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Public Record

June 3, 2026

VIA ELECTRONIC FILING

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

Re: **Docket No. FD 36928**
 Unity Line, LLC d/b/a Manitowoc Port & Terminal Railway –
 Operation Exemption – Rail Lines in Manitowoc County, Wis.

Dear Chief of Case Administration:

To avoid surprise on the part of Unity Line, LLC d/b/a Manitowoc Port & Terminal Railway LLC (“MP&TR”), other interested parties, or the Board with respect to MP&TR’s proposed operations in this docket, I write on behalf of Wisconsin Central Ltd. (“WCL”)¹ with additional, clarifying information.

In its May 21, 2026 letter, MP&TR says “[n]o *additional* headroom on WC/CN track has been or is required for such operations” (emphasis added). But “the current operations on Briess industry track” involve only WCL. Service provided by MP&TR – as opposed to service currently provided without MP&TR – does not come with a right to use WCL’s tracks. Although WCL identified this potential issue in its May 19, 2026 letter, MP&TR has not explained how or whether it will be able to move cars among the three tracks it proposes to operate without using track owned by WCL.

Similarly, MP&TR states that there are “two direct connections” between the tracks it proposes to operate and WCL, suggesting that the parties can work out all operational and interchange issues. WCL would, of course, provide reasonable interchange facilities for receipt of traffic from MP&TR should MP&TR otherwise be able to commence operations. *See* 49 U.S.C. § 10742. MP&TR, however, would also need to provide reasonable interchange facilities for

¹ WCL is a wholly-owned indirect subsidiary of Canadian National Railway Company. *See Canadian National Ry. Co. – Control – Wisconsin Central Transp. Corp.*, 5 S.T.B. 890 (2001).

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receipt of traffic from WCL, and it has not explained how it will do so using the three tracks it proposes to operate.²

In its May 21 letter, MP&TR insists on the accuracy of the maps and track descriptions it has provided. However, the schematic provided in Appendix A, which shows Tracks 3, 4, and 5—the tracks MP&TR intends to operate over as a common rail carrier—does not align with MP&TR’s narrative for the satellite views provided in Appendix E. Appendix E purports to show MP&TR’s connections to a WCL line, but the red arrows point to a cluster of tracks that are to the east of the cluster of tracks shown in Appendix A and do not appear to directly connect with Tracks 3, 4, and 5.³

MP&TR resorts to pejoratives (“feigned,” “disingenuous”) to distract from the fact that it has embarked on this effort without approaching WCL in any manner to plan for *the operations that are the subject of its notice of exemption*. MP&TR points to a unilateral and unsuccessful 2023 proposal to buy WCL’s entire line in Manitowoc, but admits that the operations proposed in 2023 were “broader geographically” than the current notice. They thus would not have presented the site-specific operational uncertainties posed by the current notice.

The Board’s authorization under a notice of exemption is permissive. *E.g., Ohio River Partners LLC – Acquis. & Oper. Exemption – Hannibal Dev., LLC*, FD 35984, slip op. at 3 (STB served Apr. 1, 2016). If MP&TR cannot perform the service authorized under the notice – for example, because it does not have a right to use the tracks it would need – then it would not be able to consummate its exemption authority and commence operations.

² MP&TR also cites 49 U.S.C. § 11103 in its May 21 letter, but Section 11103 does not apply in this situation. *See Minn. N. R.R. v. Canadian Nat’l Ry.*, NOR 42080, slip op. at 4-5 (STB served Mar. 18, 2005) (Section 11103 does not apply to interchange facilities between two rail carriers); *Battaglia Distributing Co., Inc. v. Burlington N. R.R.*, FD 32058, slip op. at 4 (STB served June 27, 1997) (“[a] lateral branch line, by definition, is a private line . . .”). Having availed itself of *Effingham* to seek authorization to operate as a rail carrier, MP&TR may not also rely on a statutory remedy that is available only for parties without such status.

³ Note that the top of the schematic in Appendix A is oriented east.

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I certify that a copy of this filing has been served by email upon all parties of record in this proceeding.

Respectfully submitted,

/s/ *Thomas J. Litwiler*

Thomas J. Litwiler
Attorney for Wisconsin Central Ltd.

TJL:tl

cc: Parties of Record