

301051

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THOMAS J. HEALEY

(312) 252-1505

THEALEY@FLETCHER-SIPPEL.COM

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 8, 2020
Part of
Public Record

PHONE: (312) 252-1500
FAX: (312) 252-2400
WWW.FLETCHER-SIPPEL.COM

SEPTEMBER 8, 2020

Re: **Docket No. AB 303 (Sub-No. 56X)**
Wisconsin Central Ltd. — Abandonment Exemption —
In Kaukauna, Outagamie County, Wis.

Dear Ms. Brown:

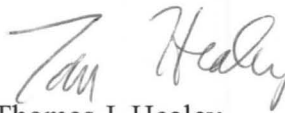
Attached for filing in the above-captioned proceeding is a **Verified Notice of Exemption of Wisconsin Central Ltd. Pursuant to 49 C.F.R. § 1152.50**. Payment of the applicable filing fee has been tendered electronically via Pay.gov.

A combined Environmental/Historic Report addressing the proposed abandonment was filed with the Surface Transportation Board in this docket on September 1, 2020.

If you have any questions regarding this filing, please contact me at either thealey@fletcher-sippel.com or (312) 252-1505. Thank you for your assistance on this matter.

FEE RECEIVED
September 8, 2020
SURFACE
TRANSPORTATION BOARD

Respectfully submitted,



Thomas J. Healey
Attorney for Wisconsin Central Ltd.

FILED
September 8, 2020
SURFACE
TRANSPORTATION BOARD

TJH:th
Enclosure

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 303 (SUB-NO. 56X)

WISCONSIN CENTRAL LTD.
— ABANDONMENT EXEMPTION —
IN KAUKAUNA, OUTAGAMIE COUNTY, WIS.

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

Thomas J. Healey
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606
(312) 252-1505

**ATTORNEY FOR WISCONSIN
CENTRAL LTD.**

Dated: September 8, 2020

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 303 (SUB-NO. 56X)

WISCONSIN CENTRAL LTD.
— ABANDONMENT EXEMPTION —
IN KAUKAUNA, OUTAGAMIE 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 abandon its line of railroad between milepost 114.0 and 113.7 (the “Line”) at Kaukauna, Outagamie County, Wisconsin. The Line was included in an abandonment filed by WCL in 2013 for a longer WCL rail line between milepost 114.0 and 112.9. *See Wisconsin Central Ltd.—Abandonment Exemption—in Kaukauna, Outagamie County, Wisconsin*, Docket No. AB 303 (Sub-No. 40X). In that docket, WCL sold the segment of the rail line between milepost 113.7 and 112.9 to the City of Kaukauna (“City”) through the Wisconsin Department of Transportation pursuant to a Notice of Interim Trail Use under the National Trails System Act, 49 C.F.R. § 1152.29 (“Trails Act”). However, the Line was not included in that sale, and WCL allowed the abandonment exemption to lapse for the Line. The City has now concluded that it requires the Line to connect existing trail systems, and therefore WCL once again seeks to secure an exemption for abandonment to convey the Line to the City under the Trails Act.

Under separate cover in this docket, WCL is presenting a request for an expedited effective date of this exemption, in order to facilitate the City's construction schedule for a new pedestrian bridge on the right of way to be abandoned.

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 abandonment 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 abandon the Line between Milepost 114.0 and Milepost 113.7 in Kaukauna, Outagamie County. 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 abandonment should be sent is as follows:

Thomas J. Healey
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, IL 60606
312-252-1505

ZIP code traversed (49 C.F.R. § 1152.22(a)(8)):

The Line traverses United States Postal Service ZIP 54130.

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

WCL intends to sell all or a portion of the Line to the City pursuant to the Trails Act. Assuming any portion of the Line is not sold to the City, 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)):

Pursuant to 49 C.F.R. § 1152.50, the effective date for consummation of the abandonment exemption sought in this docket would be October 28, 2020. However, that date may be as early as October 13, 2020, depending upon the outcome of WCL's request for an expedited effective date.

Labor Protection

Because the Line has been inactive for over two years, no railroad employees will be adversely affected by exercise of abandonment authority. Nevertheless, the interests of WCL's employees who may be adversely affected by the proposed abandonment will be

adequately protected by the labor protective conditions set forth in *Oregon Short Line R. Co – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

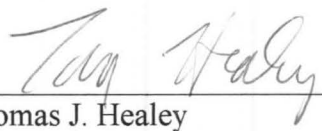
Certifications

Attached hereto as Exhibit C is a Certificate of Service and Publication certifying compliance with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. A certificate of compliance with the advance notice requirements for Environmental and Historic Reports as set forth at 49 C.F.R. § 1105.11 was attached to the Environmental/Historic Report (“E&HR”) filed on September 1, 2020.

Environmental and Historic Report

On September 1, 2020, WCL prepared and filed an E&HR in anticipation of the filing of this Notice. The E&HR conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8.

Respectfully submitted

By: 
Thomas J. Healey
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606
(312) 252-1505

**ATTORNEY FOR WISCONSIN
CENTRAL LTD.**

Dated: September 8, 2020

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 303 (SUB-NO. 56X)

WISCONSIN CENTRAL LTD.
— ABANDONMENT EXEMPTION —
IN KAUKAUNA, OUTAGAMIE COUNTY, WIS.

