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September 19, 2019

248493

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
September 19, 2019
Part of
Public Record

Re: **Docket No. AB-303 (Sub.-No. 53X)**
Wisconsin Central Ltd. — Discontinuance of Service Exemption — In
Baraga County, Michigan

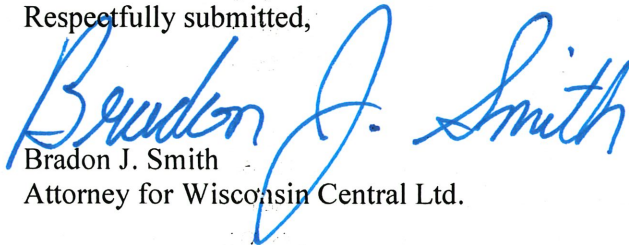
Dear Ms. Brown:

Attached for filing in the above-captioned proceeding is a **Verified Discontinuance of Service Notice of Exemption of Wisconsin Central Ltd.** pursuant to 49 C.F.R. § 1152.50. Payment of the applicable filing fee of \$4,200.00 has been tendered electronically with this filing via Pay.gov.

The proposed action entails the discontinuance of common carrier rail service over the subject rail line, rather than abandonment of the line. Accordingly, no combined Environmental and Historic Report needs to be, or has been, prepared in support of the notice.

If you have any questions regarding this filing, please contact me at either bsmith@fletcher-sippel.com or (312) 252-1516. 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 19, 2019
SURFACE
TRANSPORTATION BOARD

FILED
September 19, 2019
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 53X)

WISCONSIN CENTRAL LTD.
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN BARAGA COUNTY, MICHIGAN

**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 19, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB.-NO. 53X)

WISCONSIN CENTRAL LTD.
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN BARAGA COUNTY, MICHIGAN

**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”) pursuant to 49 C.F.R. § 1152.50 to discontinue common carrier service over a portion of WCL’s Marquette Subdivision extending approximately 4.9 miles between milepost 219.0 at L’Anse (southwest of the intersection of U.S. 41 and Menge Creek Rd.) to milepost 223.9 at Baraga, all of which lies within Baraga County, Michigan (the “Line”). In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), WCL submits the following information:

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

WCL qualifies to invoke the Board’s discontinuance of service class exemption procedures codified at 49 C.F.R. § 1152.50. No local traffic has moved over the Line for 2 years; overhead traffic (to the extent any exists) can be rerouted over other lines; and no formal complaint filed by a user of rail service on the Line regarding cessation of service is either pending with the Board or a U.S. District Court, nor has a complaint been decided in favor of the

complainant within 2 years. See Certification and Verification of Brian Buchanan attached as Exhibit A.

Additional Information Required (49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)):

Exact name of applicant (49 C.F.R. § 1152.22(a)(1):

Wisconsin Central Ltd.

Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):

WCL is a common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV, Chapter 105.

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

WCL seeks to secure authorization through the Board's class exemption procedures to discontinue common carrier service over a portion of WCL's Marquette subdivision railroad line extending approximately 4.9 miles between milepost 219.0 at L'Anse (southwest of the intersection of U.S. 41 and Menge Creek Rd.) to milepost 223.9 at Baraga, all within Baraga County, Michigan.

Map (49 C.F.R. § 1152.22(a)(4)):

A map depicting the location of the Line is attached as Exhibit B.

WCL's representative (49 C.F.R. § 1152.22(a)(7)):

WCL's representative to whom correspondence regarding this discontinuance should be sent to:

Bradon J. Smith
Fletcher & Sippel LLC
29 N. 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 49946 and 49908.

Suitability for other public purposes (49 C.F.R. § 1152.22(e)(4)):

The informational requirement of 49 C.F.R. § 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 Nevertheless, WCL is unaware of any alternative public use for which the Line might be suitable.

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

WCL will consummate the discontinuance on or after the effective date of this class exemption notice, anticipated as no fewer than 50 days after the filing of the subject class exemption notice and no more than 30 days after notice of the proposed abandonment is published in in the Federal Register.

¹ See, e.g., Columbus and Greenville Railway Company – Discontinuance of Service Exemption – In Greenwood, Miss., Docket No. AB-297 (Sub-No. 103X) (STB served Jul. 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”).

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

The interests of affected railroad employees, if any, will be protected by the conditions discussed in Oregon Short Line R.R. — Abandonment — Goshen, 360 I.C.C. 91 (1979). WCL does not anticipate that any employees will be adversely affected by the proposed discontinuance.

