

May 5, 2015

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**VIA E-FILING**

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

ENTERED  
Office of Proceedings  
May 5, 2015  
Part of  
Public Record

**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:

The Surface Transportation (“Board”) issued a decision and notice of interim trail use or abandonment in the above-referenced docket having a service date of May 8, 2009 in which it was ordered in part that:

“UP shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, structures, objects or districts within the right of way (the Area of Potential Effect) that are eligible for listing or listed in the national register (generally, 50 years old or older) until the Section 106 process has been completed and to report back to the Board’s Section of Environmental Analysis (SEA) now known as the Board’s Office of Environmental Analysis (OEA) regarding any consultations with the State Historic Preservation officer for the State of Wisconsin and any other Section 106 consulting parties and not file a consummation notice or initiate salvage activities related to the abandonment (including the removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.”

Attached hereto as Exhibit A and hereby made a part hereof, is a letter from Kimberly Zunker Cook of the Wisconsin Historical Society, Division of Historical Preservation – Public History dated April 28, 2015 stating that the Wisconsin State Historical Preservation Office concurs that the planned abandonment of the Union Pacific Line from milepost 92.21 to milepost 86.13 within the city of Milwaukee will not adversely affect the historic properties within the proposed abandonment area. The letter further provides that the Wisconsin Department of Transportation is encouraged to coordinate and work with the Cultural Resources Team, Bureau

The Honorable Cynthia Brown  
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May 5, 2015  
Page 2

of Technical Services to ensure continued regulatory compliance with regard to the bridges on the Line while planning for the trail conversion.

Finally, the letter provides a process for undertaking all ground disturbing work in the area of two (2) human burial sites along a portion of the Line. Such salvage work must be authorized by the state historic preservation office prior to beginning such work. All salvage activities will take place on the surface of the property and is not expected to be ground disturbing. However, to the extent the salvage work will take place where the Line crosses the two referenced human burial sites, prior authorization will be obtained from the state historic preservation office and will be performed in compliance with Wisconsin statute section 157.70 and Wisconsin administrative code section HS2.04.

Therefore, the Union Pacific Railroad Company respectfully requests that the Board's Office of Environmental Analysis issue a recommendation to the Board that the Section 106 condition imposed in this matter has been satisfied thereby permitting salvage of the track structure on the Line so that closing of the Interim Trail Use Agreement with the Wisconsin Department of Transportation acting on behalf of the County of Milwaukee Wisconsin can be completed. The Wisconsin Department of Transportation has informed UP that it desires to begin construction of the trail as soon as possible.

Sincerely,



Attachment

cc: Wisconsin Department of Transportation

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April 28, 2015

Mr. Olin Dirks  
Union Pacific Railroad Company  
1400 Douglas St  
Omaha, NE 68179 – Mail Stop 1350

RE: Docket No. AB 33 (Sub-No. 268X) / WHS # 08-0323 MI  
Union Pacific Rail-line Abandonment and Trail Conversion  
Milwaukee County

Dear Mr. Dirks:

Per your request, please accept this correspondence as a reiteration of the SHPO's concurrence that the planned abandonment of the Union Pacific Rail line from MP 92.21 to MP 89.13 within the City of Milwaukee will not adversely affect the historic properties within the proposed abandonment area.

Please note, however, that since your original notification, both Estabrook Park and Lincoln Park have been listed on the National Register of Historic Places and many of the railroad bridges on that particular line have "contributing" status. We encourage the WisDOT to coordinate with their Cultural Resources Team, Bureau of Technical Services to ensure continued regulatory compliance while planning for the trail conversion.

Secondly, this portion of the line crosses two known human burial sites. All ground-disturbing work must be authorized by the State Historic Preservation Office prior to beginning work to be in compliance with Wis. Stats. § 157.70 and Wis. Admin. Code § HS 2.04, which involve the protection of human burial sites.

Feel free to contact me if you have any further questions or concerns.

Sincerely,



Kimberly Zuñiker Cook  
Wisconsin Historical Society  
Division of Historic Preservation – Public History

Collecting, Preserving and Sharing Stories Since 1846

816 State Street Madison, Wisconsin 53706

[wisconsinhistory.org](http://wisconsinhistory.org)