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SERVICE DATE – MAY 8, 2009

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35242]

Chicago Central & Pacific Railroad Company–Trackage Rights Exemption–Wisconsin Central Ltd.

Pursuant to a written trackage rights agreement entered into between Chicago Central & Pacific Railroad Company (CCP) and Wisconsin Central Ltd. (WCL) on April 16, 2009,<sup>1</sup> CCP has agreed to grant WCL nonexclusive overhead and interchange trackage rights between CCP's connection with the Elgin, Joliet & Eastern Railway Company (EJ&E) at or near CCP's milepost 35.7 at Munger, IL, and CCP's connection with The Belt Railway Company of Chicago and the Illinois Central Railroad Company at or near CCP's milepost 8.3 (Belt Crossing) at Chicago, IL, on CCP's Freeport Subdivision, a distance of approximately 27.4 miles, all in the State of Illinois.<sup>2</sup>

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<sup>1</sup> A redacted version of the trackage rights agreement between CCP and WCL was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was concurrently filed under seal along with a motion for protective order. The motion is being addressed in a separate decision.

<sup>2</sup> The Board recently approved the acquisition of control by Canadian National Railway Company and Grand Trunk Corporation (collectively, CN) of EJ&E West Company (EJ&EW), a wholly owned, noncarrier subsidiary of EJ&E, with EJ&EW acquiring certain land and rail line assets from EJ&E, including EJ&E's name, and becoming a rail carrier prior to CN acquiring control of it. See Canadian National Railway Company and Grand Trunk Corporation—Control—EJ&E West Company, STB Finance Docket No. 35087, (STB served Dec. 24, 2008). WCL states that, during recent exercises to implement EJ&E into CN's operations around the Chicago area, it was

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The transaction is scheduled to be consummated on or about May 23, 2009, the effective date of the exemption (30 days after the exemption is filed). The purpose of the trackage rights is to enable WCL to efficiently handle overhead and interchange freight movements between Munger and Belt Crossing at Chicago. The transaction also extends to all industry spurs, connecting tracks and sidings now existent or hereafter constructed along the tracks to be used here, and right-of-way for the tracks to be used here, signals, interlocking devices and plants, telegraph and telephone lines, and other appurtenances necessary to the use of those tracks. Under the trackage rights agreement, WCL shall not perform any local freight service on the subject trackage.

As a condition to this exemption, any employee affected by the acquisition of the trackage rights will be protected by the conditions imposed in Norfolk and Western Ry. Co. – Trackage Rights – BN, 354 I.C.C. 605 (1978), as modified in Mendocino Coast Ry., Inc. – Lease and Operate, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by May 15, 2009 (at least 7 days before the exemption becomes effective).

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determined that the rights documented in this trackage rights agreement were established several years ago, implementing agreements were negotiated and executed with the affected unions, and operations were commenced. According to WCL, this filing is being made to assure that all necessary Board authorization has been secured.

Pursuant to the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing, or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting, and shredding). The term “solid waste” is defined in section 1004 of the Solid Waste Disposal Act, 42 U.S.C. 6903.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35242, must be filed with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Thomas J. Healey, Counsel – Regulatory, CN, 17641 S. Ashland Avenue, Homewood, IL 60430.

Board decisions and notices are available on our website at “[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).”

Decided: May 4, 2009.

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

Anne K. Quinlan

Acting Secretary