

DECISION ID NO.: <u>414933</u>
DECIDED DATE: <u>12/14/15</u>
SERVICE DATE: <u>12/15/15</u>
APPROVED: <u>Rachel Campbell</u> Director
☒ <u>extended to 6/7/16</u>
 GRANTED Office of Proceedings

239622

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
November 25, 2015
Part of
Public Record

AB-57 (SUB-NO. 61X)
SOO LINE RAILROAD –
ABANDONMENT EXEMPTION
IN RACINE COUNTY, WISCONSIN

WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WDNR)
PETITION FOR EXTENSION OF NEGOTIATING PERIOD

BACKGROUND

Soo Line Railroad Company, d/b/a Canadian Pacific (Soo Line) filed with the Surface Transportation Board (Board) a Notice of Exemption under 49 CFR 1152 Subpart F – Exempt Abandonments to abandon an 10.63-mile line of railroad, extending from milepost 7.8 and ending at milepost 18.43, in Racine County, WI. The line traverses through United States Postal Service Zip Codes 53139, 53182, and 53177.

On February 24, 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 10.63-mile segment of Soo Line railroad, from milepost 7.8 to milepost 18.43, in Racine County, WI. On February 27, 2014, the Wisconsin Department of Transportation (WisDOT) filed a Petition for Interim Trail Use pursuant to 49 C.F.R. § 1152.29(a) and 29 C.F.R. § 1152.29(b)(3) to obtain a notice of interim trail use for interim highway, bicycle, pedestrian and other trail purposes and rail banking pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 for WDNR for the full right-of-way involved in this proceeding. WisDOT and WDNR therein agreed to use or preserve the land corridor and related real property for interim public transportation and

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recreational purposes (including highway, pedestrian and other trail), subject to restoration for railroad purposes.

On March 13, 2014, Soo Line filed a letter with the Board stating its intent to negotiate with WDNR for a possible interim trail use/rail banking agreement.

On service date March 18, 2014, the Board issued an NITU under 49 C.F.R. §1152.29, allowing WDNR 180 days until September 15, 2014 to negotiate a trail use agreement with Soo Line.

On September 16, 2014, WDNR filed a petition on its own behalf requesting that the Board extend the negotiating period for 180 days to continue its appraisal process and begin formal acquisition negotiations with Soo Line. Soo Line filed a letter supporting WDNR's request on September 16, 2014.

On service date September 17, 2014, the Board granted WDNR's petition and extended the negotiation period until March 14, 2015.

On March 4, 2015, WisDOT filed a petition on WDNR's behalf requesting that the Board extend the negotiating period for 180 days to continue its acquisition negotiations with Soo Line. Soo Line filed a letter supporting WDNR's request on March 13, 2015.

On service date March 26, 2015 the Board granted WDNR's petition and extended the negotiation period until September 10, 2015.

On September 2, 2015, WisDOT filed a petition on WDNR's behalf requesting that the Board extend the negotiating period for 180 days to continue its acquisition negotiations with Soo Line. Soo Line filed a letter supporting WDNR's request on September 10, 2015.

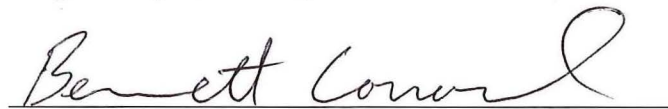
On service date September 24, 2015 the Board granted WDNR's petition and extended the negotiation period until December 10, 2015.

WDNR now respectfully requests the Board grant an additional 180 days to continue negotiations, which continues in good faith. Since the Board's decision in September, 2015 Soo Line and WDNR met in person in Madison, Wisconsin to discuss negotiations for this segment. At that meeting, WDNR agreed to re-appraise the property using an alternative valuation method. Further, both parties agreed to have WDNR pursue possible funding partnerships, with the intention of allowing negotiations to better meet the financial needs of both parties. Both parties verbally agreed at the meeting to apply to extend the negotiating period and continue negotiation discussions for this segment from milepost 7.8 to milepost 18.43 in Racine County, Wisconsin.

MOTION

WisDOT respectfully requests the Board extend the negotiation period for an additional 180 days to permit the parties to continue negotiating in good faith for a trail for the land corridor and related real property, for the 10.63 -mile segment of Soo Line railroad, from milepost 7.8 to milepost 18.43, in Racine County, Wisconsin to WDNR. This will allow all forms of transportation to be provided in a unified, interconnected, economically-efficient, and environmentally sound manner.

Respectfully submitted,

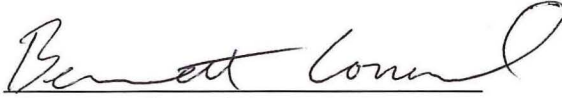
A handwritten signature in cursive script, reading "Bennett Conard", written in black ink. The signature is fluid and stylized, with a large loop at the end of the last name.

Bennett J. Conard, State Bar No. 1100005
Wisconsin Department of Transportation
4802 Sheboygan Avenue, Room 115-B
P. O. Box 7910
Madison, WI 53707-7910
(608) 266-8810

Attorney for Wisconsin Department of Transportation
November 25, 2015

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Petition for Extension of Negotiating Period in regards to **AB57 (Sub-No. 61X)**, by electronic mail, or regular mail pursuant to 49 C.F.R. §1104.12, this 25th day of November 2015, on all parties of record on the service list.

A handwritten signature in cursive script, reading "Bennett Conard", written over a horizontal line.

Bennett J. Conard, Attorney

State Bar No. 1100005

Wisconsin Department of Transportation

Office of General Counsel