910
Madison, WI 53707-7910

309116

Governor Tony Evers
Secretary Kristina Boardman
wisconsindot.gov
Telephone: 608-266-8810
FAX: 608-267-6734
Email: ogc.exec@dot.wi.gov



ENTERED
Office of Proceedings
January 16, 2025
Part of
Public Record

January 16, 2025

VIA E-FILE

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, D.C. 20423-0001

RE: Request for Additional Extension of Time for the Wisconsin Department of Transportation (WisDOT);
FD 31340; Wisconsin and Calumet Railroad Company, Inc. – Notice of Modified Certificate of Public
Convenience and Necessity – Rail Line between Mazomanie to Prairie du Sac, WI

Dear Ms. Brown,

On March 10, 2023, WisDOT filed a Petition for Interim Trail Use on behalf of the Wisconsin Department of Natural Resources (WDNR) for a segment of rail line extending approximately 3.24 miles, beginning near milepost 4.72, near the Town of Mazomanie in Dane County, Wisconsin, to milepost 7.96, near the Village of Sauk City in Sauk County, Wisconsin, through Zip Codes 53560 in Dane County and 53583 in Sauk County. On September 29, 2023, WisDOT requested an extension of the Trails Act negotiation period on behalf of WDNR. On October 2, 2023, the Surface Transportation Board (Board) granted the extension and permitted the parties to continue negotiations until October 21, 2024.

On January 25, 2024, WDNR and Dane County jointly requested the Board substitute Dane County for WDNR as proposed trail sponsor. On March 12, 2024, the Board vacated the notice of Interim Trail Use or abandonment (NITU) that was served on April 24, 2023, and issued a replacement NITU to Dane County as the new interim trail sponsor.

Since the Board's order, the parties have been engaging in good faith negotiations and discussions regarding funding, development, and operating partners. Dane County assembled a subcommittee which has met and discussed the responsibilities surrounding the proposed agreement. Unfortunately, due to various complications including turnover of employees relevant to the negotiations, undersigned counsel being on medical leave, and the transition of trail sponsors, the parties failed to execute the agreement in time to meet the October 21, 2024 deadline. However, the parties are certain that if the Board graciously grants another extension—regardless of extension duration—these negotiations will be resolved, and the agreement will be executed and filed expeditiously.

On behalf of Dane County, WisDOT, in conjunction with the Wisconsin & Southern Railroad, respectfully request an extension from October 21, 2024, until October 21, 2025, per 49 C.F.R. §1152.29(c)(1)(ii). This request is the second extension request made by WisDOT on behalf of the trail sponsor. Further, WisDOT requests the filing fee for this extension be waived pursuant to 49 CFR § 1002.2(e)(1).

FILING FEE WAIVED

A handwritten signature in black ink, appearing to read 'Jad Itani', with a long horizontal flourish extending to the right.

Jad Itani
Assistant General Counsel
Direct Line (608) 267-3149
Jad.itani@dot.wi.gov

CC: Service List in Docket FD 31340

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing filing to be served in regards to **FD31340** by electronic mail, or regular mail pursuant to 49 C.F.R. § 1104.12, this 15th day of January, 2025, on all parties of record on the service list.

A handwritten signature in black ink, appearing to read 'Jad Itani', is written over a horizontal line.

Jad Itani
WI State Bar No. 1106703
Wisconsin Department of Transportation
Office of General Counsel