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ENTERED  
Office of Proceedings  
September 8, 2020  
Part of  
Public Record

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SEPTEMBER 8, 2020

**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. 56X)**  
**Wisconsin Central Ltd. — Abandonment Exemption — In**  
**Outagamie County, Wis.**

Dear Ms. Brown:

Attached for filing in the above-captioned proceeding is a **Request for Expedited Effective Date**. Payment of the applicable filing fee has been tendered electronically via Pay.gov.

The proposed action entails a request to expedite the effective date of an notice of exemption to abandon a line of rail filed this date in this same docket.

If you have any questions regarding this filing, please contact me at either [thealey@fletcher-sippel.com](mailto:thealey@fletcher-sippel.com) or (312) 252-1505. Thank you for your assistance on this matter.

Respectfully submitted,



Thomas J. Healey

TJH:th FEE RECEIVED  
Enclosure September 8, 2020  
SURFACE  
TRANSPORTATION BOARD

FILED  
September 8, 2020  
SURFACE  
TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. AB 303 (SUB-NO. 56X)

WISCONSIN CENTRAL LTD.  
— ABANDONMENT EXEMPTION —  
IN OUTAGAMIE COUNTY, WIS.

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**REQUEST FOR EXPEDITED EFFECTIVE DATE**

In connection with the Notice of Exemption (“Notice”) concurrently filed in this docket, Wisconsin Central Ltd. (“WCL”) seeks an expedited effective date for the proposed abandonment. Specifically, WCL asks the Board to make the exemption invoked in this docket effective on October 13, 2020, which is 15 days earlier than the October 28, 2020 date on which the exemption would normally be effective. That relief will accommodate the significant public interest of the City of Kaukauna, Wisconsin (the “City”) in advancing a riverfront pedestrian bridge project during this construction season. It is also appropriate given that the involved rail line segment was the subject of a prior abandonment exemption and environmental review seven years ago and such abandonment authorization has lapsed.

In order for the effective date to be advanced by 15 days, WCL requests that the Board shorten the deadline for filing petitions for reconsideration, comments on the Environmental Assessment, and requests for public use conditions (normally to be filed within 20 days of publication in the *Federal Register* pursuant to 49 C.F.R. Section 1152.50(d)(3)) to within 10 days of the *Federal Register* notice (consistent with the date for filing notices of intent for offers of financial assistance), so that consideration of any of those (unlikely) filings could be had before the abandonment exemption becomes effective.

The facts presented in the Notice and the Verified Statement of Jacqueline A. Macewicz, attached hereto as Exhibit A merit an expedited effective date for abandonment. The Line at issue is extremely short, being only 0.30 miles in length. The Line was included in a previous abandonment under the Board's class exemption procedures, and was authorized for abandonment in that docket just seven years ago. *Wisconsin Central Ltd.—Abandonment Exemption—in Kaukauna, Outagamie County, Wisconsin*, Docket No. AB 303 (Sub-No. 40X)(STB served March 20, 2013). But for the City's determination that the Line wasn't needed for its trail as planned at that time, the Line would already have been conveyed to the City with the rest of the right of way under the Notice of Interim Trail Use issued in the Sub-No. 40X proceeding. Because it wasn't, the Sub-No. 40X abandonment authority for the Line has lapsed, but the Line remains eligible for the Board's class exemption procedures. There are no historic structures on the Line (or, indeed, any structures of any kind), and the Wisconsin SHPO has already determined that no historic structures will be adversely affected by abandonment. As explained in the attached Macewicz verified statement, an accelerated effective date will provide the City with over two additional weeks to undertake construction on the new pedestrian bridge on the WCL right of way before winter typically arrives in central Wisconsin, and help assure that the grant funding deadlines for that project are satisfied.

