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SERVICE DATE – DECEMBER 20, 2013

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 303 (Sub-No. 42X)

WISCONSIN CENTRAL LTD.—ABANDONMENT EXEMPTION—IN BROWN COUNTY,
WISCONSIN

Decided: December 20, 2013

On September 6, 2013, Wisconsin Central Ltd. (WCL), filed a petition for exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903 to abandon an approximately 0.33-mile rail line between milepost 97.75 and milepost 98.08 in Denmark, Brown County, Wis. (the Line). WCL states that it is seeking to abandon the Line with the support of United Cooperative (United), the sole shipper on the Line, in order to improve rail service to United's facility.

On October 17, 2013, the Wisconsin Department of Transportation (WisDOT) on behalf of the Wisconsin Department of Natural Resources (Trail Sponsor) filed a request for the issuance of a notice of interim trail use (NITU). WisDOT and the Trail Sponsor state that, under Wisconsin state law, the State of Wisconsin, through WisDOT, has the statutory first right to acquire for present or future transportation, recreational, or scenic purposes any property used in operating a railroad that is abandoned in Wisconsin. The Trail Sponsor has indicated its willingness to negotiate with United to satisfy United's freight rail needs. WCL has not responded to the NITU request.

To allow for further negotiations between the affected parties and to ensure the Board has all of the information necessary to make an informed decision, the Board will hold this matter in abeyance pending a response from WCL.

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

It is ordered:

1. This proceeding is held in abeyance pending a response from WCL and further Board order.
2. This decision is effective on the date of service.

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