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August 16, 2017

244130

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20024

ENTERED
Office of Proceedings
August 16, 2017
Part of
Public Record

Re: **Docket No. AB-303 (Sub-No. 46X)**
Wisconsin Central Ltd. -- Abandonment
Exemption -- In Lake County, Illinois

Dear Ms. Brown:

Attached for filing in the above-captioned proceeding is the **Motion to Withdraw Abandonment Petition for Exemption of Wisconsin Central Ltd.**

If you have any questions regarding this filing, please feel free to contact me.
Thank you for your assistance on this matter. Kind regards.

Respectfully submitted,



Robert A. Wimbish
Attorney for Wisconsin Central Ltd.

Enclosure

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 46X)

WISCONSIN CENTRAL LTD.
-- ABANDONMENT EXEMPTION --
IN LAKE COUNTY, ILLINOIS

**MOTION TO WITHDRAW ABANDONMENT
PETITION FOR EXEMPTION OF
WISCONSIN CENTRAL LTD.**

Robert A. Wimbish
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**ATTORNEYS FOR
WISCONSIN CENTRAL LTD.**

Dated: August 16, 2017

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 46X)

WISCONSIN CENTRAL LTD.
-- ABANDONMENT EXEMPTION --
IN LAKE COUNTY, ILLINOIS

**MOTION TO WITHDRAW ABANDONMENT
PETITION FOR EXEMPTION OF
WISCONSIN CENTRAL LTD.**

Wisconsin Central Ltd. (“WCL”) hereby requests that the Surface Transportation Board (the “Board”) permit it to withdraw without prejudice its petition for exemption in the above-referenced docket. As explained herein, the subject railroad line remains unabandoned due to the existence of significant legal impediments to consummation, and recent developments have prompted WCL to reconsider its plans to remove the line from the interstate network.

WCL, successor to the Elgin, Joliet and Eastern Railway Company,¹ filed a petition for exemption in this docket on March 11, 2015, to abandon a line of railroad (the “Line”) extending from milepost 71.0 in North Chicago, Illinois, to the end of track at milepost 74.6 in Waukegan, Illinois, a total distance of 3.6 miles. On June 25, 2015, the Board granted the abandonment petition, subject to three environmental conditions. Those conditions subsequently were removed by way of a Director’s Order served on February 1, 2016.

WCL subsequently realized that, although authorized to do so, it could not consummate the Board-authorized abandonment due to the presence of extant trackage rights tenancies on the Line. Specifically, Chicago, Central & Pacific Railroad Company, Grand Trunk

¹ Wisconsin Central Ltd. – Intra-Corporate Family Merger Exemption – Elgin, Joliet and Eastern Railway Company, Docket No. FD 35630 (STB served Jun. 8, 2012).

Western Railroad Company, Illinois Central Railroad Company, and Union Pacific Railroad Company all possess Board-authorized trackage rights over the Line.² None of the tenant railroads has sought authority to discontinue its respective trackage rights over the Line, and until discontinued such rights are a barrier to abandonment consummation.³

The subject abandonment was largely intended to accommodate a transfer of WCL's interest in the Line's real estate to facilitate municipal waterfront redevelopment in Waukegan. However, extensive negotiations have not resulted in any agreement to sell WCL's interests, and it appears that the waterfront redevelopment has not progressed as anticipated.

In addition, the Line continues to host rail traffic, and new and potentially significant freight opportunities have arisen, prompting WCL to reassess the abandonment and to opt to retain the Line as part of WCL's network. In its abandonment petition, WCL explained that it intended to relocate International Precision Components Corporation – then and now an active customer on the Line – to another point on the WCL system. Such relocation has not occurred, in large measure because of an inability to identify a suitable, mutually acceptable alternate location. Moreover, the Line connects with a Waukegan electricity generating plant controlled by NRG Energy, Inc. This plant continues to regularly receive coal shipments, currently by way of another railroad. However, WCL believes that it may have the opportunity

² Canadian National Railway Company and Grand Trunk Corporation – Control – EJ&E West Company, Docket No. FD 35087; Chicago, Central & Pacific Railroad Company – Trackage Rights Exemption – EJ&E West Co., Docket No. FD 35087 (Sub-No. 2); Grand Trunk Western Railroad Inc. – Trackage Rights Exemption – EJ&E West Co., FD Docket No. FD 35087 (Sub-No. 3); and Illinois Central Railroad – Trackage Rights Exemption – EJ&E West Co., Docket No. FD 35087 (Sub-No. 4) (STB served jointly Dec. 24, 2008); and Union Pacific Railroad Company – Trackage Rights Exemption – Elgin, Joliet and Eastern Railway Company, Docket No. FD 33821 (STB served Dec. 20, 1999). The first three railroads are WCL affiliates.

³ See Missouri Pac. R. Co. -- Aban. -- Osage, Lyon & Morris Count., KS, 9 I.C.C.2d 1228, 1230 (1993).

to resume coal deliveries to the plant. Finally, Taiwan-based electronics manufacturing concern Hon Hai Precision Industry Co., Ltd., trading as Foxconn Technology Group, has announced plans to build a \$10 billion flat screen television manufacturing plant in nearby Kenosha, Wisconsin, which could result in new rail-truck transload opportunities for WCL in Waukegan.

For these and related business development reasons, WCL has concluded that retaining the Line would be in WCL's strategic interest. It accordingly seeks Board permission to withdraw the subject abandonment petition for exemption without prejudice. In so moving to withdraw its petition, WCL acknowledges that, should future developments warrant abandonment of the Line, WCL would seek anew to secure abandonment authorization through appropriate Board procedures.

WHEREFORE, WCL respectfully requests that the Board grant its motion to withdraw the subject abandonment petition for exemption.

Respectfully submitted,

By: 
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