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ENTERED
Office of Proceedings
October 16, 2014
Part of
Public Record

Keith G. O'Brien

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October 10, 2014

BY HAND DELIVERY

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: *Escanaba & Lake Superior Railway Company – Lease and Operation Exemption – Rail Line of Wisconsin Central Ltd. in the Cities of Menominee, Michigan and Marinette Wisconsin, in Menominee County, MI, and Marinette, County, WI*
STB Docket No. F.D. 35864

Dear Ms. Brown:

Enclosed are an original and eleven copies of a Verified Notice of Exemption ("Notice") under 49 CFR 1150.41, pursuant to which Escanaba & Lake Superior Railway Company would enter into a non-exclusive lease of certain lines owned by Wisconsin Central Ltd. ("CN"). Also enclosed are a caption summary as prescribed by 49 CFR 1150.44, and an electronic version of the Notice.

Pursuant to 49 CFR 1002.2(f)(14)(ii), enclosed is a check covering the applicable filing fee. Please acknowledge receipt and filing of the Notice by time stamping the eleventh copy and returning it to the courier for return to me. If there are any questions about this matter, please contact me directly, either by telephone: (202) 663-7852 or by email: kobrien@bakerandmiller.com.

Respectfully submitted,

Keith G. O'Brien/02

Keith G. O'Brien
Attorney for Escanaba & Lake Superior Railway
Company

Enclosures

FILED
October 16, 2014
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
October 16, 2014
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 35864

ESCANABA & LAKE SUPERIOR RAILWAY COMPANY
– LEASE AND OPERATION EXEMPTION –
RAIL LINES OF WISCONSIN CENTRAL LTD. IN THE CITIES OF
MENOMINEE, MICHIGAN AND MARINETTE WISCONSIN, IN MENOMINEE
COUNTY, MI, AND MARINETTE, COUNTY, WI

VERIFIED NOTICE OF EXEMPTION PURSUANT TO 49 CFR 1150.41

Keith G. O'Brien
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Attorneys for Escanaba & Lake
Superior Railway Company

October 10, 2014

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 35864

ESCANABA & LAKE SUPERIOR RAILWAY COMPANY
– LEASE AND OPERATION EXEMPTION –
RAIL LINES OF WISCONSIN CENTRAL LTD. IN THE CITIES OF
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COUNTY, MI, AND MARINETTE, COUNTY, WI

VERIFIED NOTICE OF EXEMPTION PURSUANT TO 49 CFR 1150.41

Pursuant to 49 U.S.C. 10502 and 49 CFR 1150.41, et seq., Escanaba & Lake Superior Railway Company (“E&LS”) hereby provides notice of its class exemption from the formal requirements of 49 USC 10902 to enter into a non-exclusive lease of the Wisconsin Central Ltd. (“CN”) line that includes the following segments: Track #129 at Menominee, Michigan, Track #270 at Marinette, Wisconsin, and approximately 3,000 lineal feet of Track #115 at Marinette, Wisconsin (the “Line”).

E&LS has entered into a non-exclusive lease arrangement¹ for the Line to facilitate interchange of railroad owned or privately owned or leased cars, which have been delivered to the E&LS, and for the switching of industries pursuant to a Switching Agreement entered into on September 30, 2014.

In support of this Notice of Exemption, E&LS submits the following information as required by 49 CFR 1150.43:

(a) Full name and address of applicant:

Escanaba & Lake Superior Railway Company
P.O. Box 217
Wells, MI 49894

¹ The parties entered into the arrangement, which is entitled Track Lease for the Handling of Cars (referred to herein as “Lease”), on September 30, 2014.

(b) Applicant's Representatives:

Keith G. O'Brien
Crystal M. Zorbaugh
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2401 Pennsylvania Avenue, N.W.
Suite 300
Washington, DC 20037
Phone: (202) 663-7852
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E-mail: kobrien@bakerandmiller.com

(c) Statement that an agreement has been reached or details about when an agreement will be reached:

As stated previously, on September 30, 2014, E&LS and CN executed an agreement under which E&LS will enter into a non-exclusive lease of the Line to facilitate providing switching services to shippers along the Line pursuant to the Switching Agreement, which was entered into on September 30, 2014.

(d) Operator of the property:

The current operator of the Line is CN. E&LS will operate the Line after the transaction is completed pursuant to the Lease and consent of CN.

(e) Summary of the proposed transaction:

(1) The name and address of the railroad transferring operating interests in the subject property:

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

(2) The proposed time schedule for consummation of the transaction:

EL&S expects to consummate the transaction, by commencing operations on November 10, 2014 (more than thirty days after the filing of this Notice).

(3) The Mileposts of the subject property, including any branch lines:

CN does not have mileposts for the subject Line. As denoted on Map 1, CN refers to the rail line as follows: Track #129 at Menominee, Michigan, Track #270 at Marinette, Wisconsin, Track #115 at Marinette, Wisconsin (approximately 3,000 lineal feet of Track #115 is included as part of this transaction).

