

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

MICHAEL J. BARRON

(312) 252-1511
mbarron@fletcher-sippel.com

300980

ENTERED

Office of Proceedings

August 14, 2020

Part of
Public Record

Phone: (312) 252-1500

Fax: (312) 252-2400

www.fletcher-sippel.com

August 14, 2020

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

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. By order served August 22, 2014, the Board continued the extension until September 2, 2015. By order served August 24, 2015, the Board continued the extension until September 2, 2016. By order served September 1, 2016, the Board continued the extension until September 2, 2017. By order served August 29, 2017, the Board continued the extension until September 2, 2018. By order served

FLETCHER & SIPPEL LLC

Ms. Cynthia T. Brown
August 14, 2020
Page 2

August 15, 2018, the Board continued the extension until September 2, 2019. By order served August 29, 2019, the Board continued the extension until September 2, 2020.

While quarry development did not go forward, WCL still believes that there are commercial opportunities on the segment for which abandonment is unconsummated that have a good chance of coming to fruition. Therefore, WCL believes that another extension to file a notice of consummation is warranted. This allows WCL to keep the rail assets in place in case the commercial opportunities develop, 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 twenty-one 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 another 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,

/s/Michael J. Barron, Jr._____

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

cc: All Parties of Record