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AUDREY L. BRODRICK
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August 11, 2017

244095

VIA FEDERAL EXPRESS

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
August 11, 2017
Part of
Public Record

Re: **Docket No. AB-303 (Sub-No. 48X)**
Wisconsin Central Ltd. – Discontinuance
of Service Exemption – In Waupaca County, Wisconsin

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the **Verified Notice of Exemption of Wisconsin Central Ltd. Pursuant to 49 C.F.R. § 1152.50**, dated August 11, 2017. A check in the amount of \$4,000, representing the appropriate fee for this filing, is attached.

The proposed action entails the discontinuance of rail common carrier service over the subject rail line, rather than abandonment of that line. Accordingly, no environmental/historic report has been prepared as part of this proceeding.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter. Kind regards.

Respectfully submitted, ,



Audrey L. Brodrick
Wisconsin Central Ltd.

ALB/ekf
Enclosures

FEE RECEIVED
August 11, 2017
SURFACE TRANSPORTATION BOARD

FILED
August 11, 2017
SURFACE TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 48X)

WISCONSIN CENTRAL LTD.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN WAUPACA COUNTY, WISCONSIN

**VERIFIED NOTICE OF EXEMPTION OF
WISCONSIN CENTRAL LTD.
PURSUANT TO 49 C.F.R. § 1152.50**

Audrey L. Brodrick
Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

Attorneys for Wisconsin Central Ltd.

Dated: August 11, 2017

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 48X)

WISCONSIN CENTRAL LTD.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN WAUPACA COUNTY, WISCONSIN

**VERIFIED NOTICE OF EXEMPTION OF
ATTORNEYS FOR WISCONSIN CENTRAL LTD.
PURSUANT TO 49 C.F.R. § 1150.50**

Wisconsin Central Ltd., (“WCL”) hereby submits this Verified Notice of Exemption under 49 C.F.R. § 1152.50 for the discontinuance of service over a portion of WCL’s New London Spur¹ extending approximately 10.3 miles from milepost 40.0 in New London, Wisconsin, to milepost 50.3 in Manawa, Wisconsin, Waupaca County, Wisconsin (the “Line”). A map showing the Line is attached hereto as Exhibit A.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), WCL submits the following information:

General Corporate Information: 49 C.F.R. § 1152.22(a)(1) - (2)

WCL is a common carrier by rail which owns and operates approximately 1,900 miles of rail line in five Upper Midwestern states. WCL is a wholly-owned subsidiary of Canadian National Railway Company.

¹ Although operating records characterize the subject line segment as being part of a “spur,” WCL acknowledges that the New London Spur is a line of railroad subject to the Board’s regulatory authority, and not a spur track falling under the exception at 49 U.S.C. § 10906.

The complete name and address of WCL is:

Wisconsin Central Ltd
17641 S. Ashland Avenue
Homewood, IL 60430-1345

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

Pursuant to the Board's class exemption for the discontinuance of out-of-service rail lines, codified at 49 C.F.R. § 1152.50(b), WCL seeks to discontinue service over its line of railroad extending from milepost 40.0 in New London, Wisconsin, to milepost 50.3 in Manawa, Wisconsin, a distance of approximately 10.3 miles in Waupaca County, Wisconsin.

Map: 49 C.F.R. § 1152.22(a)(4)

A map showing the location of the Line and its relation to other rail lines, highways and geographic features in the area is attached hereto as Exhibit A.

Applicant's Representative: 49 C.F.R. § 1152.22(a)(7)

Any correspondence regarding the proposed discontinuance should be sent to WCL's representative at the following address:

Audrey L. Brodrick
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, IL 60606-2832
(312) 252-1500

ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)

The Line traverses United States Postal Service ZIP Codes 54949 and 54961.

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

WCL certifies that no local traffic has moved over the Line for at least two years and that there is no overhead traffic on the Line to be rerouted over other lines. WCL further

certifies that no formal complaint by a user of rail service on the Line (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the Line either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years. See Certification and Verification of Brian Buchanan, attached hereto as Exhibit B.

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

WCL intends to consummate the proposed discontinuance on or shortly after September 30, 2017 (50 days after filing of NOE).

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)

The informational requirement of Section 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 over a line.² WCL is unaware of any alternative public use for which the subject rail property might be appropriate.

