

UNION PACIFIC RAILROAD
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718

P 312.777.2055
F 877.213.4433
mackshumate@up.com

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

238429
May 20, 2015 ENTERED
Office of Proceedings
May 20, 2015
Part of Public Record

E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

Re: Abandonment Exemption to Abandon Operations and Discontinue Service of the Capitol Drive Industrial Lead from M.P. 92.21 the Shoreline Connection to the end of the Line at M.P. 89.13 south of Hampton Avenue, a distance of 3.08 miles in Milwaukee County, Wisconsin; STB Docket No. AB-33 (Sub-No. 268X)

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received the executed Joint Notice of Interim Trail Use / Rail Banking Agreement Between Union Pacific Railroad Company and Milwaukee County, Wisconsin in Accordance with 49 C.F.R. 1152.29(h) which is attached hereto with this e-filing.

Sincerely,



Mack H. Shumate, Jr.
Senior General Attorney

MHS/ev
Attachment

cc: Wisconsin Department of Transportation

2015_05_20_STB Ltr to CBrown Joint Notice of Interim Trail.doc

May 18, 2015

VIA E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

**JOINT NOTICE OF INTERIM TRAIL USE / RAIL BANKING AGREEMENT
BETWEEN UNION PACIFIC RAILROAD COMPANY AND
MILWAUKEE COUNTY, WISCONSIN IN ACCORDANCE WITH 49 C.F.R. 1152.29(h)**

**Re: Abandonment of and Discontinuance of Service of the Capitol Drive Industrial
Lead, Milwaukee County, Wisconsin; STB Docket No. AB 33 (Sub-No. 268X)**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") and Milwaukee County, Wisconsin ("County") have entered into a trail use/rail banking agreement (the "Trail Use Agreement") covering the rail line from milepost 91.98 to milepost 89.13 in Milwaukee County, Wisconsin on the Capitol Drive Industrial Lead for a total distance of 2.85 miles (the "Line"). Attached to this Joint Notice as **Exhibit A** and made a part hereof is a map depicting an accurate description of the Line, including mileposts, that is the subject of said Trail Use Agreement. In accordance with the requirements of 49 C.F.R. 1152.29(h), Union Pacific and the County hereby certify that the Trail Use Agreement includes provisions requiring the trail sponsor, Milwaukee County, Wisconsin, to fulfill the responsibilities described at 49 C.F.R. 1152.29(a)(3). A copy of the County's Statement of Willingness to Assume Financial Responsibility under the Trail Use Agreement is attached hereto as **Exhibit B** and is hereby made a part hereof.

Sincerely,

UNION PACIFIC RAILROAD COMPANY

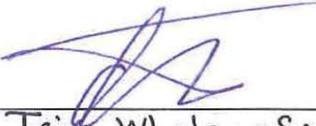


General Attorney

Sincerely,

MILWAUKEE COUNTY, WISCONSIN

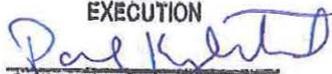
By:


Title: Teij Whaley-Smith

Director, Dept. of Admin. Services

Enclosures

APPROVED
FOR
EXECUTION


Paul K. Smith
CORPORATION COUNSEL.

