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SERVICE DATE – JUNE 24, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35476

WISCONSIN CENTRAL LTD.
— INTRA-CORPORATE FAMILY MERGER EXEMPTION —
DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY
AND DULUTH, WINNIPEG AND PACIFIC RAILWAY COMPANY

Decided: June 23, 2011

Wisconsin Central Ltd. (WCL), Duluth, Missabe and Iron Range Railway Company (DMIR), and Duluth, Winnipeg and Pacific Railway Company (DWP) jointly filed a notice of exemption under 49 C.F.R. § 1180.2(d)(3) for the intra-corporate family merger of DMIR and DWP with and into WCL, with WCL as the surviving corporation. The notice was served and published in the Federal Register on April 22, 2011 (76 Fed. Reg. 22,748).

On May 3, 2011, Wisconsin Central Group, an “ad hoc rail freight shippers coalition,” filed a petition for revocation of the exemption under 49 U.S.C. § 10502(d). On May 16, 2011, the Wisconsin Department of Transportation (WisDOT) filed a notice of intent to participate with comments.¹ In its filing, WisDOT states that it does not oppose the exemption. WCL, DMIR and DWP replied to Wisconsin Central Group’s petition on May 23, 2011.

Subsequently, on June 14, 2011, Wisconsin Central Group filed a motion to dismiss its petition for revocation stating that its concerns have been satisfied by statements in the railroads’ reply. Wisconsin Central Group’s motion to dismiss its petition for revocation will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Wisconsin Central Group’s motion to dismiss is granted. The petition for revocation is dismissed, and this proceeding is discontinued.

¹ On April 19, 2011, the United Transportation Union filed a notice of intent to participate in the proceeding. On April 29, 2011, the International Brotherhood of Electrical Workers, the American Train Dispatchers Association, the Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference of the International Brotherhood of Teamsters, and the National Conference of Firemen and Oilers District of Local 32BJ, SEIU, also filed a notice of intent to participate. Neither filing included comments.

2. This decision is effective on its service date.

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