

225966

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

JEREMY M. BERMAN
(312) 252-1510
jberman@fletcher-sippel.com

November 2, 2009

VIA OVERNIGHT DELIVERY

Ms. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423



Re: Docket No. AB 303 (Sub No. 34X) – Wisconsin Central Ltd.
Notice of Exemption for Abandonment in Brown County, Wisconsin

Dear Secretary Quinlan:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the Verified Notice of Exemption of Wisconsin Central Ltd. dated November 2, 2009, pursuant to 49 C.F.R. § 1152.50. A check for the filing fee of \$3700.00 is also enclosed.

An extra copy of this transmittal letter and Notice is included as well. I would request that you date-stamp the transmittal letter and Notice to show receipt of this filing and return them to me in the provided envelope.

The Environmental and Historic Report for this proceeding has already been filed with the Board. Should any questions arise regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeremy M. Berman'.

Jeremy M. Berman
Counsel for Wisconsin Central

JMB:dg
Enclosures

225966

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO AB-303 (SUB-NO. 34X)



**WISCONSIN CENTRAL LTD
—ABANDONMENT EXEMPTION—
IN DENMARK, BROWN COUNTY, WISCONSIN**

FILED

NOV 3 - 2009

**SURFACE
TRANSPORTATION BOARD**

**ENTERED
Office of Proceedings**

NOV 3 - 2009

**Part of
Public Record**

**VERIFIED NOTICE OF EXEMPTION OF
WISCONSIN CENTRAL LTD.
PURSUANT TO 49 C.F.R. § 1152.50**

FEE RECEIVED

NOV 3 - 2009

**SURFACE
TRANSPORTATION BOARD**

**Jeremy M. Berman
Fletcher & Sippel LLC
29 N. Wacker Dr., Suite 920
Chicago, Illinois 60606
312-252-1500
ATTORNEY FOR
WISCONSIN CENTRAL LTD.**

Dated November 2, 2009

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO AB-303 (SUB-NO. 34X)

**WISCONSIN CENTRAL LTD
ABANDONMENT EXEMPTION —
IN DENMARK, BROWN COUNTY, WISCONSIN**

**VERIFIED NOTICE OF EXEMPTION OF
WISCONSIN CENTRAL LTD.
49 C.F.R. § 1152.50**

Wisconsin Central Ltd. ("WCL") hereby submits this Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F, to abandon its line of railroad in Denmark, Brown County, Wisconsin, referred to herein as the "Line" between milepost 97.50 and milepost 97.75, a distance of 0.25 miles.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), WCL submits the following information:

General Corporation Information: 49 C.F.R. § 1152.22(a)(1)-(2)

WCL is a common carrier by rail which owns and operates approximately 1,800 miles of rail line in four Upper Midwestern states. WCL is a wholly-owned subsidiary of Canadian National Railway Company.

The complete name and address of WCL is:

Wisconsin Central Ltd
17641 S. Ashland Avenue
Homewood, IL 60430-1345

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board's class exemption for the abandonment of out-of-service rail lines, codified at 49 C.F.R. Part 1152, Subpart F, WCL intends to abandon its line of railroad between Mileposts 97.50 and 97.75, a distance of approximately 0.25 miles in Denmark, Brown County, Wisconsin.

Map: 49 C.F.R. § 1152.22(a)(4)

A map of the Line to be abandoned is attached hereto as Exhibit A.

WCL's Representative: 49 C.F.R. § 1152.22(a)(7)

WCL's representative to whom correspondence regarding this abandonment should be sent is:

Jeremy M. Berman
Fletcher & Sippel LLC
29 N. Wacker Dr., Suite 920
Chicago, IL 60606
312-252-1500

ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)

The portion of the Line to be abandoned traverses United States Postal Service ZIP Code 54208.

Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)

Per the certificate and verification attached hereto as Exhibit B, WCL certifies that no local revenue traffic has moved over the portion of the Line to be abandoned for at least the last two years, there is no overhead traffic on this trackage that would have to be rerouted over other lines, and no formal complaint filed by a user of rail service on the portion of the Line to be abandoned (or a state or local governmental entity acting on behalf of such user) regarding

cessation of service on the proposed abandonment is pending with the Board or any U.S. District Court or has been decided in favor of the complainant during the last two years.

Consummation Date: 49 C.F.R. § 1152.50(d)(2)

WCL will not consummate the proposed abandonment any earlier than December 22, 2009.

