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ENTERED
Office of Proceedings
September 28, 2018
Part of
Public Record

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September 28, 2018

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

Re: **Docket No. AB-303 (Sub-No. 50X)**
Wisconsin Central Ltd. – Discontinuance of Service Exemption – In
Ashland and Price Counties, Wis.

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding is a **Verified Notice of Exemption of Wisconsin Central Ltd. Pursuant to 49 C.F.R. § 1152.50**, dated September 28, 2018. The filing fee was delivered via Federal Express today.

The proposed action entails the discontinuance of rail common carrier service over the subject rail line, rather than abandonment. Accordingly, no environmental/ historic report has been prepared as part of this proceeding.

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,



Bradon J. Smith
Attorney for Wisconsin Central Ltd.

BJS/bs
Enclosures

FEE RECEIVED
September 28, 2018
SURFACE
TRANSPORTATION BOARD

FILED
September 28, 2018
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 50X)

WISCONSIN CENTRAL LTD.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN ASHLAND AND PRICE COUNTIES, WIS.

**VERIFIED NOTICE OF EXEMPTION OF
WISCONSIN CENTRAL LTD.
PURSUANT TO 49 C.F.R. § 1152.50**

Bradon J. Smith
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606
(312) 252-1500

**ATTORNEY FOR WISCONSIN CENTRAL,
LTD.**

Dated: September 28, 2018

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 50X)

WISCONSIN CENTRAL LTD.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN ASHLAND AND PRICE COUNTIES, WIS.

**VERIFIED NOTICE OF EXEMPTION OF
WISCONSIN CENTRAL LTD.
PURSUANT TO 49 C.F.R. § 1152.50**

Wisconsin Central Ltd., (“WCL”) hereby submits this Verified Notice of Exemption (“the Notice”) under 49 C.F.R. § 1152.50 to discontinue common carrier service over a portion of WCL’s Ashland Subdivision extending approximately 58.4 miles from milepost 434.4 at Ashland, in Ashland County, Wisconsin, to milepost 376.0 near Park Falls in Price County, Wisconsin (“the Line”). A map showing the Line is attached hereto as Exhibit A.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), WCL submits the following information:

General Corporate Information: 49 C.F.R. § 1152.22(a)(1) - (2)

WCL is a common carrier by railroad subject to Title 49 United States Code, Subtitle IV, Chapter 105 that owns and operates approximately 1,900 miles of rail line in five Midwestern states.

The complete name and address of WCL is:

Wisconsin Central Ltd
17641 S. Ashland Avenue
Homewood, IL 60430-1345

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board's discontinuance of service class exemption procedures at 49 C.F.R. § 1152.50(b), WCL seeks to discontinue common carrier service over a portion of WCL's Ashland Subdivision extending approximately 58.4 miles from milepost 434.4 (in the north) in Ashland (in an eponymous county), Wisconsin, to milepost 376.0 (in the south) near Park Falls in Price County, Wisconsin (the "Line").

Map: 49 C.F.R. § 1152.22(a)(4)

A map showing the location of the Line and its relation to other rail lines, highways and geographic features in the area is attached hereto as Exhibit A.

Applicant's Representative: 49 C.F.R. § 1152.22(a)(7)

Any correspondence regarding the proposed discontinuance should be sent to WCL's representative as follows:

Bradon J. Smith
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, IL 60606
(312) 252-1500

ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)

The Line traverses United States Postal Service ZIP Codes 54806, 54855, 54846, 54546, 54527, 54514, and 54552.

Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)

WCL certifies that no local traffic has moved over the Line for at least two years and that there is no overhead traffic on the Line to be rerouted over other lines. WCL further certifies that no formal complaint by a user of rail service on the Line (or a state or local

governmental entity acting on behalf of such user) regarding cessation of service on the Line either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years. See Certification and Verification of Brian Buchanan, attached hereto as Exhibit B.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

WCL intends to consummate the proposed discontinuance on or shortly after November 20, 2018, although no further action is required for consummation.

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)

The informational requirement of Section 1152.22(e)(4) (alternative public uses of rail property) is pertinent only where a railroad proposes to abandon rail property, not where (as here) the railroad proposes solely to discontinue service.¹ WCL is unaware of any alternative public use for which the subject rail property might be appropriate.

