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Law

Thomas J. Healey  
Counsel - Regulatory

17641 S. Ashland Avenue  
Homewood, IL 60430-1339  
T - 708-332-4381  
F - 708-332-4361  
tom.healey@cn.ca

February 10, 2011

**Via Overnight Mail**

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E. Street, S.W.  
Washington, DC 20424

ENTERED  
Office of Proceedings

FEB 14 2011

Part of  
Public Record



Re: Docket No. AB-303 (Sub-No. 37X), Wisconsin Central, Ltd.  
Abandonment Exemption — in Weston, Marathon County, Wisconsin

Dear Ms. Brown:

228820

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 February 10, 2011, pursuant to 49 C.F.R. § 1152.50. I am also enclosing a check in the amount of \$3,600.00, representing the appropriate fee for this filing.

One extra copy of this transmittal letter is enclosed as well. Please date stamp this copy to show receipt and return it to me in the enclosed envelope.

The Environmental and Historic Reports for this proceeding have already been filed with the Board. Feel free to contact me if you have any questions. Thank you for your assistance in this matter.

**FEE RECEIVED**

FEB 14 2011

**SURFACE  
TRANSPORTATION BOARD**

Respectfully submitted,

Thomas J. Healey  
Attorney for Wisconsin Central, Ltd.

Encls.

cc: Wisconsin Department of Transportation

**FILED**

FEB 14 2011

**SURFACE  
TRANSPORTATION BOARD**

1

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. AB-303 (SUB-NO. 37X)

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WISCONSIN CENTRAL, LTD.  
— ABANDONMENT EXEMPTION —  
IN WESTON, MARATHON COUNTY, WISCONSIN

---

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

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Thomas J. Healey  
17641 S. Ashland Avenue  
Homewood, IL 60430-1345  
(708) 332-4381  
ATTORNEY FOR  
WISCONSIN CENTRAL, LTD.

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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DOCKET NO. AB-303 (Sub-No. 37X)

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WISCONSIN CENTRAL, LTD.  
- ABANDONMENT EXEMPTION -  
IN WESTON, MARATHON COUNTY, WISCONSIN

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

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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 Weston, Marathon County, Wisconsin, referred to herein as the "Line" between milepost 17.50 and milepost 18.64, a distance of 1.14 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 Class I 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 17.50 and 18.64, a distance of approximately 1.14 miles in Weston, Marathon 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:

Thomas J. Healey  
17641 S. Ashland Avenue  
Homewood, IL 60430-1345  
(708) 332-4381

**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 54474.

**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 April 15, 2011.

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

WCL believes that the right-of-way may be of interest to the State or another entity for public use.

**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.

Respectfully submitted,

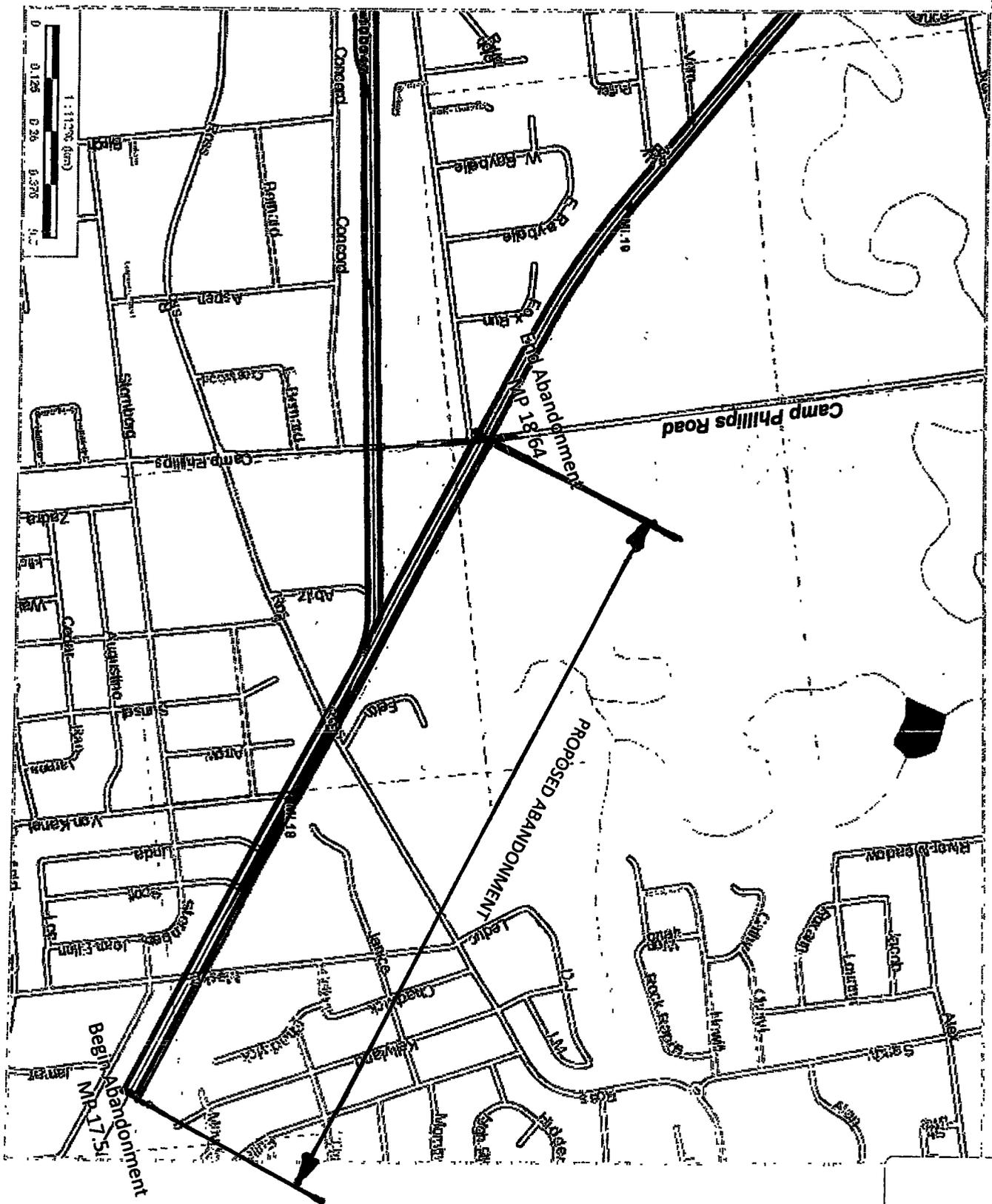
By Tom Healy  
Thomas J. Healey  
17641 S. Ashland Avenue  
Homewood, IL 60430-1345  
(708) 332-4381