Significant Board precedent supports the shortening of time for the effective date of abandonments for good cause shown. In *Wisconsin Central Ltd.—Abandonment Exemption—in Douglas County, Wisconsin*, Docket No. AB 303 (Sub-No. 10X)(STB served October 7, 1992), the Board shortened the effective date of a petition for exempt abandonment by 15 days, in light of WCL's desire to reuse the track and ties on other portions of the WCL system, and the impending onset of winter weather. Similar accommodations can be found in:

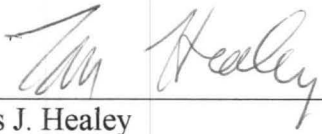
- *CSX Trans., Inc. – Aban. Exemption – in Glynn County, GA*, Docket No. AB 55 (Sub-No. 697X)(STB served July 9, 2009) (shortening the effective date for an abandonment under a petition for exemption, shortening the deadline for offers of financial assistance to ten days after service of the Board decision, reducing the time for filing petitions to stay to five days before the effective date of the decision, and noting that in light of the railroad’s request for expedited action, the (then) Section of Environmental Analysis had issued an Environmental Assessment earlier than the usual timeframe and shortened the comment period);

- *Union Pac. R.R. Co. – Aban. Exemption – in Orange County, CA*, Docket No. AB 33 (Sub-No. 80X) (STB served November 10, 1993) (making the abandonment pursuant to an individual exemption effective 15 days after the Board’s decision, with other due dates “shortened where necessary to accommodate the expedited effective date” so as to accommodate expansion of parallel commuter rail service); and

- *GA Dept. of Trans. – Aban. Exemption – in Fulton County, GA*, Docket AB 1096X (STB served April 20, 2012) (Office of Environmental Analysis noting the shortening of the time period for comments on the Environmental Assessment to accommodate expedited consideration of abandonment).

Similar to these and other proceedings, shortening the effective date of the abandonment exemption in this docket is clearly in the public interest. Allowing even two additional weeks for construction activity may be critical to keeping the City’s construction plans on schedule, and allowing the City to qualify for the maximum amount of possible grant money. WCL believes that a shortened effective date is merited in this docket, and requests that the Board grant the relief sought herein.

Respectfully submitted

By: \_\_\_\_\_

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Chicago, Illinois 60606  
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**ATTORNEY FOR WISCONSIN  
CENTRAL LTD.**

Dated: September 8, 2020

**VERIFIED STATEMENT**

1. My name is Jacqueline A. Macewicz. I serve as the Manager, Public Works for Wisconsin Central Ltd. ("WCL") in Superior, Wisconsin. I have held this position since September 1, 2008.

2. In my position with WCL, I act as a representative for the railroad's engineering department in working with state departments of transportation and local agencies and communities in Wisconsin and Minnesota.

3. I am familiar with the facts regarding WCL's efforts to abandon a small portion (.30 miles) of its stub-ended line of railroad between milepost 114.0 and 113.7 in Kaukauna, Outagamie County, Wisconsin. Specifically, I have had multiple discussions with representatives of the City of Kaukauna (the "City") and its contractors regarding their efforts to construct a long pedestrian bridge over the Fox River, to be called the "Fox River Boardwalk," to connect an existing trail in Kaukauna (built on former WCL right of way) with the Heritage Parkway Trail across the river in Little Chute. Work has begun on the new bridge and trail segments (although not on WCL's existing right of way), and the City intends to complete the construction project by June 30, 2021. WCL intends to convey a portion of the right of way that is the subject of this Notice of Exemption to the City for placement of a portion of the new bridge and trail extension.

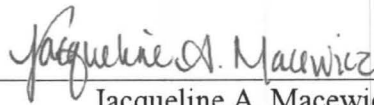
4. The City has advised me that if the bridge and related trail construction project is not completed by June 30, 2021, a portion of the grant money that the City intends to use to pay for the construction may not be available.

5. As most people are aware, winter is a formidable obstacle to outdoor construction projects in Wisconsin. According to the web site [www.weather.com](http://www.weather.com), the first snowfall

in Appleton Wisconsin (only about ten miles west of Kaukauna) can be expected around November 15. See [https://www.weather.gov/grb/climate\\_averagefirstsnow](https://www.weather.gov/grb/climate_averagefirstsnow). Similarly, asphalt plants in central Wisconsin also close around this date. It is important for the City to be able to commence construction activities on the WCL right of way during this construction season in order to assure the timely completion of the project and the continued availability of the grant funding for the project. In order to accommodate the significant public interest in the City's project, WCL is seeking an early effective date for its abandonment exemption. Even a few weeks of additional construction time may be critical to the success of the City's project.

\* \* \* \* \*

Jacqueline A. Macewicz, under penalty of perjury, declares and verifies that she is Manager, Public Works of Wisconsin Central Ltd., that she has read the foregoing statement and knows the facts asserted therein, and that the same are true as stated.



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Jacqueline A. Macewicz

Dated: September 8, 2020