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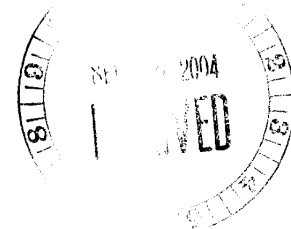
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September 18, 2004

VIA FEDERAL EXPRESS

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 700
Washington, DC 20006



Re: **Docket No. AB-303 (Sub-No. 27)**
Wisconsin Central Ltd. -- Abandonment --
In Ozaukee, Sheboygan and Manitowoc Counties, WI

Dear Secretary Williams:

Applicant Wisconsin Central Ltd. ("WCL") does not object to the request for an interim trail use and rail banking condition in the above-captioned abandonment proceeding in the form sought by the Wisconsin Department of Transportation ("WisDOT") in its August 13, 2004 Comments and Petitions in the Alternative herein (at 7-9 and Exhibit 2). WCL is willing to negotiate with WisDOT and the Wisconsin Department of Natural Resources for a possible interim trail use/rail banking agreement with respect to the 37-mile WCL line between Saukville and Kiel, Wisconsin which is the subject of this abandonment proceeding.

As WCL previously indicated in its Reply to Protest and Comments filed herein on August 30, 2004 (at 21, n.12), WisDOT's concurrent request for imposition of a public use condition under 49 U.S.C. § 10905 is unwarranted given that WisDOT seeks such a condition solely to facilitate future arrangements for rail service on the line. See WisDOT Comments at 6-7. Public use conditions under 49 U.S.C. § 10905 apply to potential non-rail public uses of the right-of-way and are not available for the purposes sought by WisDOT here. Wisconsin Central Ltd. -- Abandonment Exemption -- In Douglas, Washburn and Barron Counties, WI, Docket No. AB-303 (Sub-No. 12X) (ICC served April 20, 1993) at 6 (rejecting WisDOT request for public use condition in prior WCL abandonment where condition was sought "in order to preserve an immediate opportunity for local preservation or restoration of rail service."); see also, e.g., Georgia Southwestern Division, South Carolina Central Railroad -- Abandonment Exemption -- Between Preston and Omaha, GA, Docket No. AB-385 (Sub-No. 2X) (STB served July 25, 1996) at 6 ("Under ICC precedent, preserving a rail line for rail freight service is not considered a public use under section 10906 [now section 10905].")

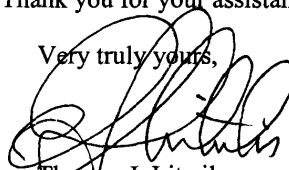
FLETCHER & SIPPEL LLC

Mr. Vernon A. Williams
September 18, 2004
Page 2

As these decisions indicate, the appropriate procedure for preservation of rail freight service on a line approved for abandonment is the filing of an offer of financial assistance under 49 U.S.C. § 10904 and 49 C.F.R. § 1152.27. Indeed, a notice of intent to file an OFA already has been submitted in this proceeding. WCL thus opposes WisDOT's request for a public use condition.

Ten copies of this letter are enclosed for filing at the Board. One extra copy also is enclosed, and I would request that you date-stamp that copy to show receipt of this filing and return it to me in the provided envelope. Thank you for your assistance on this matter.

Very truly yours,



Thomas J. Litwiler
Attorney for Wisconsin Central Ltd.

TJL:tl

Enclosures

cc: Allyn J. Lepeska, Esq., WisDOT
Joseph C. Levin, Esq., Room 650