



GRANTED

Office of
Proceedings

DECISION ID NO.: 45216
DECIDED DATE: 5/16/16
SERVICE DATE: 5/16/16
APPROVED: Rachel D Campbell

Director

☒ extended to 11/19/16

BEFORE THE
SURFACE TRANSPORTATION BOARD

240639

AB-303 (SUB-NO. 47X)
WISCONSIN CENTRAL LTD. –
ABANDONMENT EXEMPTION
IN LINCOLN COUNTY, WISCONSIN

ENTERED
Office of Proceedings
May 11, 2016
Part of
Public Record

**CITY OF TOMAHAWK
PETITION FOR EXTENSION OF NEGOTIATING PERIOD**

BACKGROUND

Wisconsin Central Ltd. (WCL) filed with the Surface Transportation Board (Board) a Notice of Exemption under 49 CFR 1152 Subpart F – Exempt Abandonments to abandon an .49-mile line of railroad, extending from milepost 132.89 and ending at milepost 133.38, all within the City of Tomahawk, Lincoln County, WI. The line traverses through United States Postal Service Zip Code 54487.

On November 6, 2015, the City of Tomahawk (CTW), a municipality in the State of Wisconsin, executed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the .49-mile segment of WCL railroad, from milepost 132.89 to milepost 133.38, all within CTW, Lincoln County, WI. On November 6, 2015, the Wisconsin Department of Transportation (WisDOT) filed a Petition for Interim Trail Use pursuant to 49 C.F.R. § 1152.29(a) 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 CTW for the full right-of-way involved in this proceeding. WisDOT and CTW 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 November, 9, 2015, WCL filed a letter with the Board stating its intent to negotiate with CTW for a possible interim trail use/rail banking agreement.

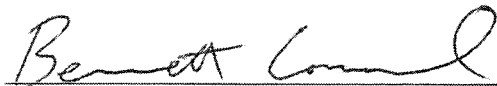
On service date November 25, 2015, the Board issued an NITU under 49 C.F.R. §1152.29, allowing CTW 180 days until May 23, 2016 to negotiate a trail use agreement with WCL.

CTW now respectfully requests the Board grant an additional 180 days to continue negotiations, which continue in good faith. Since November 2015, CTW ordered and has now received title work on the property to evaluate the consequences between a trail use and a full abandonment. CTW seeks an extension of the negotiating period to allow the parties to analyze the title work and determine how to proceed.

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 .49-mile segment of WCL railroad, from milepost 132.89 to milepost 133.38, all within CTW, Lincoln County, Wisconsin to CTW. This will allow all forms of transportation to be provided in a unified, interconnected, economically-efficient, and environmentally sound manner.

Respectfully submitted,



Bennett J. Conard, State Bar No. 1100005
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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 **AB303 (Sub-No. 47X)**, by electronic mail, or regular mail pursuant to 49 C.F.R. §1104.12, this 11th day of May 2016, on all parties of record on the service list.

A handwritten signature in black ink, appearing to read "Bennett Conard", written over a horizontal line.

Bennett J. Conard, Attorney
State Bar No. 1100005
Wisconsin Department of Transportation
Office of General Counsel