(4) The total route miles being acquired:

This transaction involves approximately 2.8 miles of rail line.

(f) Map:

Two maps (a close up map of CN Track#129, CN Track#270, and CN Track#115 and a more general area map) clearly indicating the area to be served including stations, cities, counties and states are attached as Appendix 1.

(g) Certificate of Compliance with the provisions of 49 CFR 1150.43(g):

Attached as Appendix 2 is a certificate affirming that E&LS's projected operating revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier, so as to require processing under 1150.45.

(h) Interchange commitments:

The lease between E&LS and CN does not contain any provision that may limit future interchange with a third-party connecting carrier.²

(i) Other information and supporting materials:

A caption summary in the prescribed form is attached as Appendix 3 to this notice.

² The lease agreement between CN and E&LS is limited to certain commodities as specified by STCC codes. For all other commodities, CN retains the exclusive common carrier obligation.

Pursuant to 49 CFR 1105.6 (c)(2)(ii), the proposed transaction is exempt from environmental review because the action proposed herein will not exceed any of the thresholds established in 1105.7(e) (4) or (5)

In addition, this transaction is exempt from historic review under 1105.8(b)(1), because the proposed non-exclusive lease is for the purpose of continued rail operations. Further STB approval would be required for the parties to abandon service, and there are no plans to dispose or alter properties subject to STB jurisdiction that are 50 years or older. This action will not significantly affect the quality of the human environment or energy conservation.

Finally, EL&S is a class III carrier, and pursuant to 49 U.S.C. §10902(d), approval of this transaction may not be subjected to labor protection conditions.

Respectfully Submitted,



Keith G. O'Brien
Crystal M. Zorbaugh
Baker & Miller PLLC
2401 Pennsylvania Avenue, NW
Suite 300
Washington, DC 20037

Attorneys for Escanaba & Lake Superior
Railway Company

DATED: October 10, 2014

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 35864

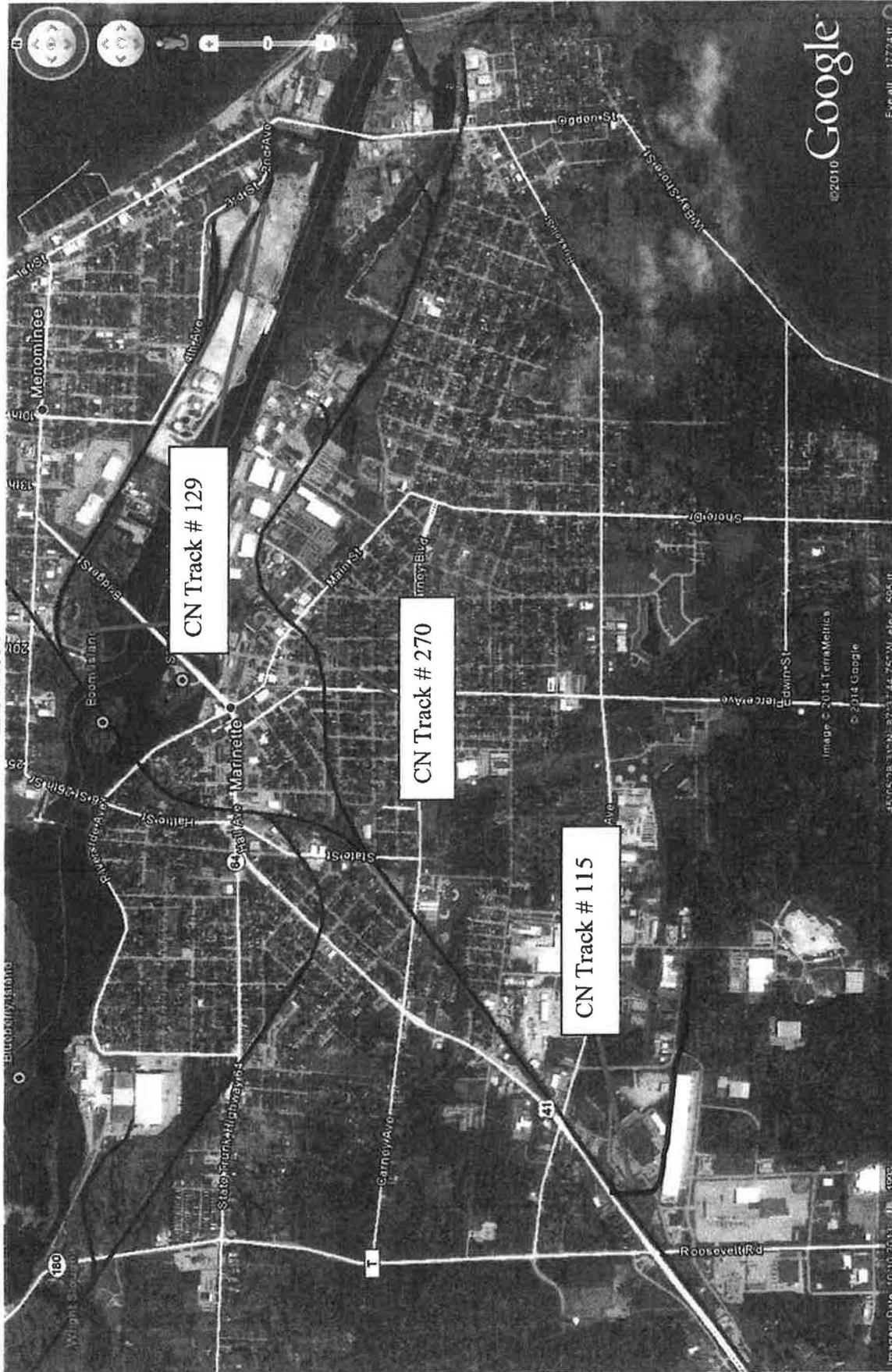
ESCANABA & LAKE SUPERIOR RAILWAY COMPANY
– LEASE AND OPERATION EXEMPTION –
RAIL LINES OF WISCONSIN CENTRAL LTD. IN THE CITIES OF
MENOMINEE, MICHIGAN AND MARINETTE WISCONSIN, IN MENOMINEE
COUNTY, MI, AND MARINETTE, COUNTY, WI