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)

WCL has entered into a contract with the Wisconsin Department of Natural Resources under which the Wisconsin Department of Natural Resources will purchase the right-of-way for use as a trail.

Labor Protection: 49 C.F.R. 1152.50(d)(2)

The level of labor protection applicable in rail line abandonment's is that established in *Oregon Short Line Co — Abandonment — Goshen*, 360 I.C.C. 91 (1979).

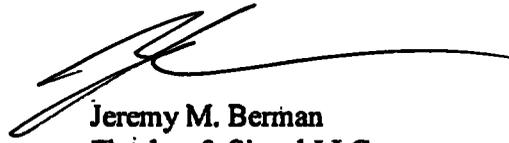
Certificate of Compliance with Notice Requirements: 49 C.F.R. § 1152.50(d)(2)

A certificate that the notice of requirements of 49 C.F.R. § 1152(d)(1) and 49 C.F.R. § 1105.11 have been complied with is attached hereto as Exhibit C.

Environmental and Historic Report: 49 C.F.R. §§ 1105.7 and 1105.8

An Environmental Report and Historic Report, prepared pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, were already filed with the Surface Transportation Board in this proceeding. Since submitting the Environmental Report and Historic Report, WCL has received no additional correspondence. If WCL receives additional correspondence, it will forward copies to the STB.