ATTORNEY FOR WISCONSIN CENTRAL, LTD.

Dated: February 10, 2011

EXHIBIT A

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Weston, WI  
Docket AB 303-37X

**EXHIBIT B**

**DOCKET NO. AB-303 (SUB-NO. 37X)**

**WISCONSIN CENTRAL LTD.  
— ABANDONMENT EXEMPTION —  
IN WESTON, MARATHON 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 17.50 to 18.64, a distance of 1.14 miles in Weston, Marathon 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.

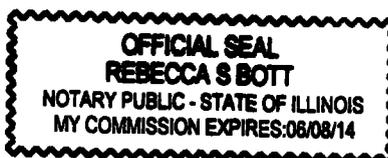
Date: February 10, 2011

*Robert M. Wedam*

Robert M. Wedam  
Senior Manager – Network Strategies  
Wisconsin Central Ltd.

Subscribed and sworn to before me  
this 10<sup>th</sup> day of February, 2011.

*Rebecca S Bott*  
\_\_\_\_\_  
Notary Public



**EXHIBIT C**

**CERTIFICATE**

I, Thomas J. Healey, 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. 37X), Wisconsin Central, Ltd.— Abandonment Exemption — in Weston, Marathon County, Wisconsin:

(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with, to-wit: On January 27, 2011, written notice was mailed to the: (a) Wisconsin Department of Transportation; (b) U.S. Department of Defense, MTMCTEA; (c) National Center for Recreation and Conservation; and (d) U.S. Department of Agriculture (copies of which are attached hereto as Attachments 1-4).

(2) The notice requirements of 49 C.F.R. § 1105.11 have been complied with, to wit: On December 14, 2010, the Environmental Report and Historic Report for this proceeding, which reports have 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 December 12, 2010, in the *Wausau Daily Herald*, a newspaper of general circulation in Weston, Wisconsin. The notice alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. A copy of the notice and Affidavit of Publication are attached to this Certificate as Attachment 7.

  
\_\_\_\_\_  
Thomas J. Healey

Dated: February 10, 2011



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Law

Thomas J. Healey  
Counsel - Regulatory  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

T - 708-332-4381  
F - 708-332-4361  
tom.healey@cn.ca

January 27, 2011

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

Re: Docket No. AB-303 (Sub-No. 37X), Wisconsin Central, Ltd.  
Notice of Exemption in Weston, Marathon 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 February 10, 2011, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 1.14 miles of railroad line starting at milepost 17.50 and ending at milepost 18.64 in Weston, Marathon County, Wisconsin. Such line runs through U.S. Postal Zip Code 54474.

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 any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey  
Attorney for Wisconsin Central, Ltd.

