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SERVICE DATE – DECEMBER 3, 2014

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 303 (Sub-No. 45X)]

Wisconsin Central, Ltd.—Discontinuance of Service Exemption—in Ashland and Iron Counties, Wis., and Gogebic and Ontonagon Counties, Mich.

Wisconsin Central Ltd. (WCL) has filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments and Discontinuances of Service to discontinue service over approximately 77.8 miles of rail line, known as the White Pine Subdivision, between milepost 332.4 at Marengo Junction, Wis., and milepost 254.6 at White Pine, Mich., in Ashland and Iron Counties, Wis., and Gogebic and Ontonagon Counties, Mich. (the Line). The Line traverses United States Postal Service Zip Codes 49910, 49911, 49938, 49947, 49953, 49968, 54534, 54559, 54806, and 54855.

WCL has certified that: (1) no local traffic has moved over the Line for at least two years; (2) there is no overhead traffic on the Line; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 C.F.R. § 1105.12 (newspaper publication) and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) to subsidize continued rail service has been received, this exemption will become effective on January 2, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 C.F.R. § 1152.27(c)(2),¹ must be filed by December 12, 2014.² Petitions to reopen must be filed by December 23, 2014, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to WCL's representative: Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL. 60606.

¹ Each OFA must be accompanied by the filing fee, which is currently set at \$1,600. See 49 C.F.R. § 1002.2(f)(25).

² Because this is a discontinuance proceeding and not an abandonment, trail use/rail banking and public use conditions are not appropriate. Likewise, no environmental or historic documentation is required here under 49 C.F.R. § 1105.6(c) and 49 C.F.R. § 1105.8(b), respectively.

If the verified notice contains false or misleading information, the exemption is void ab initio.

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Decided: November 26, 2014.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.