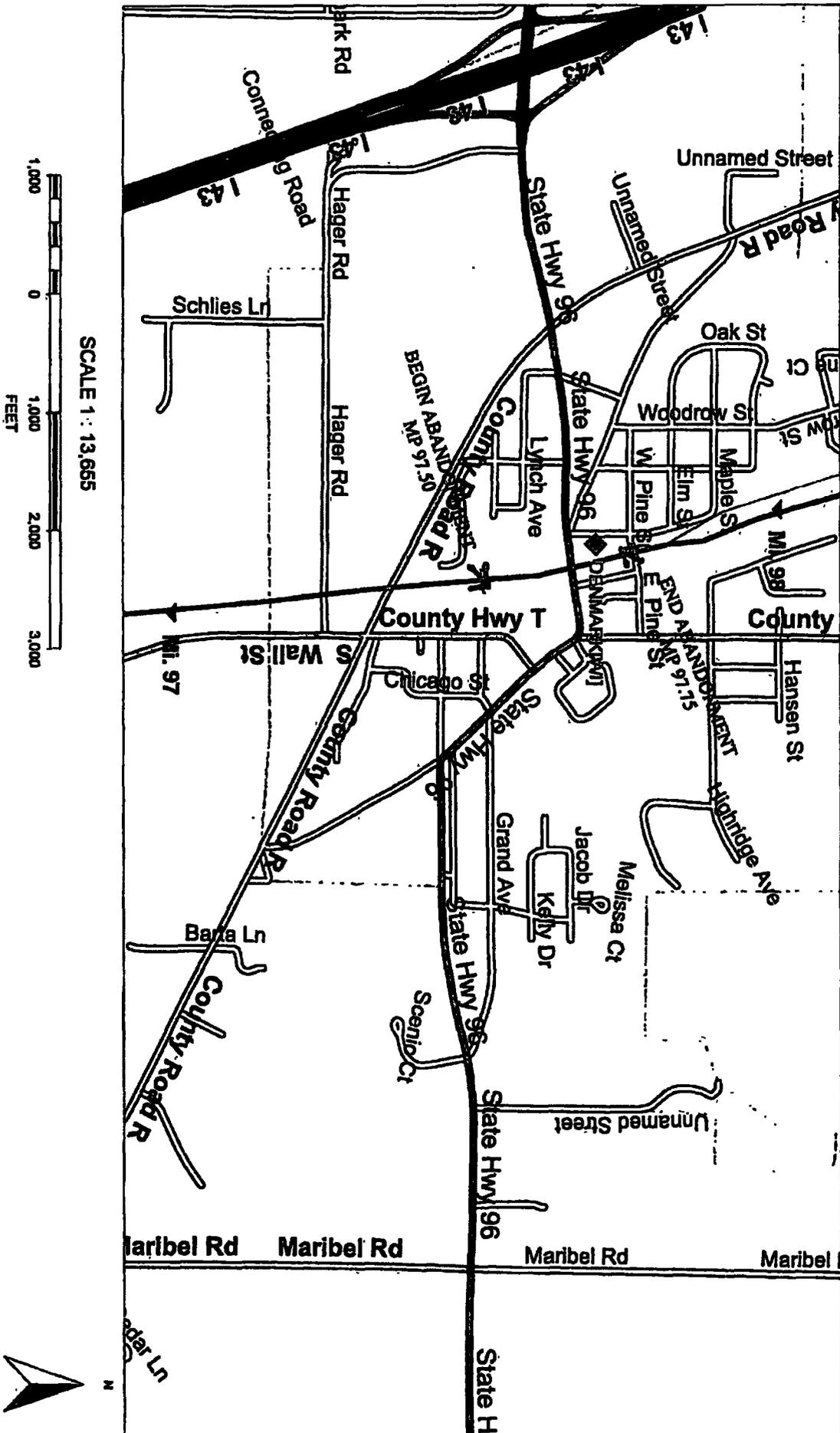
Respectfully submitted,



**Jeremy M. Berman
Fletcher & Sippel LLC
29 N. Wacker Dr., Suite 920
Chicago, IL 60606
312-252-1500
ATTORNEY FOR WISCONSIN CENTRAL LTD.**

Dated: November 2, 2009

Denmark, Wisconsin



DOCKET NO AB-303 (SUB-NO. 34X)

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

CERTIFICATE AND VERIFICATION

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

Robert M. Wedam, being duly sworn, deposes and says

1. That no local traffic has moved over the line of Wisconsin Central Ltd ("WCL") from milepost 97.50 to 97.75, a distance of 0.25 miles in Denmark, Brown County, Wisconsin, for at least two years, and that there is no overhead traffic to be rerouted over other lines; and
2. That no formal complaint filed by a user of rail service on the subject line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the last two years; and
3. That he has read the foregoing Notice of Exemption, knows the facts therein asserted, and that the same are true as stated.

Dated: October 20, 2009



Robert M. Wedam
Wisconsin Central Ltd.

Subscribed and sworn to before me
this 20 day of October, 2009

PATRICIA A. ZIEMINSKI
Notary Public
Cook County Illinois
My Commission Expires
September 25, 2010



CERTIFICATE

I, Jeremy M. Berman, an attorney for Wisconsin Central Ltd., hereby certify that, for the proceeding before the Surface Transportation Board known as Docket No. AB-303 (Sub-No. 34X), Wisconsin Central Ltd. – Abandonment Exemption – in Brown County, Wisconsin:

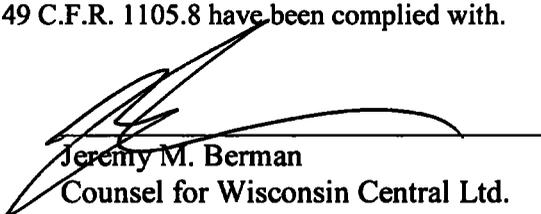
(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with, to wit: On October 2, 2009, written notice was mailed to the (a) United States Department of Defense, MTMCEA, Attn: Railroads for National Defense; (b) U.S. Department of Agriculture, Chief of the Forest Service; (c) National Center for Recreation and Conservation, National Park Service; and (d) Wisconsin Department of Transportation (copies of which are attached hereto as Attachments 1-4). The notice mailed to the National Park Service was returned as undeliverable and a second notice was mailed on October 20, 2009 (see Attachment 3).

(2) The notice requirements of 49 C.F.R. § 1105.11 have been complied with, to wit: On September 24, 2009, the Environmental and Historic Report for this proceeding, which report has also been filed with the Surface Transportation Board, and the accompanying transmittal letters in the form set forth in 49 C.F.R. § 1105.11 (a sample of which is attached hereto as Attachment 5) were served by first class mail, postage prepaid, on the parties listed on Attachment 6, which list includes the state historic preservation officer, as required by 49 C.F.R. § 1105.7(b) and § 1105.11.

(3) A newspaper notice was published on September 24, 2009 in the Green Bay Press-Gazette, a newspaper of general circulation in Brown County, Wisconsin. The notice alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. Copies of the notice and Affidavit of Publication are attached to this certificate as Attachment 7.

(4) The notice requirements of 49 C.F.R. 1105.8 have been complied with.

Dated this 2 day of November, 2009.


Jeremy M. Berman
Counsel for Wisconsin Central Ltd.