Notice Requirement: 49 C.F.R. §§ 1152.50(d)(1), 1105.12

Certificates that the agencies designated in 49 C.F.R. § 1152.50(d)(1) have been served with written prefiling notice of the proposed discontinuance and that the newspaper notice required by 49 C.F.R. § 1105.12 has been published are attached hereto as Exhibit C. For

² See, e.g., Columbus and Greenville Railway Company -- Discontinuance of Service Exemption -- In Greenwood, MS, Docket No. AB-297 (Sub-No. 103X) (STB served July 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”); Norfolk Southern Railway Company -- Discontinuance Exemption -- In Mahoning County, OH, Docket No. AB-290 (Sub-No. 292X) (STB served March 15, 2007) at 2 n.2 (same); Chillicothe-Brunswick Rail Maintenance Authority -- Discontinuance Exemption -- In Livingston, Linn and Chariton Counties, MO, Docket No. AB-1001X (STB served February 23, 2007) at 2 n.3 (same).

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 and Historic Reports) is inapplicable here.

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

The appropriate level of labor protection for the transaction proposed herein is that set forth in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979). No WCL employees will be adversely affected by the proposed abandonment.

Environmental and Historic Preservation Data: 49 C.F.R. § 1105

A notice of exemption to discontinue service over (rather than to abandon) a line of railroad that has been out of service for more than two years does not require the preparation or submission of an Environmental/Historic Report.³

Respectfully submitted,

By:  _____

Audrey L. Brodrick
Robert A. Wimbish
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832
(312) 252-1500

Attorneys for Wisconsin Central Ltd.

Dated: August 11, 2017

³ See, e.g., Everett Railroad Company -- Discontinuance of Service Exemption -- In Blair County, PA, Docket No. AB-721X (STB served November 16, 2007) at 2 n.2 (“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.”) and cases cited supra at note 1.

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 48X)

WISCONSIN CENTRAL LTD.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN WAUPACA COUNTY, WISCONSIN

EXHIBIT A

MAP

Discontinuance: New London, WI (MP 40.0) to Manawa, WI (MP 50.3)



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 48X)

WISCONSIN CENTRAL LTD.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN WAUPACA COUNTY, WISCONSIN

EXHIBIT B

**CERTIFICATION AND VERIFICATION OF
BRIAN BUCHANAN**

DOCKET NO. AB-303 (SUB-NO. 48X)

WISCONSIN CENTRAL LTD.
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN WAUPACA COUNTY, WISCONSIN

CERTIFICATION AND VERIFICATION

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

Brian Buchanan, being duly sworn, deposes and says:

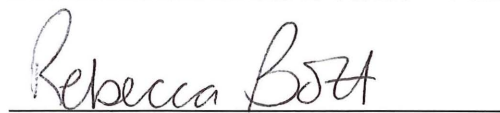
1. Wisconsin Central Ltd. seeks to discontinue service over its line of railroad (the "Line") extending from milepost 40.0 in New London, Wisconsin, to milepost 50.3 in Manawa Wisconsin, a distance of approximately 10.3 miles. The Line traverses United States Postal Service ZIP Codes 54949 and 54961. The entirety of the Line is located in Waupaca County, Wisconsin.
2. No local traffic has moved over the Line for at least two years, and there is no overhead traffic to be rerouted over other lines; 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 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 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 Wisconsin Central Ltd.

Date: 8/7/2017



Brian Buchanan
Manager-Corporate Development,
Wisconsin Central Ltd.

Subscribed and sworn to before me this 7 day of August, 2017


Notary Public



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 48X)

WISCONSIN CENTRAL LTD.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN WAUPACA COUNTY, WISCONSIN

EXHIBIT C

**CERTIFICATES OF SERVICE AND
PUBLICATION**

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2017 in accordance with the requirements of 49 C.F.R. § 1152.50(d)(1), notice in the attached form was served by first class mail, postage prepaid, upon the following parties:

Military Surface Deployment & Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5006

Mr. Robert Ratcliffe
Chief, Conservation & Outdoor Recreation
National Park Service
1849 C Street, N.W., Org. Code 2220
Washington, DC 20240-0001

Mr. Thomas L. Tidwell
Chief of the Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250-1111

Wisconsin Department of Administration
P.O. Box 7868
101 East Wilson Street, 6th Floor
Madison, WI 53707-7868

Wisconsin Department of Transportation
Hill Farms State Transportation Building
4802 Sheboygan Avenue
P.O. Box 7910
Madison, WI 53707-7910

August 10, 2017



Audrey L. Brodrick
Attorney for Wisconsin Central Ltd.

