

*Wisconsin Central Abandonment*

Thank you, Chairman Nober. I would like to thank the Board staff for their exceptional work on these cases, and I look forward to today's voting conference.

I have submitted a full Comment for the record in the Wisconsin Central Abandonment case, the entirety of which I will not recite here. I did want to say, however, that while I concurred with the decision to grant the abandonment application, I remain sympathetic to the concerns of the shippers and the public in this case. In particular, I am concerned that if an Offer of Financial Assistance is made to operate the newly abandoned line, the new operator will be faced with what is, in effect, a steel barrier in that their line will be captive to the residual Wisconsin Central at both of its stub ends.

Perhaps, looking back on our decision, we missed an opportunity to be more creative in our problem solving. Certainly allowing the parties more time to negotiate alternative arrangements would have been ideal, but I understand the rationale behind the strict procedural time lines within which our governing statute requires the Board to operate.

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Nevertheless, if a financially responsible person (including a governmental authority) were to file an Offer of Financial Assistance to acquire the line at issue in this case, and if that person and the rail carrier fail to agree on the terms, either party may request that the Board establish the conditions under 10904(f). At that time, and if the offeror were to demonstrate a need for trackage rights over the WCL, the Board should consider whether such rights should be granted.

Thank you.