

DECISION ID NO.: 44362
DECIDED DATE: 3/25/15
SERVICE DATE: 3/20/15
APPROVED: Rachel Campbell
SUBJECT: Director
☒ extended to 9/10/15
Office of Proceedings

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-57 (SUB-NO. 61X)

237877

ENTERED
Office of Proceedings
March 4, 2015
Part of
Public Record

SOO LINE RAILROAD –
ABANDONMENT EXEMPTION
IN RACINE COUNTY, WISCONSIN

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

BACKGROUND

Soo Line Railroad Company, d/b/a Candian 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 (WisDNR) 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 WisDNR for the full right-of-way involved in this proceeding. WisDOT and WisDNR therein agreed to use or preserve the land corridor and

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related real property for interim public transportation and 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 WisDNR for a possible interim trail use/rail banking agreement.

On service date March 18, 2015, the Board issued an NITU under 49 C.F.R. §1152.29, allowing WisDNR 180 days until September 15, 2014 to negotiate a trail use agreement with Soo Line.

On September 16, 2014, WisDNR 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 WisDNR's request on September 16, 2014.

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

Since September 2014, WisDNR received, reviewed and approved an appraisal for the 10.63-mile corridor. On February 24, 2015 DNR staff made a verbal offer to Soo Line officials for acquisition of the corridor and followed up with written email communication. Soo Line indicated an interest to continue negotiation discussions with DNR for this segment from milepost 7.8 to milepost 18.43 in Racine County, Wisconsin.

CONCLUSION

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 WisDNR. This will allow all forms of transportation to be provided in a unified, interconnected, economically-efficient, and environmentally sound manner.

Respectfully submitted,

Kathleen Chung, State Bar No. 1032802
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March 4, 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 4th day of March 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