

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.



SOO LINE RAILROAD COMPANY –)
ABANDONMENT OF TRACKAGE)
LOCATED IN RACINE COUNTY,)
WISCONSIN)

235377
DOCKET NO. AB-57 ENTERED
(SUB-NO. 61X) Office of Proceedings
January 28, 2014
Part of
Public Record

NOTICE OF EXEMPT ABANDONMENT OF TRACKAGE LOCATED BETWEEN
MILEPOST 7.8 +/- AND MILEPOST 18.43 +/- (WAXDALE SPUR) WHICH TRAVERSES
THROUGH UNITED STATES POSTAL SERVICE ZIP CODES 53139, 53182, and 53177 IN
RACINE COUNTY, WISCONSIN

VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. SECTION 10502 AND 49 C.F.R. PART 1152

CLASS EXEMPTION FROM THE REQUIREMENTS
OF 49 U.S.C. SECTION 10903

SOO LINE RAILROAD COMPANY
d/b/a Canadian Pacific

STINSON LEONARD STREET
Professional Association
Leigh K. Currie
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Tel. (612) 335-1532
Fax. (612) 335-1657

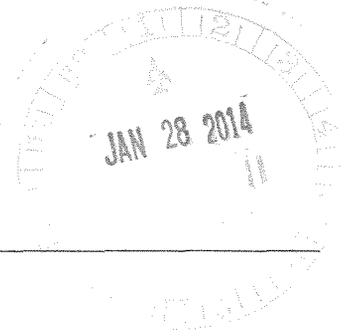
Attorney for Applicant

January 27, 2014

FEE RECEIVED
January 28, 2014
SURFACE
TRANSPORTATION BOARD

FILED
January 28, 2014
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD
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CLASS EXEMPTION FROM THE REQUIREMENTS
OF 49 U.S.C. SECTION 10903

Soo Line Railroad Company (“Soo Line”) d/b/a Canadian Pacific files this Verified Notice of Exemption pursuant to 49 U.S.C. § 10502 and the Board’s regulations at 49 C.F.R. Section 1152.50. This Verified Notice of Exemption is for Soo Line’s abandonment of a 10.63 mile line of railroad between milepost 7.8 +/- and milepost 18.43 +/- (Waxdale Spur) which traverses through United States Postal Service Zip Codes 53139, 53182, and 53177 in Racine County, Wisconsin.

No local traffic has moved over the line for at least two years and all overhead traffic has been routed over other lines.

In accordance with the requirements of 49 C.F.R. Section 1152.50, Soo Line submits the following:

1. WRITTEN NOTIFICATION OF FILING FOR ABANDONMENT EXEMPTION – 49 C.F.R. SECTION 1152.50(d)(1).

Said notification was served on the appropriate parties on January 17, 2014, at least ten (10) days prior to the filing date of this exemption. *See* Exhibit No. 2.

2. PROPOSED CONSUMMATION DATE - 49 C.F.R. SECTION 1152.50(d)(2).

Soo Line intends to consummate the proposed abandonment of its trackage on or after March 18, 2014.

3. CARRIER CERTIFICATION REGARDING LOCAL AND OVERHEAD TRAFFIC AND STATUS OF NO COMPLAINTS REQUIRED BY 49 C.F.R. SECTIONS 1152.50(b) and (d)(2).

The required Certification is attached as Exhibit No. 3.

4. INFORMATION REQUIRED BY 49 C.F.R. SECTIONS 1152.22(a)(1)-(4), (7) and (8) and (e)(4) (INCORPORATED BY REFERENCE IN 49 C.F.R. SECTION 1152.50(d)(2)):

(a) SECTION 1152.22(a)(1) EXACT NAME OF APPLICANT.

Soo Line Railroad Company d/b/a Canadian Pacific.

(b) SECTION 1152.22(a)(2) WHETHER THE APPLICANT IS A COMMON CARRIER BY RAILROAD SUBJECT TO 49 U.S.C. Subtitle IV, chapter 105.