Certifications (49 C.F.R. § 1152.50(d)(1)):

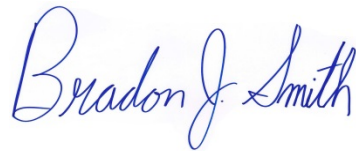
A certificate of compliance with the newspaper publication and advance notice requirements set forth at 49 C.F.R. §§ 1105.12 and 1152.50(d)(1), respectively, is attached hereto as Exhibit C. For reasons set forth in the “Environmental and Historic Report” section below, the certification of service requirement at 49 C.F.R. § 1105.11 (transmittal of Environmental/Historic Reports) is inapplicable here.

Environmental/Historic Report (49 C.F.R. §§ 1105.7 and 1105.8):

A notice of exemption to discontinue service over (rather than to abandon) a line of railroad under the class exemption does not require the preparation or submission of an Environmental/Historic Report.²

² See, e.g., Indiana Harbor Belt Railroad Co. — Discontinuance of Trackage Rights Exemption — In Lake County, Ind. (STB served Mar. 30, 2010) Docket No. AB-317 (Sub. No. 6) n.3 (“Because this is a discontinuance proceeding and not an abandonment . . . no environmental or historical documentation is required here under 49 CFR 1105.6(c) and 1105.8(b), respectively”).

Respectfully submitted,



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 19, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 53X)

WISCONSIN CENTRAL LTD.
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN BARAGA COUNTY, MICHIGAN

EXHIBIT A

CERTIFICATION PURSUANT TO 49 C.F.R. § 1152.50(b) AND VERIFICATION

DOCKET NO. AB-303 (SUB.-NO. 53X)

**WISCONSIN CENTRAL LTD.
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN BARAGA COUNTY, MICHIGAN**

CERTIFICATION AND VERIFICATION

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

Brian Buchanan, being duly sworn, deposes and says:

1. Wisconsin Central Ltd. (“WCL”) seeks to discontinue common carrier service over a portion of WCL’s Marquette subdivision railroad line extending approximately 4.9 miles between milepost 219.9 at L’Anse (southwest of the intersection of U.S. 41 and Menge Creek Rd.) to milepost 223.0 at Baraga (“the Line”), all lying within Baraga County, Michigan.

2. WCL has handled no local traffic over the Line for at least two years, and there will be no effect on overhead traffic; 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 WCL’s 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 discontinuance of service 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: 9/16, 2019

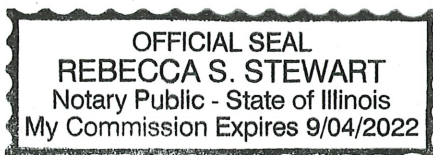


Brian Buchanan
Manager, Business Development
Wisconsin Central Ltd.
17641 S. Ashland Ave.
Homewood, IL 60430

Subscribed and sworn to before me
this 16 day of September, 2019.



Notary Public



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 53X)

