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July 8, 2020

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Office of Proceedings
July 8, 2020
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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. 57X)**
Wisconsin Central Ltd. — Discontinuance of Service Exemption — In
Barron County, Wis.

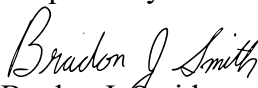
Dear Ms. Brown:

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 has been tendered electronically 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) 252-1500. Thank you for your assistance on this matter. Kind regards.

Respectfully submitted,


Bradon J. Smith

Attorney for Wisconsin Central Ltd.

BJS:bs
Attachment

FEE RECEIVED
July 8, 2020
SURFACE
TRANSPORTATION BOARD

FILED
July 8, 2020
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 303 (SUB-NO. 57X)

WISCONSIN CENTRAL LTD.
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN BARRON COUNTY, 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: July 8, 2020

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 303 (SUB-NO. 57X)

WISCONSIN CENTRAL LTD.
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN BARRON COUNTY, 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”) pursuant to 49 C.F.R. § 1152.50 to discontinue common carrier service over an approximately 4.52-mile portion of WCL’s “Barron Subdivision” between Milepost 85.40 at Poskin (immediately east of 9 ¾ Street) and extending west to Milepost 80.88 at Almena (approximately 1.0 miles southwest of the railroad crossing at Lightning Creek), all of which are located within Barron County, Wisconsin.

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 at 49 C.F.R. § 1152.50. No local traffic has moved over the Line for at least two years; overhead traffic (of which none exists) could 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 two 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.

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

WCL seeks authorization under the Board's class exemption procedures to discontinue common carrier service over a portion of WCL's "Barron Subdivision" between Milepost 85.40 at Poskin (immediately east of 9 ¾ Street) and Milepost 80.88 at Almena (approximately 1.0 miles southwest of the railroad crossing at Lightning Creek), all of which is located within in Barron County, Wisconsin. WCL owns the Line.

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 is as follows:

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 Code territories 54805 and 54889.

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 after August 27, 2020.

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 notification requirements set forth at 49 C.F.R. §§ 1105.12 and 1152.50(d)(1), respectively, is attached hereto as Exhibit C.^{2,3} 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.

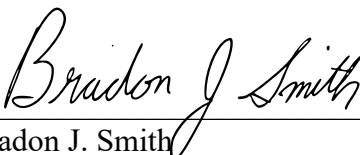
² The notifications contained a typographical error in the description of the Line: the reference to 8 ¾ Street should have been a reference to 9 ¾ Street. However, the mileposts—and maps provided as a courtesy with the Section 1152.50(d)(1) notices—were accurate.

³ The notifications likewise included each of the requisite elements in the final, unnumbered paragraph of 49 C.F.R. § 1152.50(d)(1) (“The notice shall name the railroad . . .”). The Board has recently clarified this reference of 49 C.F.R. § 1152.50(d)(1) to “notice” is a reference to the process by which certain persons are notified 10 days in advance of a filing, not the notice of exemption itself. *Eastern Idaho Railroad, L.L.C. — Abandonment Exemption — In Bonneville County, Idaho*, AB 1252 (Sub.-No. 1X) (STB served Jun. 5, 2020), 3. See also, *Rail Abandonments — National Trails Improvement Act*, Docket No. EP-274 (Sub-No 13A), 6 ICC 2d. 910, 915 (1990).

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.⁴

Respectfully submitted,

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

**ATTORNEY FOR WISCONSIN
CENTRAL LTD.**

Dated: July 8, 2020

⁴ 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”).

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 303 (SUB-NO. 57X)

WISCONSIN CENTRAL LTD.
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN BARRON COUNTY, WIS.

EXHIBIT A

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

DOCKET NO. AB 303 (SUB-NO. 57X)

**WISCONSIN CENTRAL LTD.
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN BARRON COUNTY, WIS.**

CERTIFICATION AND VERIFICATION

I, Brian Buchanan, declare and verify under penalty of perjury, that the information set foregoing discontinuance of service notice of exemption (the “Notice”) is true and correct. Further, I certify that I am qualified and authorized to verify this Notice, and certify as follows:

1. Wisconsin Central Ltd. (“WCL”) seeks to discontinue common carrier service over approximately 4.52 miles of railroad between Milepost 85.40 at Poskin (immediately east of 9 ³/₄ Street) and extending west to Milepost 80.88 at Almena (approximately 1.0 miles southwest of the railroad crossing at Lightning Creek), all of which is located within Barron County, Wisconsin.

2. WCL has handled no local traffic over the Line for at least two years, and there will be no effect on overhead traffic (of which, none exists); 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.

Dated: July 1, 2020

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

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 303 (SUB-NO. 57X)

WISCONSIN CENTRAL LTD.
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN BARRON COUNTY, WIS.