Soo Line is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

(c) SECTION 1152.22(a)(3) RELIEF SOUGHT (ABANDONMENT OF LINE OR DISCONTINUANCE OF SERVICE).

Soo Line seeks authority to abandon a 10.63 +/- mile line of railroad in Racine County, Wisconsin.

(d) SECTION 1152.22(a)(4) DETAILED MAP

See Exhibit No. 1.

- (e) SECTION 1152.22(a)(7) NAME, TITLE AND ADDRESS OF REPRESENTATIVE OF APPLICANT TO WHOM CORRESPONDENCE SHOULD BE SENT.

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STINSON LEONARD STREET
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402
Tel: (612) 335-1532
Fax: (612) 335-1657

- (f) SECTION 1152.22(a)(8) LIST OF ALL UNITED STATES POSTAL ZIP CODES THAT THE LINE PROPOSED FOR ABANDONMENT TRAVERSES:

United States Postal Zip Codes 53139, 53182, and 53177.

- (g) SECTION 1152.22(e)(4) STATEMENT OF WHETHER THE PROPERTIES PROPOSED TO BE ABANDONED ARE SUITABLE FOR USE FOR OTHER PUBLIC PURPOSES, INCLUDING ROADS OR HIGHWAYS, OTHER FORMS OF MASS TRANSPORTATION, CONSERVATION, ENERGY PRODUCTION OR TRANSMISSION, OR RECREATION. IF THE APPLICANT IS AWARE OF ANY RESTRICTION ON TITLE TO THE PROPERTY, INCLUDING ANY REVERSIONARY INTEREST, WHICH WOULD AFFECT THE TRANSFER OF TITLE OR THE USE OF THE PROPERTY FOR OTHER THAN RAIL PURPOSES, THIS SHALL BE DISCLOSED.

The property proposed to be abandoned may be suitable for other public uses. Soo Line is not currently aware of any restriction on title to the property, including any reversionary interest, which would affect the transfer of title or the use of the property for other than rail purposes.

5. SECTION 1152.50(d)(2) THE LEVEL OF LABOR PROTECTION.

Soo Line understands that in granting an exemption for the proposed abandonment, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. Accordingly, while Soo Line anticipates that no adverse effect to its employees will occur as the result of this abandonment, it understands that the Board will likely impose the conditions set forth in *Oregon Short Line Railroad Company - Abandonment – Goshen*, 360 I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

6. SECTION 1105.7(c) CERTIFICATE OF SERVICE OF ENVIRONMENTAL REPORT AND HISTORIC REPORT.

An Environmental Report and Historic Report was prepared in accordance with 49 C.F.R. Sections 1105.7 and 1105.8 and served on the Board and all relevant parties on December 20, 2013, pursuant to 49 C.F.R. Section 1105.7(b). Applicant's certification pursuant to 49 C.F.R. Section 1105.7(c) is attached as Exhibit No. 4.

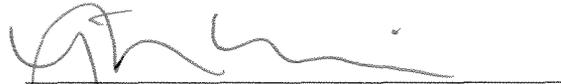
7. SECTION 1105.12 PUBLICATION OF NEWSPAPER NOTICE.

A notice in accordance with Section 1105.12 was published in a newspaper of general circulation in Racine County, Wisconsin on December 19, 2013. A copy of said notice with the required Certification are attached as Exhibit No. 5.

8. VERIFICATION.

The required Verification is attached as Exhibit No. 6.

