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August 14, 2014

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

 GRANTED Office of Proceedings	DECISION ID NO.: <u>43974</u>
	DECIDED DATE: <u>8/21/14</u>
	SERVICE DATE: <u>8/22/14</u>
	APPROVED: <u>Rachel D. Campbell</u> Director
☒ <u>extended to 9/2/15.</u>	

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ENTERED
Office of Proceedings
August 14, 2014
Part of
Public Record

Re: **Docket No. AB-303 (Sub-No. 18X)**
Wisconsin Central Ltd. - Abandonment
Exemption - In Polk County, Wisconsin

Dear Ms. Brown:

By decision served March 13, 1998, the Board authorized Wisconsin Central Ltd. ("WCL") to abandon a line of railroad extending from milepost 47.83 to milepost 63.08 in Polk County, Wisconsin, subject to a Notice of Interim Trail Use. The segment from milepost 49.6 to milepost 63.08 was sold pursuant to 16 U.S.C. § 1247 in 2003. Pursuant to a series of STB decisions, the most recent served December 27, 2010, the segment from milepost 47.83 to milepost 49.6 remained under an NITU that expired July 3, 2011. The Wisconsin DNR and Polk County had indicated to WCL that they did not wish to extend the NITU for the segment from milepost 47.83 to milepost 49.6 when it expired.

Thereafter, on May 18, 2011 WCL filed a notice of discontinuance on the segment from milepost 47.83 to milepost 49.6, but in that notice asked the Board to extend the consummation date for abandonment because there was a possibility of a new quarry opening that would result in future rail traffic on the segment.

By order served August 8, 2011, the Board granted an extension until September 2, 2012 to file a notice of consummation of abandonment on the segment. By order served August 29, 2012, the Board continued the extension until September 2, 2013. By order served August 19, 2013, the Board continued the extension until September 2, 2014.

The quarry developers have determined to not go forward, but the owner of the site for which the quarry was planned is still hoping to develop the property for commercial purposes. Therefore, WCL believes that one more extension to file a notice of consummation is

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warranted. This allows WCL to keep the rail assets in place in case the property owner is successful in developing the subject property commercially, while at the same time potentially avoiding the expense of having to refile an abandonment for a segment that has been out of service pursuant to a prior abandonment authorization for over sixteen years. This state of affairs is consistent with STB precedent. See, CSX Transportation, Inc. – Discontinuance of Service Exemption – in Jefferson and Indiana Counties, Pennsylvania, Docket No. AB-55 (Sub-No. 457X)(ICC served November 17, 1993). This is also consistent with the Federal Rail Policy as set forth in 49 U.S.C. § 10101(2) and (7) in that granting an extension of the due date for consummation by one year minimizes the need for federal regulatory control over this segment and reduces regulatory barriers to entry to or exit from the industry for the segment under review.

Therefore, WCL respectfully requests that the STB grant one more additional one-year extension on the due date for filing a notice of consummation of abandonment on the segment from milepost 47.83 to milepost 49.6.

Please contact me if you have questions.

Very truly yours,


Michael J. Barron, Jr.
Counsel for Wisconsin Central Ltd.

MJB/ekf