Notice Requirement: 49 C.F.R. §§ 1152.50(d)(1), 1105.12

WCL has certified that the agencies designated in 49 C.F.R. § 1152.50(d)(1) have been served with written advance notice of the proposed discontinuance, and that the newspaper notice required by 49 C.F.R. § 1105.12 has been published. See Exhibit C. For reasons set forth in the “Environmental and Historic Report” section below, the certification of service

¹ See, e.g., Columbus and Greenville Railway Company — Discontinuance of Service Exemption — In Greenwood, Mississippi, Docket No. AB-297 (Sub-No. 103X) (STB served July 3, 2007) at 2 n.2 (“Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate”); Norfolk Southern Railway Company — Discontinuance Exemption — In Mahoning County, Ohio, Docket No. AB-290 (Sub-No. 292X) (STB served March 15, 2007) at 2 n.2 (same); Chillicothe-Brunswick Rail Maintenance Authority — Discontinuance Exemption — In Livingston, Linn and Chariton Counties, Missouri, Docket No. AB-1001X (STB served February 23, 2007) at 2 n.3 (same).

requirement at 49 C.F.R. § 1105.11 (transmittal of Environmental and Historic Reports) is inapplicable.

Labor Protection: 49 C.F.R. § 1152.50(d)(2)

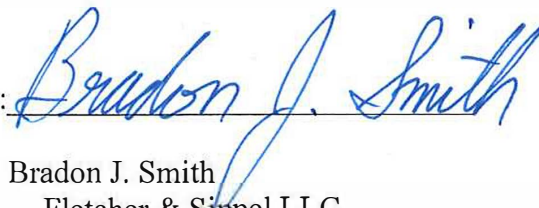
The appropriate level of labor protection for the transaction proposed herein is that set forth in Oregon Short Line R.R. – Abandonment – Goshen, 360 I.C.C. 91 (1979). No WCL employees will be adversely affected by the proposed abandonment.

Environmental and Historic Preservation Data: 49 C.F.R. § 1105

A notice of exemption to discontinue service over (rather than to abandon) a line of railroad that has been out of service for more than two years does not require the preparation or submission of an Environmental/Historic Report.²

Respectfully submitted,

By:



Bradon J. Smith
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

**ATTORNEY FOR WISCONSIN CENTRAL
LTD.**

Dated: September 28, 2018

² See, e.g., Union Pacific Railroad Company — Discontinuance Exemption — In Oklahoma City, Oklahoma, Docket No. AB-33 (Sub.- No. 239X) (“... the categorical exclusion means that UP was not required to submit either environmental or historic reports.”)