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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Suite 920
Chicago, Illinois 60606-2832

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JEREMY M. BERMAN
(312) 252-1510
jberman@fletcher-sippel.com

October 2, 2009

Military Surface Deployment & Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

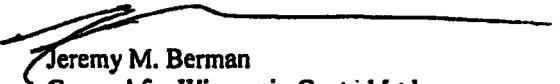
Re: Docket No. AB 303 (Sub No. 34X) – Wisconsin Central Ltd.
Proposed Abandonment in Denmark, Brown County, Wisconsin

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wisconsin Central Ltd. shall on or after October 15, 2009, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 0.25 mile line of railroad between milepost 97.50 and milepost 97.75 in Denmark, Brown County, Wisconsin. Such line runs through U.S. Postal Zip Codes 54208.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,


Jeremy M. Berman
Counsel for Wisconsin Central Ltd.

Encl.

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jberman@fletcher-sippel.com

October 2, 2009

Mr. Tom Tidwell
Chief of the Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250-0003

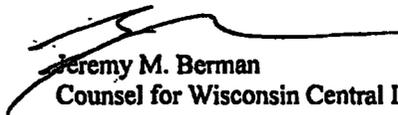
Re: Docket No. AB 303 (Sub No. 34X) – Wisconsin Central Ltd.
Proposed Abandonment in Denmark, Brown County, Wisconsin

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wisconsin Central Ltd. shall on or after October 15, 2009, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 0.25 mile line of railroad between milepost 97.50 and milepost 97.75 in Denmark, Brown County, Wisconsin. Such line runs through U.S. Postal Zip Codes 54208.

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Very truly yours,


Jeremy M. Berman
Counsel for Wisconsin Central Ltd.

~~Encl.~~

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jberman@fletcher-sippel.com

October 2, 2009.

National Park Service
Recreation Resources Assistance Division
P.O. Box 37127
Washington, D.C. 20013-7127

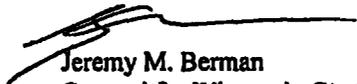
Re: Docket No. AB 303 (Sub No. 34X) – Wisconsin Central Ltd.
Proposed Abandonment in Denmark, Brown County, Wisconsin

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wisconsin Central Ltd. shall on or after October 15, 2009, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 0.25 mile line of railroad between milepost 97.50 and milepost 97.75 in Denmark, Brown County, Wisconsin. Such line runs through U.S. Postal Zip Codes 54208.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Jeremy M. Berman
Counsel for Wisconsin Central Ltd.



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JEREMY M. BERMAN
(312) 252-1510
jberman@fletcher-sippel.com

October 20, 2009

National Park Service
Recreation Resources Assistance Division
1849 C Street
Org. Code 2220
Washington, D.C. 20240

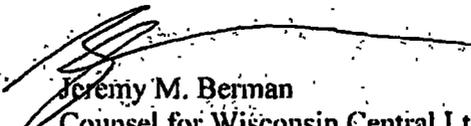
Re: Docket No. AB 303 (Sub No. 34X) – Wisconsin Central Ltd.
Proposed Abandonment in Denmark, Brown County, Wisconsin

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wisconsin Central Ltd. shall on or after October 15, 2009, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 0.25 mile line of railroad between milepost 97.50 and milepost 97.75 in Denmark, Brown County, Wisconsin. Such line runs through U.S. Postal Zip Codes 54208.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,


Jeremy M. Berman
Counsel for Wisconsin Central Ltd.

JMB:dg

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(312) 252-1510
jberman@fletcher-sippel.com

October 2, 2009

Mr. Ron Adams
Director, Bureau of Railroads and Highways
Wisconsin Department of Transportation
P.O. Box 7910
Madison, WI 53707-7910

Re: Docket No. AB 303 (Sub No. 34X) – Wisconsin Central Ltd.
Proposed Abandonment in Denmark, Brown County, Wisconsin

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wisconsin Central Ltd. shall on or after October 15, 2009, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 0.25 mile line of railroad between milepost 97.50 and milepost 97.75 in Denmark, Brown County, Wisconsin. Such line runs through U.S. Postal Zip Codes 54208.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,


Jeremy M. Berman
Counsel for Wisconsin Central Ltd.



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www.fletcher-sippel.com

JEREMY M. BERMAN
(312) 252-1510
jberman@fletcher-sippel.com

September 24, 2009.

