

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

MICHAEL J. BARRON, JR.  
(312) 252-1511  
mbarron@fletcher-sippel.com

August 14, 2013

## VIA ELECTRONIC FILING

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

234674  
ENTERED  
Office of Proceedings  
August 14, 2013  
Part of  
Public Record

Re: **Docket No. AB-303 (Sub-No. 18X)**  
**Wisconsin Central Ltd. - Abandonment**  
**Exemption - In Polk County, Wisconsin**

Dear Ms. Brown:

By decision served March 13, 1998, the Board authorized Wisconsin Central Ltd. ("WCL") to abandon a line of railroad extending from milepost 47.83 to milepost 63.08 in Polk County, Wisconsin, subject to a Notice of Interim Trail Use. The segment from milepost 49.6 to milepost 63.08 was sold pursuant to 16 U.S.C. § 1247 in 2003. Pursuant to a series of STB decisions, the most recent served December 27, 2010, the segment from milepost 47.83 to milepost 49.6 remained under an NITU that expired July 3, 2011. The Wisconsin DNR and Polk County had indicated to WCL that they did not wish to extend the NITU for the segment from milepost 47.83 to milepost 49.6 when it expired.

Thereafter, on May 18, 2011 WCL filed a notice of discontinuance on the segment from milepost 47.83 to milepost 49.6, but in that notice asked the Board to extend the consummation date for abandonment because there was a possibility of a new quarry opening that would result in future rail traffic on the segment.

By order dated August 8, 2011, the Board granted an extension until September 2, 2012 to file a notice of consummation of abandonment on the segment. By order dated August 29, 2012, the Board continued the extension until September 2, 2013.

The quarry has not yet opened, but the developers of the proposed quarry continue to push forward with the project and the project is still in the permitting stage. Because the developers of the quarry remain committed to the project, WCL believes that another extension to file a notice of consummation is warranted. This allows WCL to keep the rail assets in place

# FLETCHER & SIPPEL LLC

Ms. Cynthia T. Brown

August 14, 2013

Page 2

in case the quarry comes into being, while at the same time potentially avoiding the expense of having to refile an abandonment for a segment that has been out of service pursuant to a prior abandonment authorization for over fifteen years. This state of affairs is consistent with STB precedent. See, CSX Transportation, Inc. – Discontinuance of Service Exemption – in Jefferson and Indiana Counties, Pennsylvania, Docket No. AB-55 (Sub-No. 457X)(ICC served November 17, 1993). This is also consistent with the Federal Rail Policy as set forth in 49 U.S.C. § 10101(2) and (7) in that granting an extension of the due date for consummation by one year minimizes the need for federal regulatory control over this segment and reduces regulatory barriers to entry to or exit from the industry for the segment under review.

Therefore, WCL respectfully requests that the STB grant an additional one-year extension on the due date for filing a notice of consummation of abandonment on the segment from milepost 47.83 to milepost 49.6.

Please contact me if you have questions.

Very truly yours,



Michael J. Barron, Jr.

Counsel for Wisconsin Central Ltd.

MJB/ekf