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SERVICE DATE - MARCH 25, 1997

DO

FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33359]

Wisconsin Central Ltd.--Trackage Rights Exemption--Tomahawk  
Railway, Limited Partnership

Tomahawk Railway, Limited Partnership (TRL) has agreed to grant Wisconsin Central Ltd. (WCL) non-exclusive overhead trackage rights<sup>1</sup> over a 0.40-mile portion of TRL's line of railroad between WCL milepost 133.09 and WCL milepost 133.49 in Tomahawk, WI. The proposed trackage rights will connect with an existing WCL rail line at milepost 133.09 and, at milepost 133.49, with a TRL rail line which WCL seeks to acquire.<sup>2</sup> The proposed trackage rights will allow WCL to

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<sup>1</sup> The proposed trackage rights will be a substitute for the existing trackage rights over TRL's rail line which were acquired by WCL's predecessor, Soo Line Railroad Company (Soo), in 1986 and assigned to WCL in 1987. See Soo Line Railroad Company - Trackage Rights - Marinette, Tomahawk and Western Railroad Company, Finance Docket No. 30839 (ICC served June 26, 1986); Wisconsin Central Ltd. -- Exemption Acquisition and Operation -- Certain Lines of Soo Line Railroad Company, Finance Docket No. 31102 (ICC served July 28, 1988) Appendix B, Part 2.

<sup>2</sup> WCL concurrently filed a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10902, to permit WCL to acquire from TRL 4.93 miles of rail line between milepost 133.49 at Tomahawk and milepost 138.42 at Bradley, WI (the Bradley Line). The

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continue to operate over that portion of TRL's line not being acquired by WCL and, will provide an overhead route between WCL's line to Ashland, WI, and the remainder of WCL's system.

The transaction is scheduled to be consummated on approval and consummation of the transaction in STB Finance Docket No. 33358, but in any event no sooner than March 12, 1997, the effective date of this exemption.

As a condition to this exemption, any employees affected by 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 it 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

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(...continued)  
petition has been docketed as Wisconsin Central Ltd.--Acquisition Exemption--Tomahawk Railway, Limited Partnership, STB Finance Docket No. 33358. Together with a short segment of trackage between WCL milepost 133.49 and WCL milepost 133.09 in Tomahawk (the Tomahawk Segment), which TRL will continue to own, the Bradley Line will provide a connection between an east-west WCL line at Bradley previously owned by Soo and a north-south WCL line terminating at Tomahawk previously owned by the Chicago, Milwaukee, St. Paul & Pacific Railroad Company.

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petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33359, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, Room 713, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Thomas J. Litwiler, Two Prudential Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60601.

Decided: March 19, 1997.

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

Vernon A. Williams

Secretary