VERIFIED NOTICE OF EXEMPTION PURSUANT TO 49 CFR 1150.41

APPENDIX 1

MAPS

Exhibit A





BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 35864

ESCANABA & LAKE SUPERIOR RAILWAY COMPANY
– LEASE AND OPERATION EXEMPTION –
RAIL LINES OF WISCONSIN CENTRAL LTD. IN THE CITIES OF
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COUNTY, MI, AND MARINETTE, COUNTY, WI

VERIFIED NOTICE OF EXEMPTION PURSUANT TO 49 CFR 1150.41

APPENDIX 2

CERTIFICATE OF COMPLIANCE WITH PROVISIONS OF 49 CFR 1150.43(G)

CERTIFICATION

I, Thomas J. Klimek, Vice-President of Marketing for Escanaba & Lake Superior Railroad Company ("E&LS"), hereby certify that E&LS's projected annual operating revenues will not as a consequence of the transaction result in E&LS becoming a Class II or Class I rail carrier so as to require processing the foregoing notice of exemption under 49 CFR 1150.45. I hereby certify that E&L's combined annual operating revenues do not now exceed \$5 million, and are not projected to exceed \$5 million following consummation of the subject transaction.


Thomas J. Klimek

October 10, 2014

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 35864

ESCANABA & LAKE SUPERIOR RAILWAY COMPANY
– LEASE AND OPERATION EXEMPTION –
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VERIFIED NOTICE OF EXEMPTION PURSUANT TO 49 CFR 1150.41

APPENDIX 3

CAPTION SUMMARY

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. F.D. 35864]

Escanaba & Lake Superior Railway Company – Lease and Operation Exemption –
Rail Line of Wisconsin Central Ltd. in the Cities of Menominee, Michigan and Marinette
Wisconsin, in Menominee County, MI, and Marinette, County, WI

Escanaba & Lake Superior Railway Company has filed on October __, 2014, a notice of exemption under 49 C.F.R. § 1150.41 to enter into a non-exclusive lease and operation arrangement over a Wisconsin Central Ltd. line that includes the following segments: Track #129 at Menominee, Michigan, Track #270 at Marinette, Wisconsin, and approximately 3,000 lineal feet of Track #115 at Marinette, Wisconsin.

Comments must be filed with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 and served on Keith G. O'Brien, Baker & Miller PLLC, 2401 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20037.

This notice is being filed under 49 C.F.R. § 1150.41. If the notice contains false or misleading information, the exemption is void *ab initio*. The filing of a petition to revoke will not automatically stay the transaction.

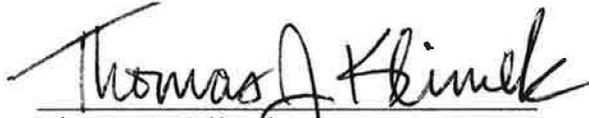
Board decisions and notices are available on our website at “WWW.STB.DOT.GOV.”

Decided: _____.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

VERIFICATION

Pursuant to 28 USC 1746, I declare under the penalty of perjury under the laws of the United States that the foregoing notice of exemption is true and correct to the best of my knowledge and belief.

A handwritten signature in black ink that reads "Thomas J. Klimek". The signature is written in a cursive style with a horizontal line underneath the name.

Thomas J. Klimek
Vice President, Marketing
Escanaba & Lake Superior Railway Company

October 10, 2014