



Office of
Proceedings

DECISION ID NO.: 44684
DECIDED DATE: 8/21/15
SERVICE DATE: 8/24/15
APPROVED: Rachel D Campbell
Director

☒ extended to SURFACE TRANSPORTATION BOARD
11/27/15.

BEFORE THE

239028
ENTERED
Office of Proceedings
August 13, 2015
Part of Public Record

AB-303 (Sub-No. 43X)

WISCONSIN CENTRAL LTD.
- ABANDONMENT EXEMPTION -
IN BARRON COUNTY, WISCONSIN

WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WDNR)
PETITION FOR NOTICE OF INTERIM TRAIL USE

BACKGROUND

Wisconsin Central Ltd. (WCL) filed with the Surface Transportation Board (Board) a Notice of Exemption under 49 C.F.R. §1152 Subpart F – Exempt Abandonments to abandon an 0.80-mile line of railroad, extending from milepost 55.2 and ending at milepost 56.0, in Rice Lake, Barron County, WI. The line traverses through United States Postal Service Zip Code 54868.

On January 27, 2014, the Wisconsin Department of Natural Resources (WDNR) executed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the 0.80-mile segment of WCL railroad, from milepost 55.2 to milepost 56.0, in Rice Lake, Barron County, WI.

On February 6, 2014, the Wisconsin Department of Transportation (WisDOT) petitioned to obtain a notice of interim trail use for interim highway, bicycle, pedestrian and other trail purposes and railbanking pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 for WDNR for specified segments of the right of way involved in this proceeding. WDNR intended and

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intends to use or preserve the land corridor and related real property for interim public transportational and recreational purposes (including highway, pedestrian and other trail), subject to restoration for railroad purposes. WisDOT and WDNR agreed to work cooperatively to acquire and use the right of way.

By decision on service date March 27, 2014, the Board granted WDNR's request and permitted the parties to enter into negotiations for an interim trail use under 49 C.F.R. §1152.29, and ordered a negotiation period of 180 days until September 23, 2014.

Since that time WDNR has moved the Board two additional times to extend the negotiation period. By decisions served September 26, 2014 and March 26, 2015 the Board extended the NITU negotiation periods, for additional 180 days each time, with the current extension to September 18, 2015 to allow WDNR and WCL to continue negotiations.

Since March of 2015, WDNR and WCL have agreed upon a purchase price for the acquisition of the land corridor and related real property for interim recreational trail purposes, subject to restoration for railroad purposes. On May 27, 2015 WDNR's Natural Resource Board approved the acquisition of this corridor. On July 14, 2015 WDNR received approval from Joint Finance Committee for the acquisition at an established maximum purchase price. WDNR has submitted the acquisition for approval to the Governor and anticipates approval. WDNR anticipates a closing of the transaction to occur within the next couple of months. The parties have negotiated in good faith, and expect to consummate the transaction soon. WCL has indicated it will concur with this petition to extend the negotiating period for 70 days.

Upon successful closing of the interim trail acquisition, WDNR will utilize this corridor for a trail that would connect to the 104-mile Wild Rivers State Trail further into the City of Rice Lake to provide transportational and recreational use to the communities of Rice Lake and Barron County, and implement the City's long range plan for multi-modal access.

MOTION

Therefore, WisDOT respectfully moves the Board to extend the negotiating period for 70 days to allow WDNR and WCL to finalize the transaction of a sale/purchase for an interim bicycle, pedestrian and/or other trail use on the WCL railroad line segment extending from milepost 55.2 and ending at milepost 56.0, in Rice Lake, Barron County, WI, approximately 0.80 miles.

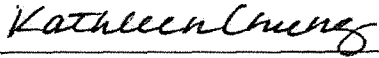
Respectfully Submitted,



Kathleen Chung, State Bar No. 1032802
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August 12, 2015

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Petition for NITU in regards to AB303 (Sub-No. 43X), by electronic mail, or regular mail pursuant to 49 C.F.R. §1104.12, this 12th day of August, 2015, on all parties of record on the service list.

A handwritten signature in cursive script, reading "Kathleen Chung", is written over a horizontal line.

Kathleen Chung, Attorney
State Bar no. 1032802
Wisconsin Department of Transportation
Office of General Counsel