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SERVICE DATE – MARCH 22, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 28X)

WISCONSIN CENTRAL LTD.—ABANDONMENT EXEMPTION—IN ASHLAND
COUNTY, WI

Decided: March 21, 2006

On February 3, 2006, Wisconsin Central Ltd. (WCL) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a line of railroad, the “Ore Dock Line,” in Ashland, Ashland County, WI. The line runs from a switch off WCL’s mainline through Ashland at milepost 434.49 and continues 5,160 feet to the end of WCL’s Ashland Ore Dock. The notice was served and published in the Federal Register on February 23, 2006 (70 FR 9422-23). The exemption is scheduled to become effective on March 25, 2006.

On February 28, 2006, the Board’s Section of Environmental Analysis (SEA) served an Environmental Assessment (EA) in which it recommended the imposition of 5 environmental conditions on any grant of abandonment authority.

On March 10, 2006, Wisconsin Department of Natural Resources (WisDNR) filed a motion for stay and supplemental environmental comments.¹ According to WisDNR, the conditions proposed in the EA do not address all of its concerns related to the Ashland Ore Dock. WisDNR notes that a feasibility study to determine the future of the Dock is currently underway. WisDNR asks the Board to grant a stay of the exemption’s effectiveness and not to render a final decision on the matter until completion of the feasibility study and development and implementation of a final plan. WisDNR also asks SEA to propose additional environmental conditions, as appropriate.

On March 16, 2006, WCL filed a response. WCL states that it anticipates more comments to the EA and it would like the opportunity to respond to all of them in a comprehensive manner. Accordingly, WCL requests that the Board extend the EA comment period until March 31, 2006, give WCL until April 17, 2006 to respond to all comments, and postpone the effective date of the abandonment exemption until May 1, 2006. The railroad also believes that this schedule will allow the Board to evaluate all filings in an orderly fashion when considering appropriate environmental conditions.

¹ On March 13, 2006, the City of Ashland, WI filed a letter joining in the WisDNR motion for stay and supplemental comments.

On March 21, 2006, SEA served a notice to the parties extending the comment period on the EA as requested by WCL.

Because WCL's proposed procedural schedule will provide any other commenters and WCL additional time to address the many environmental issues involved in this proceeding, and will give the Board additional time to resolve those issues and impose appropriate environmental conditions, WCL's proposed schedule will be adopted in full. In light of the action taken here, WisDNR's stay request will be held in abeyance pending further action of the Board.

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

It is ordered:

1. The EA comment period is extended to March 31, 2006.
2. WCL's response to any comments is due by April 17, 2006.
3. The effective date of this abandonment exemption is postponed until May 1, 2006.
4. WisDNR's motion for stay is held in abeyance pending further action of the Board.

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

Vernon A. Williams
Secretary