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BEFORE THE  
SURFACE TRANSPORTATION BOARD

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FINANCE DOCKET NO. 35848

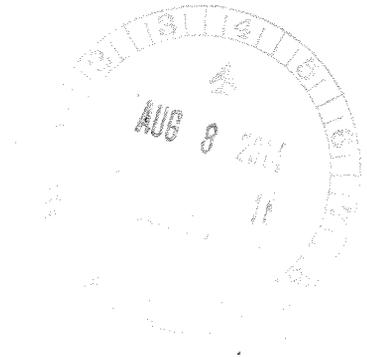
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WISCONSIN & SOUTHERN RAILROAD, LLC  
--ACQUISITION AND OPERATION EXEMPTION--  
UNION PACIFIC RAILROAD COMPANY

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PETITION FOR WAIVER OF THE NOTICE  
REQUIREMENTS OF 49 C.F.R. § 1121.4(h)

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Dated: August 8, 2014

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Wisconsin & Southern Railroad, LLC (“WSOR”), a Class II rail carrier, hereby petitions the Surface Transportation Board (“Board”) to waive the employee notice requirements of 49 C.F.R. § 1121.4(h).

WSOR is concurrently filing with the Board a petition for exemption to permit WSOR to acquire the permanent exclusive easement for freight railroad purposes (“Freight Easement”) over approximately 69.62 miles of rail lines in Wisconsin from Union Pacific Railroad Company (“UP”). The rail lines that will be operated by WSOR are located as follows: (1) the Reedsburg line located between milepost 134.0, near Madison, and milepost 191.90, near Reedsburg; (2) the Central Soya Industrial Lead located between milepost 83.78 and milepost 85.5; and (3) the Cottage Grove Industrial Lead, located between milepost 81.00 and milepost 71.00 (the “Rail Lines”). Wisconsin Department of Transportation (“WisDOT”) is acquiring the physical assets of the Rail Lines from UP. WSOR leased the Lines from UP in 1996 and since that time WSOR has been the operator over the Rail Lines. *See* STB Finance Docket No. 33139, *Wisconsin &*

*Southern Railroad Co. – Lease and Operation – Union Pacific Railroad Company* (not printed), served October 30, 1996.

WSOR is a Class II rail carrier thus invoking the employee notice requirements of Section 1121.4(h). The purpose underlying the notice requirement, however, would not be thwarted by waiver in this proceeding. The purpose of the notice requirement is to ensure that rail labor unions and employees working on a line being transferred are given adequate notice of the transaction. *See Acq. Of R. Lines Under 49 U.S.C. 10901 & 10902 – Advance Notice*, 2 S.T.B. 592 (1997). In adopting the notice requirement, the Board specifically recognized that “situations may occur necessitating acquirer requests for waiver of the 60-day notice provision...” *Id.* at 601.

Here, labor notice would serve no useful purpose. While UP is currently the owner of the Rail Lines, no UP employ will be affected by WSOR’s acquisition of the Freight Easement because WSOR has been the exclusive operator over the Rail Lines since 1996. Neither will any WSOR employee be affected by the acquisition of the Freight Easement because WSOR will continue to provide the same service and perform the same maintenance as it has since 1996. Because the transaction will simply convert WSOR’s lease of the Rail Lines to an ownership interest in the Freight Easement, providing advance labor notice would be a futile act. *See* STB Finance Docket No. 34660, *Georgia Central Railway, L.P. – Acquisition and Operation Exemption – Rail Line of CSX Transportation, Inc.* (not printed), served February 28, 2005; STB Finance Docket No. 34531, *The Indiana Rail Road Company – Acquisition Exemption – Line of Monon Rail Preservation Corporation* (not printed), served November 22, 2004; STB Finance Docket No. 34904, *Dakota, Missouri Valley and Western Railroad, Inc. – Lease and Operation Exemption – Soo Line Railroad Company* (not printed), served July 24, 2006.

In summary, WSOR respectfully requests that the Board waive the requirements of 49 C.F.R. § 1121.4(h).

Respectfully submitted,



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