

 GRANTED Office of Proceedings	DECISION ID NO.: <u>43458</u>
	DECIDED DATE: <u>11/20/13</u>
	SERVICE DATE: <u>11/21/13</u> BEFORE THE SURFACE TRANSPORTATION BOARD
	APPROVED: <u>Rachid Campbell</u> Director AB-33 (SUB-NO. 268X)
	<input checked="" type="checkbox"/> <u>expanded to 3/10/14</u> NOTICE OF EXEMPTION FOR ABANDONMENT-- IN MILWAUKEE COUNTY, WISCONSIN

235062
 ENTERED
 Office of Proceedings
 November 12, 2013
 Part of
 Public Record

**COUNTY OF MILWAUKEE, WISCONSIN
 MOTION TO EXTEND TIME TO
 NEGOTIATE A NOTICE OF INTERIM TRAIL USE**

BACKGROUND

On service date June 11, 2009, the Surface Transportation Board (the Board) served notice that the Union Pacific Railroad Company (UP) filed with the Surface Transportation Board a Notice of Exemption pursuant to 49 U.S.C. § 10502 and the Board's regulations at 49 C.F.R. 1152 Subpart F – Exempt Abandonments to abandon a 3.08-mile line of railroad known as the Capitol Industrial Lead, from milepost 92.21, the Shoreline connection, to the end of the line at milepost 89.13, south of Hampton Avenue in the northeast area of Milwaukee, in Milwaukee County, WI. This portion of the line traverses United State Postal Service Zip Codes 53209, 53211, 53212 and 53217.

On May 11, 2009, the County of Milwaukee (CMW) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29 for the segment of UP railroad from milepost 92.21 to milepost 89.13, a total of approximately 3.08 miles.

The Board granted an NITU under 16 U.S.C. 1247(d), which was served on June 12, 2009, allowing CMW until December 9, 2009, to negotiate a rail banking agreement with UP.

The Milwaukee County Board of Supervisors expressed its commitment to the acquisition of the subject corridor in 2009 through its authorization to submit a Federal Transportation Program

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assessment, preliminary trail alignment, and preliminary bridge design for converting the bridges to trail use, all of which will be combined into a required Design Study Report.

The preliminary engineering part of the process is nearly complete in that WisDOT has reviewed the materials submitted by Milwaukee County, and the County is now addressing their comments.

The Environmental Document and Design Study Report have been in review by WisDOT and FHWA during September and October of 2013. It is anticipated that final corrections to those documents will be approved by the end of November 2013. The draft ROW plat is 95% complete, but cannot be given final approval until the Environmental Document and Design Study Report have been approved. The process of hiring a consultant to negotiate the real estate purchase with the railroad has begun. Preparation of a work authorization with WisDOT for the County to begin final design of the proposed bike trail and railroad bridge conversions will commence in November or December of 2013.

MOTION

Therefore, CMW respectfully moves that the period prescribed to negotiate an interim trail use/rail banking agreement be extended for 180 days for the rail corridor between milepost 92.21 to milepost 89.13, a total of approximately 3.08 miles in the City of Milwaukee, in Milwaukee County, Wisconsin.

Respectfully submitted,

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing cover letter in regards to AB33
(Sub-No. 268X), by electronic mail or regular mail, pursuant to 49 C.F.R. §1104.12, this
11th day of November, 2013, on all parties of record on the service list.

Kathleen Chung

Kathleen Chung, Attorney
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Wisconsin Department of Transportation
Office of General Counsel