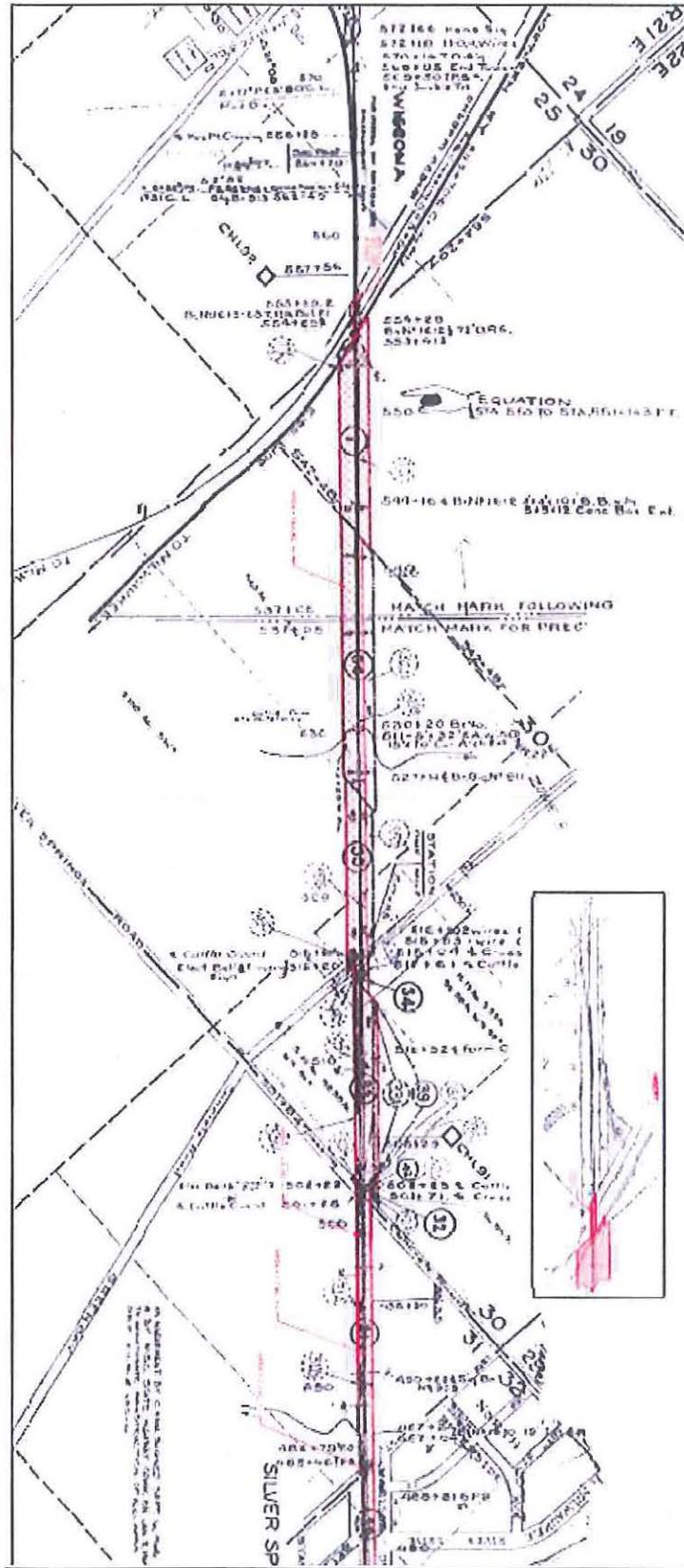


EXHIBIT B TO
JOINT NOTICE

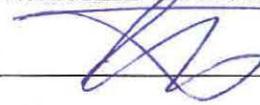
**Milwaukee County, Wisconsin's Statement of Willingness To Assume Financial
Responsibility**

Milwaukee County, Wisconsin, through authorization by _____, acquired the Line as defined below on May 18, 2015 under a Purchase and Sale Agreement between Union Pacific Railroad Company and Milwaukee County, Wisconsin dated April 30, 2015.

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned by Union Pacific Railroad Company [see Discontinuance of Service AB 33 (Sub-No. 268X)], Milwaukee County, Wisconsin hereby represents to the Surface Transportation Board and Union Pacific Railroad Company that Milwaukee County, Wisconsin assumes responsibility for (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify Union Pacific Railroad Company against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right of way. The right of way is known as Capitol Drive Industrial Lead from milepost 91.98 to milepost 89.13, and extends for a total distance of 2.85 miles in Milwaukee County, Wisconsin (the "Line"). The right-of-way is part of a line of railroad proposed for abandonment by Union Pacific Railroad Company in Docket No. STB AB 33 (Sub No. 268X). A map of the property depicting the right-of-way is attached hereto as **Exhibit A** and is hereby made a part hereof.

Milwaukee County, Wisconsin acknowledges that use of the right-of-way is subject to Milwaukee County, Wisconsin's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Surface Transportation Board.

MILWAUKEE COUNTY, WISCONSIN

By: _____


Title: Director, Dept of Admin. Services

Agreed to and Acknowledged by Union Pacific Railroad Company this 18th day of May, 2015.

By: _____


Title: Sr. Counsel - Real Estate

APPROVED
FOR
EXECUTION

CORPORATION COUNSEL.