BEFORE THE
SURFACE TRANSPORTATION BOARD

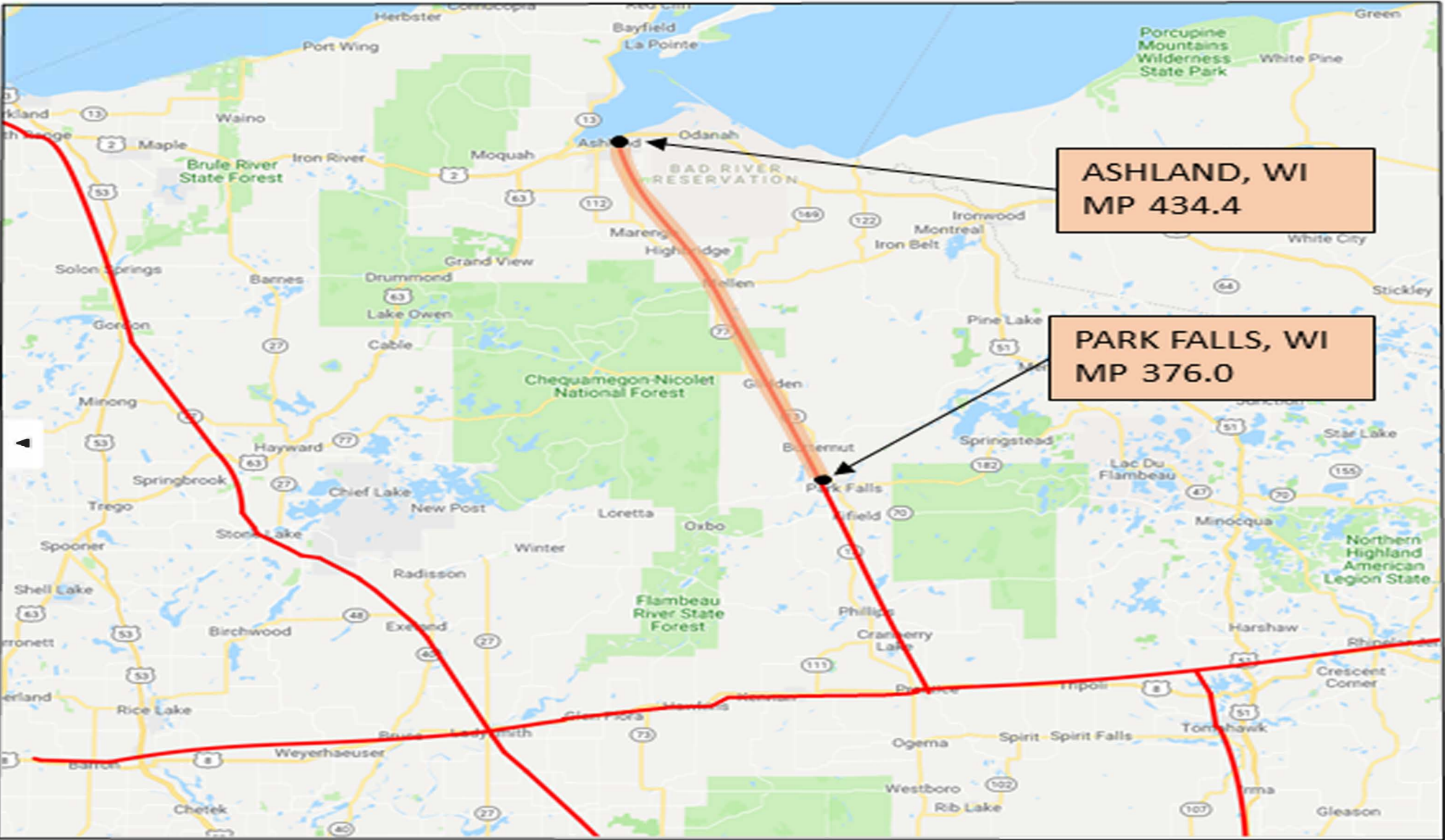
DOCKET NO. AB-303 (SUB-NO. 50X)

WISCONSIN CENTRAL LTD.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN ASHLAND AND PRICE COUNTIES, WIS.

EXHIBIT A

MAP

Wisconsin Central Ltd. – Discontinuance of Service Exemption – In Ashland and Price Counties, Wisconsin



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 50X)

WISCONSIN CENTRAL LTD.
– DISCONTINUANCE OF SERVICE EXEMPTION –
ASHLAND AND PRICE COUNTIES, WIS.

EXHIBIT B

CERTIFICATION AND VERIFICATION OF BRIAN BUCHANAN

DOCKET NO. AB-303 (SUB-NO. 50X)

WISCONSIN CENTRAL LTD.

– DISCONTINUANCE OF SERVICE EXEMPTION –

ASHLAND AND PRICE COUNTIES, WISCONSIN

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

Brian Buchanan, being duly sworn, deposes and says:

1. Wisconsin Central Ltd. (“WCL”) intends to discontinue common carrier service over a portion of WCL’s line of railroad on its Ashland Subdivision extending approximately 58.4 miles from milepost 434.4 (in the north) in the city of Ashland in Ashland County, Wisconsin to milepost 376.0 (in the south) near Park Falls in Price County, Wisconsin (“the Line”).
2. There has been no local traffic over the Line for at least two years, and there is no overhead traffic to be rerouted over other lines; and
3. No formal complaint filed by a user of rail service (or a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the past two years.
4. I have read the foregoing abandonment notice of exemption; know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief; and state that I am duly authorized to make such verification on behalf of WCL.

Dated: 9/25, 2018



Brian Buchanan
Manager of Corporate Development
Illinois Central Railroad Company

Subscribed and sworn to before me
this 25th day of September 2018.


Notary Public



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 50X)

WISCONSIN CENTRAL LTD.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN ASHLAND AND PRCIE COUNTIES, WIS.

