

DECISION ID NO.: 46692	DECIDED DATE: 11-7-18	SERVICE DATE: 11-8-18	APPROVED: <i>[Signature]</i> Director
			☒ Extended to 5-2-19 Office of Proceedings GRANTED

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-303 (SUB-NO. 44X)

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

246739

ENTERED
Office of Proceedings
November 2, 2018
Part of
Public Record

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

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 a line of railroad located in Forest County, Wisconsin, referred to herein as the “Line” between the northern edge of Prusinski Lane, at or about milepost 242.21 on the Pembine Sub (formerly milepost 243.00 on the old Shawano Sub) in or around Argonne, Forest County, Wisconsin and ending at milepost 235.85 on the Pembine Sub (formerly milepost 249.38 on the Old Shawano Sub) in Crandon, Forest County, Wisconsin, a distance of approximately 6.4 miles.

On August 4, 2014, the Wisconsin Department of Transportation (WisDOT) filed a Petition for Interim Trail Use, on behalf of the Wisconsin Department of Natural Resources (WDNR), pursuant to 49 C.F.R. § 1152.29(a) and 49 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 recreational purposes (including highway, pedestrian and other trail), subject to restoration for railroad purposes.

FILING FEE WAIVED

WisDOT and WDNR also agreed to work cooperatively to acquire and use the right of way.

On August 4, 2014, the WDNR also executed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the 6.4-mile segment of WCL railroad between the northern edge of Prusinski Lane, at or about milepost 242.21 on the Pembine Sub (formerly milepost 243.00 on the old Shawano Sub) in or around Argonne, Forest County, Wisconsin and ending at milepost 235.85 on the Pembine Sub (formerly milepost 249.38 on the Old Shawano Sub) in Crandon, Forest County, Wisconsin. On August 18, 2014, at the Board's request, WDNR executed and filed a corrected Statement of Willingness.

On service date August 26, 2014, the Board granted the petition and ordered the proceeding reopened for 180 days to permit WDNR and WCL to reach a trail/rail banking agreement, until February 22, 2015.

On service date February 9, 2015 WDNR petitioned for the Board to extend the NITU negotiation period for another 180 days to allow WDNR and WCL to continue negotiations. On service date February 18, 2015, the Board extended the NITU again for 180 days to August 21, 2015 for WDNR and WCL to continue negotiations.

On August 12, 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 WCL. WCL filed a letter supporting WDNR's request on August 13, 2015.

On service date August 24, 2015, the Board granted WDNR's petition and extended the negotiation period until February 17, 2016.

On February 16, 2016, 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 WCL.

On service date March 7, 2016, the Board granted WDNR's petition and extended the negotiation period until August 15, 2016.

On August 11, 2016, WDNR filed a petition requesting that the Board extend the negotiating period for 180 days to continue its acquisition negotiations with WCL.

On service date August 19, 2016, the Board granted WDNR's petition and extended the negotiation period until February 11, 2017.

On February 9, 2017, WDNR petitioned for the Board to extend the NITU negotiating period for another 180 days to allow WDNR and WCL to continue negotiations.

On February 24, 2017, the Board decided to grant WDNR's petition and extended the NITU for 180 days to August 10, 2017 (Decision ID number 45693).

On August 10, 2017, WDNR petitioned the Board to extend the NITU negotiating period for another 180 days to allow WCL and WDNR to continue negotiations.

On August 22, 2017, the Board decided to grant an extension of the NITU negotiating period for 180 days to February 6, 2018.

On February 5, 2018, WDNR entered into record a request to extend the NITU negotiating period for another 180 days. On February 8, 2018, WCL consented to the extension.

On February 9, 2018, the Board decided to grant an extension of the NITU negotiating period for 180 days to August 5, 2018.

On August 3, 2018, WDNR submitted a request to extend the NITU negotiating period 90 days to allow WCL and WDNR to continue negotiations; WCL consented to the 90-day extension request.

On August 8, 2018, the Board decided to grant the 90-day extension request to November 3, 2018 (Decision ID number 46560).

WDNR now respectfully requests the Board grant an additional 180 days to continue negotiations, which continue in good faith for the approximately 6.4 miles of corridor between Crandon and Argonne, Wisconsin. Since the Board's decision in August 2018, the WDNR has received a new appraisal for the property, hired additional real estate staff, and met with three potential partners on acquisition funding. WCL has agreed to consent to a 180-day extension request to allow for continuing negotiations for the corridor.

MOTION

Therefore, WDNR respectfully petitions the Board to extend the time period to reach a trail/rail banking agreement for the land corridor and related real property, for the segment of WCL railroad between the northern edge of Prusinski Lane, at or about milepost 242.21 on the Pembine Sub (formerly milepost 243.00 on the old Shawano Sub) in or around Argonne, Forest County, Wisconsin and ending at milepost 235.85 on the Pembine Sub (formerly milepost 249.38 on the Old Shawano Sub) in Crandon, Forest County, Wisconsin, a distance of approximately 6.4 miles. WDNR additionally requests waiver of the filing fee due to its status as a government entity.

Respectfully submitted,



Brigit E. Brown
Wisconsin Department of Natural Resources
PR/6, 101 S Webster Street
P. O. Box 7921
Madison, WI 53707-7921
(608) 266-2183
November 11, 2018

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of this Petition for Extension of Negotiating Period regarding **AB303 (Sub-No. 44X)**, upon all parties of record in this proceeding by electronic mail, pursuant to 49 C.F.R. §1104.12.



Brigit E. Brown
Wisconsin Department of Natural Resources
November 11, 2018