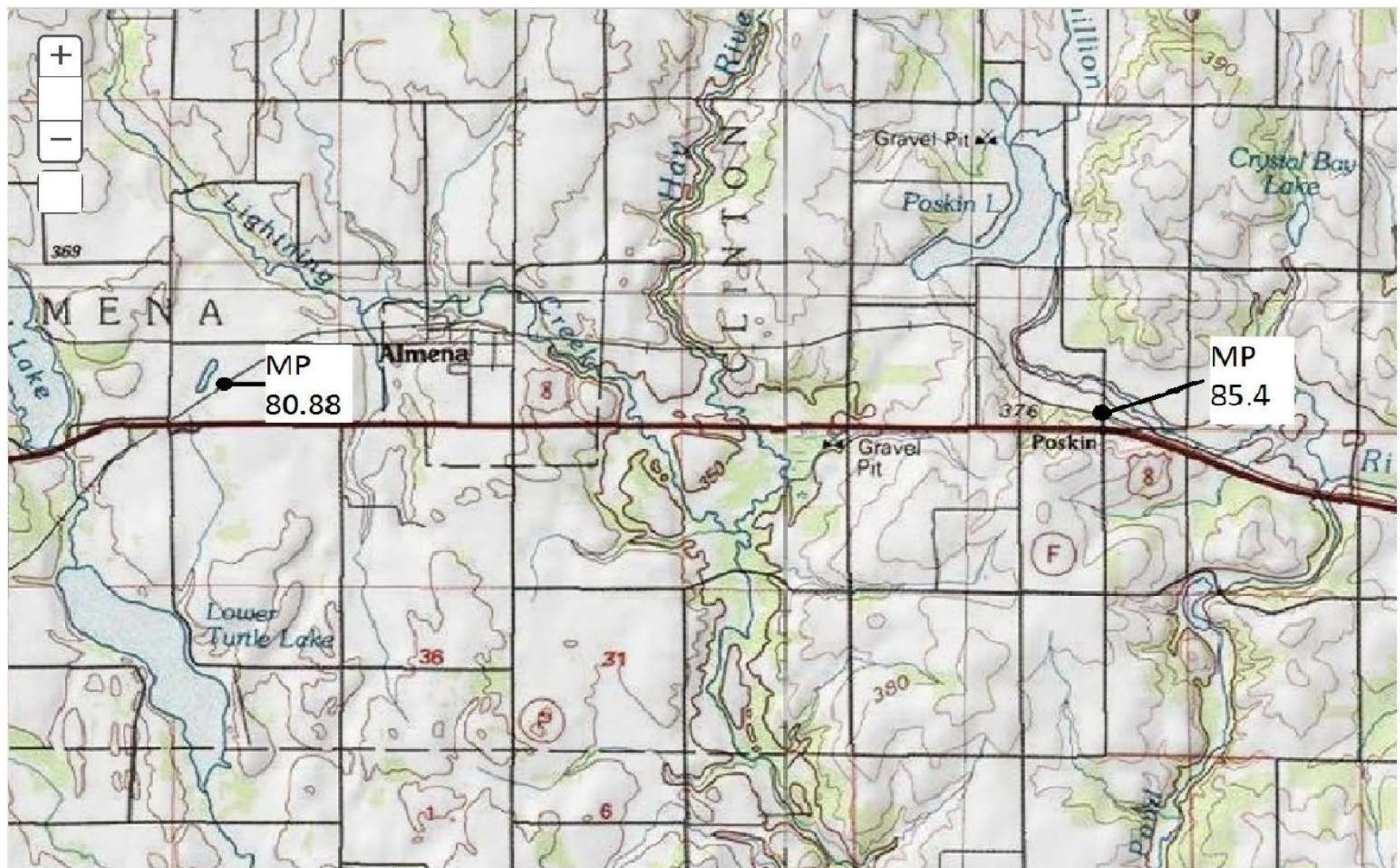
EXHIBIT B

MAP

Docket No. AB 303 (Sub-No. 57X)

Wisconsin Central Ltd. - Discontinuance of Service

Exemption - In Barron County, Wisconsin



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 303 (SUB-NO. 57X)

WISCONSIN CENTRAL LTD.
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN BARRON COUNTY, WIS.

EXHIBIT C

**CERTIFICATES OF
SERVICE/PUBLICATION**

DOCKET NO. AB 303 (SUB.-NO. 57X)

**WISCONSIN CENTRAL LTD.
— DISCONTINUANCE OF SERVICE EXEMPTION —
IN BARRON COUNTY, WIS.**

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. 57X), *Wisconsin Central Ltd. — Discontinuance of Service Exemption — In Barron County, Wis.:*

(1) The advance notice requirements of 49 C.F.R. § 1152.50(d)(1) have been satisfied, to wit: On June 20, 2020 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) the Wisconsin Commissioner of Railroads.

(2) A newspaper notice was published on June 17, 2020 in the *Barron News-Shield*, a newspaper of general circulation in Barron County, Wisconsin.



Bradon J. Smith
Attorney for Wisconsin Central Ltd.