EXHIBIT C

**CERTIFICATES OF SERVICE AND
PUBLICATION**

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2018, in accordance with the requirements of 49 C.F.R. § 1152.50(d)(1), notice in the attached form was served by first class mail, postage prepaid, upon the following:

Military Surface Deployment & Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5006

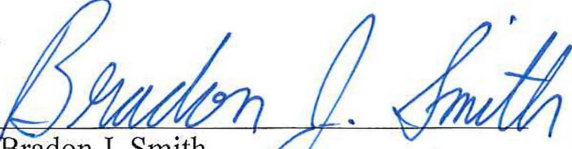
Mr. Robert Ratcliffe
Chief, Conservation & Outdoor Recreation
National Park Service
1849 C Street, N.W., Org. Code 2220
Washington, DC 20240-0001

Mr. Thomas L. Tidwell
Chief of the Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250-1111

Wisconsin Department of Administration
P.O. Box 7868
101 East Wilson Street, 6th Floor
Madison, WI 53707-7868

Wisconsin Department of Transportation
Hill Farms State Transportation Building
4802 Sheboygan Avenue
P.O. Box 7910
Madison, WI 53707-7910

September 28, 2018


Bradon J. Smith
Attorney for Wisconsin Central Ltd.

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www.fletcher-sippel.com

BRADON J. SMITH
(312) 252-1516
bsmith@fletcher-sippel.com

September 10, 2018

Ms. Vicki Christiansen
Interim Chief of the Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250-1111

Re: **STB Docket No. AB-303 (Sub-No. 50X)**
Wisconsin Central Ltd. – Discontinuance of Service Exemption – In
Ashland and Price Counties, Wisconsin

Dear Interim Chief Christiansen:

On or about September 22, 2018, Wisconsin Central, Ltd. ("WCL") expects to file with the Surface Transportation Board ("STB") a notice of exemption ("Notice") pursuant to 49 C.F.R. Part 1152, Subpart F – *Exempt Abandonments and Discontinuances of Service and Trackage Rights*, to discontinue common carrier service over a portion of WCL's Ashland Subdivision railroad line (the "Line") extending approximately 58.4 miles from milepost 434.4 at Ashland, in Ashland County, Wisconsin, to milepost 376.0 near Park Falls in Price County, Wisconsin. The Line traverses United States Postal Service ZIP Codes 54806, 54855, 54846, 54546, 54527, 54514, and 54552. The proceeding will be docketed as STB Docket No. AB-303 (Sub-No. 50X). A map depicting the Line is enclosed herewith.

This proceeding involves the discontinuance of common carrier service over the Line, and not its abandonment. WCL understands the question of whether the Line contains federally-granted rights-of-way is inapplicable. The Line is not suited at this time for alternative public use. Any documentation in the railroad's possession will be made available promptly to those requesting it.

If you have any questions about the Notice that WCL plans soon to file, please review the applicable regulations or contact me or the Surface Transportation Board, 395 E Street, SW Washington, DC 20423-0001; TEL: (202) 245-0230.

Sincerely,

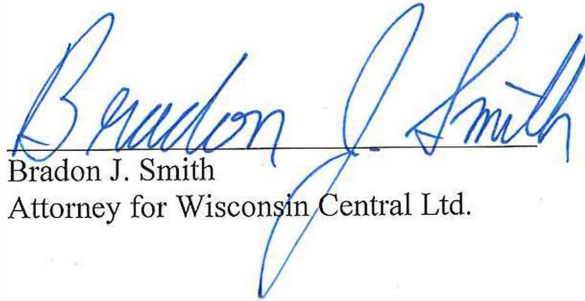

Bradon J. Smith
Attorney for Wisconsin Central Ltd.

Enclosure

CERTIFICATE OF NEWSPAPER PUBLICATION

I certify that a "Notice of Intent to Discontinue Rail Service," in the form prescribed by the Surface Transportation Board and as attached hereto, was published on September 12, 2018, in the ASHLAND DAILY PRESS, a newspaper of general circulation in Ashland County, Wisconsin, and on September 20, 2018, in the PRICE COUNTY REVIEW, a newspaper of general circulation in Price County, Wisconsin.

September 28, 2018



Bradon J. Smith
Attorney for Wisconsin Central Ltd.