ATTACHMENT 1



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Law

Thomas J. Healey  
Counsel - Regulatory  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

T - 708-332-4381  
F - 708-332-4361  
tom.healey@cn.ca

January 27, 2011

Military Surface Deployment and 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. 37X), Wisconsin Central, Ltd.  
Notice of Exemption in Weston, Marathon 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 February 10, 2011, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 1.14 miles of railroad line starting at milepost 17.50 and ending at milepost 18.64 in Weston, Marathon County, Wisconsin. Such line runs through U.S. Postal Zip Code 54474.

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Sincerely,

Thomas J. Healey  
Attorney for Wisconsin Central, Ltd.

ATTACHMENT 2

10



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Law

Thomas J. Healey  
Counsel - Regulatory  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

T - 708-332-4381  
F - 708-332-4361  
tom.healey@cn.ca

January 27, 2011

Ms. Abigail Kimball  
Chief, Forest Service  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
RM 4NW YATESBG  
Washington, DC 20250

Re: Docket No. AB-303 (Sub-No. 37X), Wisconsin Central, Ltd.  
Notice of Exemption in Weston, Marathon County, Wisconsin

Dear Ms. Kimball:

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 February 10, 2011, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 1.14 miles of railroad line starting at milepost 17.50 and ending at milepost 18.64 in Weston, Marathon County, Wisconsin. Such line runs through U.S. Postal Zip Code 54474.

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 any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey  
Attorney for Wisconsin Central, Ltd.

ATTACHMENT 3

11



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Law

Thomas J. Healey  
Counsel - Regulatory  
17641 S. Ashland Avenue  
Homewood, IL 60430-1339

T - 708-332-4381  
F - 708-332-4361  
tom.healey@cn.ca

January 27, 2011

Mr. Thomas Ross, Division Chief  
National Center for Recreation and Conservation  
National Park Service  
1849 C. Street, N.W.  
Org. Code 2220  
Washington, D.C. 20420

Re: Docket No. AB-303 (Sub-No. 37X), Wisconsin Central, Ltd.  
Notice of Exemption in Weston, Marathon County, Wisconsin

Dear Mr. Ross:

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 February 10, 2011, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 1.14 miles of railroad line starting at milepost 17.50 and ending at milepost 18.64 in Weston, Marathon County, Wisconsin. Such line runs through U.S. Postal Zip Code 54474.

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 any potential overhead traffic on this line can be rerouted over other lines. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Sincerely,

Thomas J. Healey  
Attorney for Wisconsin Central, Ltd.

ATTACHMENT 4

12



Law

Thomas J. Healey  
Counsel - Regulatory

17641 S. Ashland Avenue  
Homewood, IL 60430-1339

T - 708-332-4381  
F - 708-332-4361  
tom.healey@cn.ca

www.cn.ca

December 14, 2010

**Re: Wisconsin Central, Ltd. Notice of Exemption for Abandonment – Weston, Marathon County, Wisconsin - Docket AB-303 (Sub-No. 37X)**

To Whom It May Concern:

Any time on or after January 14, 2011, 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 between milepost 17.50 and milepost 18.64, a distance of 1.14 miles, in Weston, Marathon County, Wisconsin. 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 for 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, SW, Washington, D.C. 20423-0001, (202) 245-0245, and refer to the above docket number.

WCL will file the Environmental Report and Historic Report with the STB on or about December 14, 2010. 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 (708) 332-4381 or by mail at the above address.

Sincerely,

Thomas J. Healey  
Attorney for Wisconsin Central, Ltd.

Encls.

**ATTACHMENT 5**

**13**

Ms. LaDawn Whitehead  
US EPA Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604

Mr. Michael Friis  
Program Manager  
Wisconsin Coastal Management Program  
Post Office Box 8944  
Madison, WI 53708-8944

Mr. Fred Schuster - President  
Retired Senior Claims Supervisor  
3210 Eau Claire Ave.  
Weston, WI 54476

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

Mr. Doug Staller, Manager  
Necedah National Wildlife Refuge  
W7996 20th Street West  
Necedah, WI 54646

Department of the Army Corp of Engineers  
1314 Contractors Boulevard  
Plover, WI 54467-2608

National Park Service  
700 Ray O Vac Dr # 100  
Madison, WI 53711-2468

Ms. Melissa Knipfel  
Soil Conservationist  
Service Center  
326 River Drive  
Wausau, WI 54403-5451

Wisconsin DNR Service Center  
5301 Rib Mt. Drive  
Wausau, WI 54401

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

**ATTACHMENT 6**

**14**

Wisconsin Historical Society  
Division of Historic Preservation  
Office of Preservation Planning  
816 State Street  
Madison, WI 53706

Simon Monroe <Simon.Monroe@noaa.gov>