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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Fax: (312) 252-2400
www.fletcher-sippel.com

ROBERT A. WIMBISH
(312) 252-1504
rwimbish@fletcher-sippel.com

June 28, 2017

Wisconsin Department of Administration
P.O. Box 7868
101 East Wilson Street, 6th Floor
Madison, WI 53707-7868

Re: *Wisconsin Central, Ltd. – Discontinuance of Service Exemption – In Waupaca County, Wisconsin,*
STB Docket No. AB-303 (Sub-No. 48X)

Dear Sir/Madam:

On or about July 14, 2017, Wisconsin Central, Ltd. (“WCL”) expects to file with the Surface Transportation Board (“STB”) a notice of exemption (“Notice”) pursuant to 49 C.F.R. Part 1152, Subpart F – *Exempt Abandonments and Discontinuances of Service and Trackage Rights*, to discontinue common carrier service on an approximately 10.3-mile line of railroad (hereinafter, the “Line”) known as a portion of the New London Spur, extending between milepost 40.0 at New London and milepost 50.3 at Manawa in Waupaca County, Wisconsin. The Line traverses United States Postal Service ZIP Code territories 54949 and 54961. The proceeding will be docketed as STB Docket No. AB-303 (Sub-No. 48X). A map depicting the Line is enclosed herewith.

This proceeding involves the discontinuance of common carrier service over the subject rail line and not the abandonment of that line, so WCL understands that the question of whether the Line contains federally-granted rights-of-way is inapplicable. The Line is not suited at this time for alternative public use. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

If you have any questions about the Notice that WCL plans soon to file, please review the applicable regulations or contact me or the Surface Transportation Board, 395 E Street, SW Washington, DC 20423-0001; TEL: (202) 245-0230.

Sincerely,



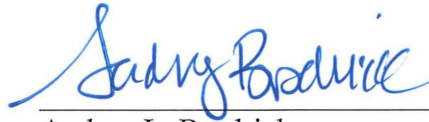
Robert A. Wimbish
Counsel for Wisconsin Central, Ltd.

Enclosure

CERTIFICATE OF NEWSPAPER PUBLICATION

I certify that a "Notice of Intent to Discontinue Rail Service," in the form prescribed by the Surface Transportation Board and as attached hereto, was published on July 6, 2017 in *The Waupaca County Post*, a newspaper of general circulation in Waupaca County, Wisconsin, where the subject rail line is located.

August 10, 2017



Audrey L. Brodrick
Attorney for Wisconsin Central Ltd.

AFFP

Intent to Discontinue Rail Ser

Affidavit of Publication

STATE OF WISCONSIN } SS
COUNTY OF WAUPACA }

Nick Wood, being duly sworn, says:

That he is Publisher of the Waupaca County Post, a weekly newspaper of general circulation, printed and published in Waupaca, Waupaca County, Wisconsin; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

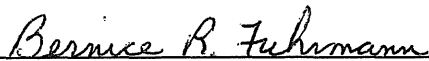
July 06, 2017

That said newspaper was regularly issued and circulated on those dates,



Publisher

Subscribed to and sworn to me this 6th day of July 2017.



Bernice R. Fuhrmann, , Waupaca County, Wisconsin

My commission expires: September 06, 2019

Publication Fees: \$ 34.22

An affidavit cost of \$1 is included in the Publication Fees listed above.

00049981 05309247

Fletcher & Sippel LLC
29 N. Wacker Dr, Suite 920
Chicago, IL 60606

LEGAL

WNAXLP

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE STB DOCKET NO. AB-303 (Sub-No. 48X)

Wisconsin Central, Ltd. ("WCL") gives notice that on or about July 14, 2017, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 C.F.R. Part 1152 Subpart F – *Exempt Abandonments and Discontinuances of Service and Trackage Rights* permitting WCL to discontinue common carrier service on an approximately 10.3-mile line of railroad (hereinafter, the "Line") known as a portion of the New London Spur, extending from milepost 40.0 at New London to the end of the line at milepost 50.3 at Manawa, in Waupaca County, Wisconsin. The Line traverses United States Postal Service ZIP Code territories 54949 and 54961. The proceeding will be docketed as STB Docket No. AB-303 (Sub-No. 48X). The proposed action entails the discontinuance of rail common carrier service over the Line, but not abandonment. Accordingly, no environmental and/or historic report will be prepared as part of this proceeding.

Appropriate offers of financial assistance to subsidize WCL rail service can be filed with the Board. An original and 10 copies of any pleading pertaining to offers of financial assistance or responding generally to the proposed discontinuance of service must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 [See 49 C.F.R. §§ 1104.1(a) and 1104.3(a)], and one copy must be served on WCL's representative [See 49 C.F.R. § 1104.12(a)]. Questions regarding offers of financial assistance may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on WCL's representative: Robert A. Wimbish, FLETCHER & SIPPEL LLC, 29 North Wacker Drive, #920, Chicago, IL 60606 (phone: 312-252-1504; fax 312-252-2400).

Publish 7/6/17 WNAXLP