Re: Docket No. AB 303 (Sub No. 34X) – Wisconsin Central Ltd.
Proposed Abandonment in Brown County, Denmark, Wisconsin

To Whom It May Concern:

Any time on or after October 15, 2009, Wisconsin Central Ltd. (“WCL”) expects to file with the Surface transportation Board (“STB”) a Notice of Exemption seeking Authority to abandon a railroad line located in Denmark, Brown County, Wisconsin, starting at milepost 97.50 and continuing 1320 feet to milepost 97.75. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis of the STB’s independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB’s environmental and historic review process, please contact their Section of Environmental Analysis (“SEA”), at the Surface Transportation Board, 395 E. Street, S.W., Washington, D.C. 20423, and refer to the above docket number.

WCL will file the Environmental Report and Historic Report with the STB on or about October 15, 2009. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (312) 252-1510 or by mail at the above address.

Sincerely,



Jeremy M. Berman
Counsel for Wisconsin Central Ltd.

Encls.

Mr. Sherman Banker
Wisconsin Historical Society
Division of Historic Preservation and Public History
816 State Street
Madison, WI 53706

U.S. Army Corp of Engineers
St. Paul District (CEMVP-PA)
190 Fifth Street East
St. Paul, MN 55101-1638

U.S. Environmental Protection Agency
Office of Water
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Mr. Kenneth A. Westlake
Chief, NEPA Implementation Section
US EPA Region 5
77 West Jackson Blvd.
Chicago, IL 60604

National Park Service
Department of Interior
1849 C Street, N.W.
Washington, DC 20240

National Geodetic Survey Information Services
SSMC-3, #9202
1315 East-West Highway
Silver Springs, Maryland 20910-3282

Mr. David M. Kennedy, Director
Office of Ocean and Coastal Resource Management
NOAA Ocean Service
1305 East-West Highway
Silver Springs, Maryland 20910

Mr. Gregory Hines, RC&D Coordinator
National Resource Conservation Service
3071 Voyager Drive, Suite E
Green Bay, WI 54311-8343

Mr. Guy Zima
County Board Chairperson – Brown County, WI
305 East Walnut Street
Green Bay, WI 54305

U.S. Fish & Wildlife Service
2800 Lake Shore Drive East Suite B
Ashland, WI 54806-2427

Wisconsin Department of Natural Resources
DNR Northeast Region HDQRS
2984 Shawano Ave.
Green Bay, Wisconsin 54313-6727

Wisconsin Department of Transportation
Hill Farms State Transportation Building
4802 Sheboygan Avenue
PO Box 7910
Madison, Wisconsin 53707-7910

Wisconsin Clearing House for Prevention Resources
1552 University Avenue
Madison, Wisconsin 53726-4085

Wisconsin Department of Administration
IGA Relations
P.O. Box 7868
101 East Wilson Street, 6th Floor
Madison, WI 53707-7868

Wisconsin Department of Administration
Wisconsin Coastal Management Program
P.O. Box 8944
101 East Wilson Street
Madison, WI 53708-8944

GREEN BAY PRESS-GAZETTE



STATE OF WISCONSIN
BROWN COUNTY

Fletcher & Sippel LLC
29 N. Wacker Dr. Suite 920
Chicago, IL 60606

Kayla Hanson

Being duly sworn, doth depose and say that she is an authorized representative of the Green Bay Press-Gazette, a newspaper published in Brown County, Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which was published therein on:

Account Number: 458689

Ad Number: 5806659

Published Date: September 24, 2009

Total Ad Cost: \$64.26

(Signed): Kayla Hanson Date: 9/30/09
Legal Clerk

Signed and sworn to before me,

[Signature]
Notary Public,



Brown County, Wisconsin

My commission expires 12/10/12

NOTICE
Wisconsin Central Ltd. gives notice that on or after October 15, 2009 it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152. Subpart F—Exempt Abandonments permitting the abandonment of a 0.25 mile line of railroad between railroad milepost 97.50, north to railroad milepost 97.75 which traverses through United States Postal Service ZIP Codes 54208 in Brown County, WI. The proceedings will be docketed as No. AB 300 (Sub-No. 30C). The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and safety matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E. Street, SW, Washington, DC 20423 (See 49 CFR 1104.1(a) and 1104.2(a)), and one copy must be served on applicant's representative. (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Service at 202-245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative Fletcher & Sippel LLC, Attention: Jeremy M. Berman, 29 N. Wacker Dr., Suite 920, Chicago, IL 60606. Run: Sept. 24, 2009 WNAJLP