

BEFORE THE SURFACE TRANSPORTATION BOARD

STB Docket No. FD 35952

Great Lakes Basin Transportation, Inc.

**WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE, and CONSUMER
PROTECTION****Comments on Completeness of Great Lakes Basin Transportation Application**

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is the state agency responsible for the implementation of the Agricultural Impact Statement Program and related land use programs. With this responsibility in mind, DATCP has reviewed the Great Lakes Basin Transportation (GLBT) application to the Surface Transportation Board (STB), dated May 1, 2017 and respectfully submits the following comments regarding the completeness of the application.

The GLBT application must include the information specified under 49 CFR §§1150.2 through 1150.9 in sufficient detail for the STB to find the application complete. If the STB finds the application complete, the STB may then grant the applicant a certificate of public convenience and necessity, authorizing the construction of the new railroad line.

DATCP is concerned whether the GLBT application satisfies the requirements specified in 49 CFR §§1150.2 through 1150.9. The GLBT application contains information gaps and is void of detailed supporting information. Specifically, DATCP has identified three areas where the GLBT application does not sufficiently address the following requirements:

- 49 CFR § 1150.4(e)
- 49 CFR §1150.4(g)(2)
- 49 CFR §1150.6(b)

Under 49 CFR § 1150.4(e), the GLBT application must provide the names of the railroads with which the line would connect, and the proposed connecting points; the volume of traffic estimated to be interchanged; and a description of the principal terms of agreements with carriers covering operation, interchange of traffic, division of rates or trackage rights. The application states that, except for the start of the GLBT railroad near Milton, Wisconsin, GLBT intends to connect to the other Class I railroads in Wisconsin, "...only if traffic justifies the connection." The application does not document any GLBT discussions with any Wisconsin railroads to identify the potential volume of traffic that would be generated by these interconnections.

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Application to the Surface Transportation Board**

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June 5, 2017

49 CFR §1150.4(g)(2) requires a listing of the type of existing and prospective industries in the area, with general information about the age, size, growth potential and projected rail use of these industries. The GLBT application summarily dismisses the existence of industries with the statement, "...the preferred route is generally not adjacent to any existing industries.", and as such, the application does not provide any information about current or prospective industries in the area, much less the projected rail use of these industries. Contrary to the application, several Wisconsin industries are located in the region (e.g., agriculture, manufacturing, food processing). The application is incomplete without addressing this requirement.

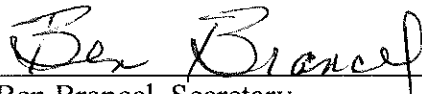
49 CFR §1150.6(b) requires a recent balance sheet and an income statement for the latest available calendar year prior to filing the application. GLBT states in its application that it has no business operations or revenue. Working capital must have been used for preparation of application materials, legal consultation, engineering services, and business plan preparation. The GLBT application is incomplete without inclusion of current financial information as required by this regulation.

Finally, the GLBT application does not discuss the Chicago Region Environmental and Transportation Efficiency Program (CREATE), which plans on investing billions in capital improvements to increase the efficiency of the Chicago regions' rail infrastructure. The application should acknowledge CREATE and how the establishment of this program would affect the proposed GLBT project to support GLBT's claim of benefits.

GLBT is requesting the power to use eminent domain to condemn almost 800 acres of private property in Wisconsin. Approximately 680 acres of which is agricultural properties, most of which is prime farm land that would be permanently taken out of production by the GLBT project. In return for this level of impact to the state of Wisconsin, GLBT predicts that after three years of operation, train use of this rail line might be as low as 2 to 3 trains per day. The application does not include an analysis showing what industries or companies would benefit from this new railroad line, nor does it contain any documents of support from potential Wisconsin users of the GLBT railroad line, such as industrial groups, corporations, or Class 1 railroads.

Due to the incompleteness of the application and its lack of detail to support its claims, DATCP encourages the STB to find the GLBT application incomplete.

Respectively Submitted on this 5th day of June,
2017,



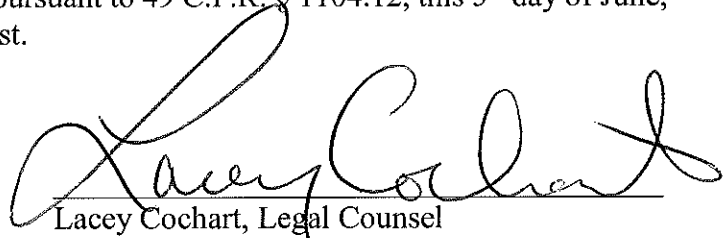
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CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION – COMMENTS ON COMPLETENESS OF GREAT LAKES BASIN TRANSPORTATION APPLICATION in regards to FD No. 35952, by first class mail, pursuant to 49 C.F.R. § 1104.12, this 5th day of June, 2017, on all parties of record on the service list.

A handwritten signature in black ink, appearing to read "Lacey Cochart", written over a horizontal line.

Lacey Cochart, Legal Counsel

WI State Bar No. 1090043

Wisconsin Department of Agriculture, Trade
and Consumer Protection