WISCONSIN CENTRAL LTD.
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN BARAGA COUNTY, MICHIGAN

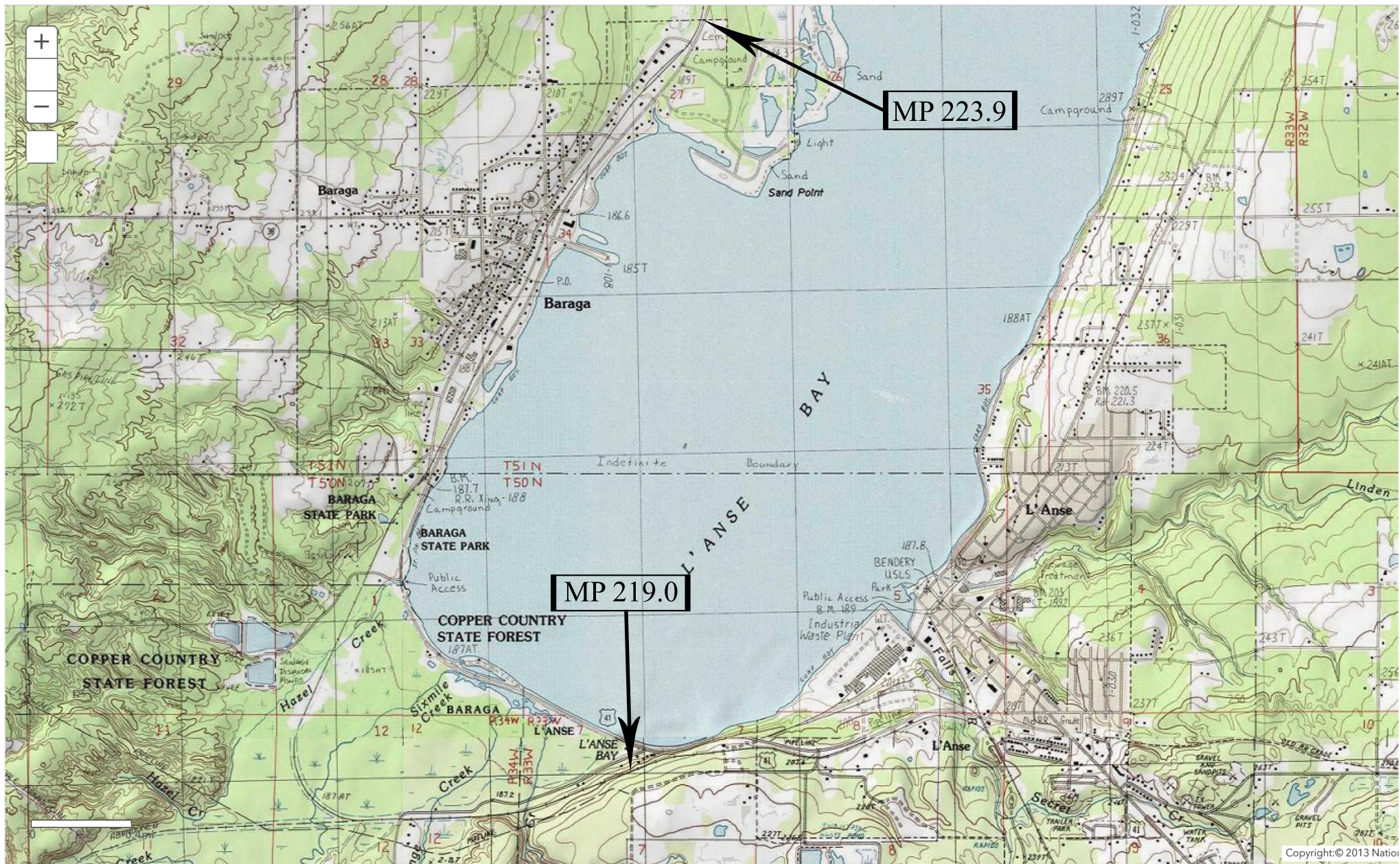
EXHIBIT B

MAP

Docket No. AB – 303 (Sub – No. 53X)

Wisconsin Central Ltd. –

Discontinuance of Service Exemption – In Baraga County, Michigan



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 53X)

WISCONSIN CENTRAL LTD.
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN BARAGA COUNTY, MICHIGAN

EXHIBIT C

CERTIFICATES OF SERVICE/PUBLICATION

DOCKET NO. AB-303 (SUB.-NO. 53X)

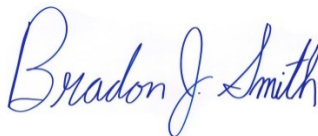
**WISCONSIN CENTRAL LTD.
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN BARAGA COUNTY, MICHIGAN**

CERTIFICATE OF SERVICE AND PUBLICATION

I, Bradon J. Smith, an attorney for Wisconsin Central Ltd., hereby certify that, for the proceeding before the Surface Transportation Board known as Docket No. AB-303 (Sub.-No. 53X), Wisconsin Central Ltd. – Discontinuance of Service Exemption – In Baraga County, Michigan:

(1) The advance notice requirements of 49 C.F.R. § 1152.50(d)(1) have been satisfied, to wit: On August 23, 2019, written notice of the proposed discontinuance of rail service was mailed to the (a) United States Department of Defense, MSDDC-TEA, Attn: Railroads for National Defense; (b) U.S. Department of Agriculture, Chief of the Forest Service; (c) National Center for Recreation and Conservation, National Park Service; and (d) Michigan Department of Transportation — Office of Rail.

(2) A newspaper notice was published August 28, 2019 in the *L'Anse Sentinel* a newspaper of general circulation in Baraga County, Michigan.



Bradon J. Smith
Attorney for Wisconsin Central Ltd.