

BEFORE THE  
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35838

WISCONSIN & SOUTHERN RAILROAD, LLC  
--ACQUISITION AND OPERATION EXEMPTION--  
CITY OF FITCHBURG AND VILLAGE OF OREGON

PETITION FOR WAIVER OF THE NOTICE  
REQUIREMENTS OF 49 C.F.R. § 1121.4(h)

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Dated: August 22, 2014



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Wisconsin & Southern Railroad, LLC (“WSOR”), a Class II rail carrier, hereby petitions the Surface Transportation Board (“Board”) to waive the employee notice requirements of 49 C.F.R. § 1121.4(h).

WSOR is concurrently filing with the Board a petition for exemption to permit WSOR to acquire the permanent exclusive easement for freight railroad purposes (“Freight Easement”) over approximately 15 miles of rail lines in Wisconsin from the City of Fitchburg and the Village of Oregon, Wisconsin (the “Partnership”). The rail lines that will be operated by WSOR are located between milepost 119.0, near Evansville, and milepost 134.0, near “MX” a crossing of the WSOR near Madison, WI (the “Rail Line”). Wisconsin River Rail Transit Commission (“WRRTC”) is acquiring the physical assets of the Rail Line from the Partnership. *See Finance Docket No. 35843, Wisconsin River Rail Transit Commission – Petition for Declaratory Order – Rail Line in Dane, Green and Rock Counties, WI* (not printed).

WSOR is a Class II rail carrier thus invoking the employee notice requirements of Section 1121.4(h). The purpose underlying the notice requirement, however, would not be

thwarted by waiver in this proceeding. The purpose of the notice requirement is to ensure that rail labor unions and employees working on a line being transferred are given adequate notice of the transaction. *See Acq. Of R. Lines Under 49 U.S.C. 10901 & 10902 – Advance Notice*, 2 S.T.B. 592 (1997). In adopting the notice requirement, the Board specifically recognized that “situations may occur necessitating acquirer requests for waiver of the 60-day notice provision....” *Id.* at 601.

Here, labor notice would serve no useful purpose. There has been no traffic on the Rail Line since 1997 and no employee of the Partnership has ever worked on the Rail Line. Neither will any WSOR employee be affected by the acquisition of the Freight Easement. Consequently, providing advance labor notice would be a futile act. *See* STB Finance Docket No. 34660, *Georgia Central Railway, L.P. – Acquisition and Operation Exemption – Rail Line of CSX Transportation, Inc.* (not printed), served February 28, 2005; STB Finance Docket No. 34531, *The Indiana Rail Road Company – Acquisition Exemption – Line of Monon Rail Preservation Corporation* (not printed), served November 22, 2004; STB Finance Docket No. 34904, *Dakota, Missouri Valley and Western Railroad, Inc. – Lease and Operation Exemption – Soo Line Railroad Company* (not printed), served July 24, 2006.

In summary, WSOR respectfully requests that the Board waive the requirements of 49 C.F.R. § 1121.4(h).

Respectfully submitted,

A handwritten signature in cursive script that reads "Karl Morell". The signature is written in black ink and is positioned above a horizontal line.

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