EXHIBIT A

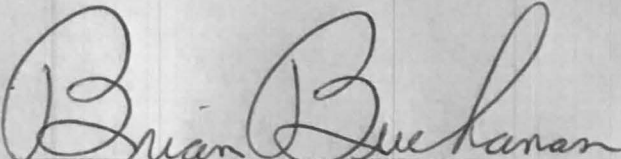
CERTIFICATION PURSUANT TO 49 C.F.R. § 1152.50(b) AND VERIFICATION

**DOCKET NO. AB 303 (SUB-NO. 56X)
WISCONSIN CENTRAL LTD.
— ABANDONMENT EXEMPTION —
IN OUTAGAMIE COUNTY, WIS.
CERTIFICATION AND VERIFICATION**

I, Brian Buchanan, declare and verify under penalty of perjury, that the information set foregoing abandonment 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 abandon common carrier service over approximately 0.30 miles of railroad between Milepost 114.00 and Milepost 113.70 at Kaukauna, Wisconsin, all of which is located within Outagamie 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: September 6, 2020


Brian Buchanan

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 303 (SUB-NO. 56X)

WISCONSIN CENTRAL LTD.
— ABANDONMENT EXEMPTION —
IN KAUKAUNA, OUTAGAMIE COUNTY, WIS.

EXHIBIT B

MAP

Docket No. AB-303 (Sub No. 56X)
EXHIBIT B

Legend



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 303 (SUB-NO. 56X)

WISCONSIN CENTRAL LTD.
— ABANDONMENT EXEMPTION —
IN KAUKAUNA, OUTAGAMIE COUNTY, WIS.

EXHIBIT C

CERTIFICATES OF SERVICE/PUBLICATION

DOCKET NO. AB 303 (SUB.-NO. 56X)
WISCONSIN CENTRAL LTD.
— ABANDONMENT EXEMPTION —
IN KAUKAUNA, OUTAGAMIE COUNTY, WIS.

CERTIFICATE OF SERVICE AND PUBLICATION

I, Thomas J. Healey, 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. 56X), *Wisconsin Central Ltd. — Abandonment Exemption — In Outagamie County, Wis.*:

(1) The advance notice requirements of 49 C.F.R. § 1152.50(d)(1) have been satisfied, to wit: On August 27, 2020 written notice of the proposed abandonment 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 Office of the Commissioner of Railroads. A sample of the language used in such letters is appended to this certificate.

(2) A newspaper notice was published on May 27, 2020 in the *Appleton Post-Crescent*, a newspaper of general circulation in Outagamie County, Wisconsin. Proof of publication is appended to this certificate.

(3) The certificate of compliance with 49 C.F.R. § 1105.11, as required by 49 C.F.R. § 1152.50(d)(2), was included with the previously-filed Environmental/Historic Report.



Thomas J. Healey
Attorney for Wisconsin Central Ltd.

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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

THOMAS J. HEALEY

(312) 252-1505

thealey@fletcher-sippel.com

August 27, 2020

Ms. Vicki Christiansen
Chief, Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250-1111

Re: Docket No. AB-303 (Sub-No. 56X)
Wisconsin Central Ltd. -- Abandonment
Exemption -- In Outagamie County, Wisconsin

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wisconsin Central Ltd. shall, on or after September 8, 2020, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 0.3 miles of railroad line starting at MP 114.0 and ending at MP 113.7 in Kaukauna, Outagamie County, Wisconsin. Such line runs through U.S. Postal Zip Code 54130. A map of the subject rail line is attached for your reference. The filing will bear Docket No. AB-303 (Sub-No. 56X).

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. 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 Wisconsin Central Ltd. plans 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.

Very truly yours,

Thomas J. Healey

TJH/tjh



POST-CRESCENT media

A GANNETT COMPANY

STATE OF WISCONSIN BROWN COUNTY

FLETCHER & SIPPEL LLC

29 N WACKER DR STE 800

CHICAGO

IL 606063208

I, being duly sworn, doth depose and say I am an authorized representative of the Appleton Post Crescent, a newspaper published at Appleton, Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which was published therein on:

Account Number: GWM-521571

Order Number: 0004208766

Total Ad Cost: \$62.91

Published Dates: 05/27/2020

Legal Clerk

State of Wisconsin

County of Brown

Subscribed and sworn to before on May 27, 2020

Notary Public State of Wisconsin, County of Brown

My Commission Expires

of Affidavits 1

This is not an invoice

SHELLY HORA
Notary Public
State of Wisconsin

NOTICE

Wisconsin Central Ltd. gives notice that on or after July 9, 2020, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments permitting the abandonment of approximately 0.30 miles of railroad line starting at MP 113.7 in Kaukauna, Wisconsin and ending at MP 114.00 in Kaukauna, Wisconsin and which traverses through United States Postal Service ZIP Code 54130 in Outagamie County, Wisconsin. The proceeding will be docketed as No. AB 303 (Sub-No. 56X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E. Street, SW., Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12 (a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative: Fletcher & Sippel LLC, Attention: Thomas J. Healey, 29 N. Wacker Dr., Suite 800, Chicago, IL 60606.

Run: May 27, 2020

WNAXLP

FLETCHER & SIPPEL LLC

Re: 56x Kaukauna

GANNETT WI MEDIA
435 EAST WALNUT ST.
PO BOX 23430
GREEN BAY, WI 54305-3430

GANNETT
Wisconsin Media
Delivering Customers. Driving Results.