

Wisconsin Department of Transportation

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July 10, 2007

217762

Mr. Vernon A. Williams, Secretary
Office of the Secretary
Surface Transportation Board, Room 1324
1925 K Street, N.W.
Washington, D.C. 20423-0001



RE: **STB Docket No. AB-303 (Sub-No. 18X) — Wisconsin Central LTD --**
Abandonment Exemption -- In Polk County, WI -- Motion for Extension of
Time to Reach Agreement on a Notice of Interim Trail Use

Dear Mr. Williams:

Enclosed for filing are the original and ten (10) copies of the Wisconsin Department of Natural Resources and Polk County's Motion for Extension of Time to Reach Agreement on a Notice of Interim Trail Use.

Please date stamp and return the duplicate copy of this transmittal letter in the prepaid, return mail envelope for verification of receipt. Thank you.

ENTERED
Office of Proceedings

JUL 11 2007

Part of
Public Record

Sincerely,

Allyn Lepeska
Attorney

Enclosures

pc: Vicki Schaefer
Michael Barron, Jr.
Deb Peterson
Richard Steffes

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-303 (SUB-NO. 18X)

**WISCONSIN CENTRAL LTD. -- ABANDONMENT EXEMPTION --
IN POLK COUNTY, WISCONSIN**

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES
AND POLK COUNTY JOINT
PETITION FOR EXTENSION OF NOTICE OF INTERIM TRAIL USE**

BACKGROUND

On November 24, 1997, Wisconsin Central Ltd. (WCL) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon its line of railroad known as the Dresser-Amery line, between milepost 47.83 in Dresser and milepost 63.08 (the end of the line) in Amery, a distance of 15.25 miles, in Polk County, WI. The line traverses U.S. Postal Service ZIP codes 54001 and 54009, and includes the stations of Wanderoos at milepost 56.3 and Amery at milepost 62.9.

On September 16, 1997, the State of Wisconsin Department of Natural Resources (WisDNR) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the segment of WCL railroad line between Dresser Milepost 47.83 and Amery Milepost 63.08, a distance of approximately 15.25 miles in Polk County, Wisconsin.

On December 18, 1997, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources filed a request for a Notice of Interim Trail Use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 CFR 1152.29. WCL indicated its willingness to negotiate with WisDNR for interim trail use.



The Board issued a NITU under 49 CFR 1152.29, which was served on March 13, 1998, allowing the WisDNR the full 180 days from date of service to negotiate a rail banking agreement with WCL. On September 4, 1998, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources filed a motion for extension of the negotiating period for 180 days. Under service date of October 2, 1998, the Board ordered that the NITU negotiating period is extended to March 8, 1999.

On November 19, 1998, Polk County sent a Statement of Willingness to WCL and the Board for this same segment of WCL railroad. Polk County is working closely with WisDNR to acquire the rail corridor.

On February 23, 1999, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources filed a motion for extension of the negotiating period for 180 days. Under service date of March 5, 1999, the Board ordered that the NITU negotiating period is extended to September 4, 1999.

On August 17, 1999, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a joint motion for extension of the negotiating period for 180 days. Under service date of August 30, 1999, the Board ordered that the NITU negotiating period is extended to March 2, 2000.

On February 18, 2000, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a joint motion for extension of the negotiating period for 180 days. Under service date of March 1, 2000, the Board ordered that the NITU negotiating period is extended to August 29, 2000.

On August 11, 2000, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a joint motion for extension of

the negotiating period for 180 days. Under service date of August 23, 2000, the Board ordered that the NITU negotiating period is extended to February 25, 2001.

On February 9, 2001, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a joint motion for extension of the negotiating period for 180 days. Under service date of February 27, 2001, the Board ordered that the NITU negotiating period is extended to August 24, 2001.

On August 23, 2001, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a motion for extension of the negotiating period for 180 days. Under service date of August 29, 2001, the Board ordered that the NITU negotiating period is extended to February 20, 2002.

On January 30, 2002, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a motion for extension of the negotiating period for 180 days. Under service date of February 19, 2002, the Board ordered that the NITU negotiating period is extended to August 19, 2002.

On August 12, 2002, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a motion for extension of the negotiating period for 180 days. Under service date of August 15, 2002, the Board ordered that the NITU negotiating period is extended to February 15, 2003.

On February 3, 2003, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a motion for extension of the negotiating period for 180 days. Under service date of February 14, 2003, the Board ordered that the NITU negotiating period is extended to August 14, 2003.

On July 28, 2003, the Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and WCL filed a motion for extension of the

negotiating period for 180 days. Under service date of August 13, 2003, the Board ordered that the NITU negotiating period is extended to February 10, 2004.

On January 28, 2004, the Wisconsin Central Limited and Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources filed a motion for extension of the negotiating period for 180 days. Under service date of February 10, 2004, the Board ordered that the NITU negotiating period is extended to August 8, 2004.

On July 27, 2004, the Wisconsin Central Limited and Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources filed a motion for extension of the negotiating period for 180 days. Under service date of August 5, 2004, the Board ordered that the NITU negotiating period is extended to February 4, 2005.

On January 24, 2005, the Wisconsin Central Limited and Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources filed a motion for extension of the negotiating period for 180 days. Under service date of January 31, 2005, the Board ordered that the NITU negotiating period is extended to August 3, 2005.

On July 14, 2005, Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and Polk County filed a motion for extension of the negotiating period for 180 days. Under service date of July 26, 2005, the Board ordered that the NITU negotiating period is extended to January 30, 2006.

On January 18, 2006, Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and Polk County filed a motion for extension of the negotiating period for 180 days. Under service date of January 30, 2006, the Board ordered that the NITU negotiating period is extended to July 29, 2006.

On July 7, 2006, Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and Polk County filed a motion for extension of the negotiating period for 180 days. Under service date of July 28, 2006, the Board ordered that the NITU negotiating period is extended to January 25, 2007.

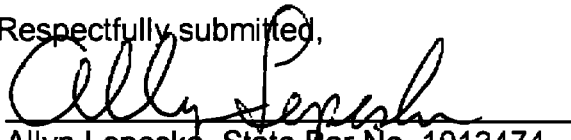
On January 18, 2007, Wisconsin Department of Transportation on behalf of the Wisconsin Department of Natural Resources and Polk County filed a motion for extension of the negotiating period for 180 days. Under service date of January 24, 2007, the Board ordered that the NITU negotiating period is extended to July 24, 2007.

WisDNR made an initial timely offer to WCL. Negotiations are currently continuing in good faith between WisDNR or Polk County and WCL. WCL did sell the portion between milepost 49.6 and milepost 63.08 but the parties are still negotiating on the portion between milepost 47.83 and milepost 49.6, and more time is needed to finalize negotiations.

MOTION

Therefore, WisDNR and Polk County move that the period prescribed to negotiate an interim trail use/rail banking agreement be extended for 180 days for the segment of line between milepost 47.83 and milepost 49.6.

Respectfully submitted,


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