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SERVICE DATE – MARCH 25, 2009

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 30X)

WISCONSIN CENTRAL LTD.—ABANDONMENT EXEMPTION—  
IN MANITOWOC COUNTY, WI

Decided: March 23, 2009

Wisconsin Central Ltd. (WCL) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 1.16-mile line of railroad between milepost 43.14 and milepost 44.30, in Manitowoc, Manitowoc County, WI. Notice of the exemption was served and published in the Federal Register on February 15, 2008 (73 FR 8930). The exemption became effective on March 18, 2008.

By decision served on March 17, 2008 (March 2008 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA), and the exemption was made subject to the condition requiring WCL to retain its interest in and take no steps to alter the historic integrity of all historic properties, including sites, buildings, structures, and objects within the project right-of-way that are eligible for listing or are listed in the National Register of Historic Places (generally 50 years old or older) until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA), had been completed, to report back to SEA regarding any consultations with the Wisconsin State Historic Preservation Officer (SHPO) and any other section 106 consulting parties, and to refrain from filing its consummation notice or initiating any salvage activities related to abandonment (including removal of tracks and ties) until completion of the section 106 process and removal of this condition.<sup>1</sup>

SEA states that it has received a Memorandum of Agreement signed by WCL and the SHPO that serves to document sufficiently the two bridges that will be removed with the proposed abandonment and to satisfy WCL's responsibilities under section 106 of the NHPA. Therefore, based on the information provided, SEA recommends that the section 106 historic preservation condition imposed in the March 2008 decision be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

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<sup>1</sup> The other four environmental conditions imposed in the March 2008 decision remain in effect, but are self-executing and are not a barrier to consummation by WCL of this abandonment.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the March 2008 decision is removed.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Anne K. Quinlan  
Acting Secretary