

 GRANTED Office of Proceedings	DECISION ID NO.: <u>45693</u>
	DECIDED DATE: <u>2/24/17</u>
	SERVICE DATE: <u>2/27/17</u>
	APPROVED: <u>Rachel D. Campbell</u> Director
	☒ <u>extended to 8/10/17</u>

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ENTERED
Office of Proceedings
February 9, 2017
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-303 (SUB-NO. 44X)

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

**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.

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.

WDNR now respectfully requests the Board grant an additional 180 days to continue negotiations, which continue in good faith; WCL has indicated consent to the extension request. Since the Board's decision in August, 2016, WDNR staff has been in discussions with appraisers regarding property appraisal and rail corridor valuation, and with potential funding partners to secure commitment for funding to better meet the financial needs of both of the negotiating parties. WDNR has also dedicated time to discussions regarding possible acquisition scenarios for the approximately 6.4 miles of corridor between Crandon and Argonne, Wisconsin.

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.

Respectfully submitted,



Brigit E. Brown
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February 9, 2017

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.

Supt Brown

Brigit E. Brown
Wisconsin Department of Natural Resources
February 9, 2017