Dated: 1-27-14



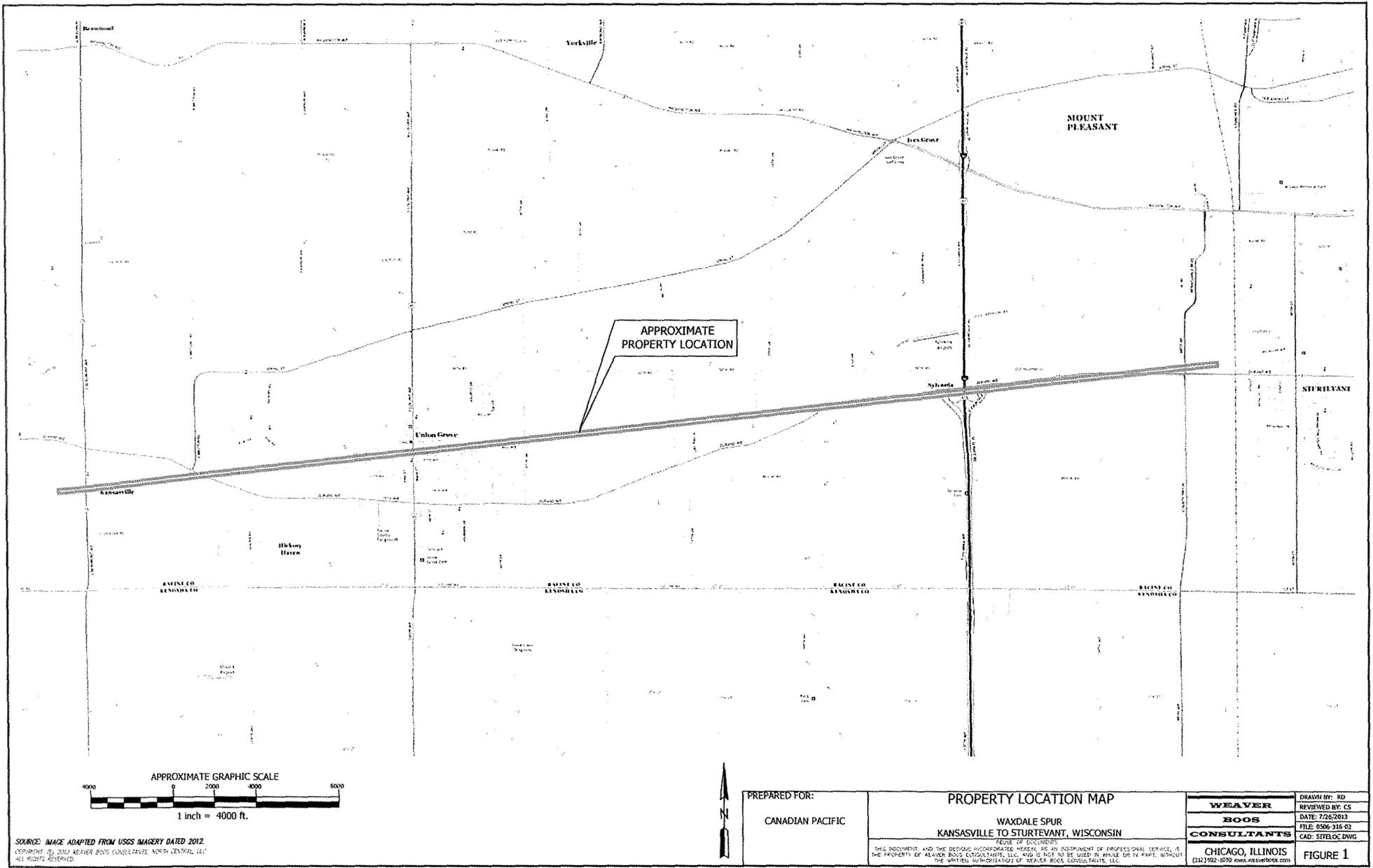
Leigh K. Currie
STINSON LEONARD STREET
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402
Tel.: (612) 335-1532
Fax: (612) 335-1657

Counsel for Soo Line Railroad Company

Exhibit No. 1

Detailed Exhibit Map for Verified Notice of Exemption

49 C.F.R. Sections 1152.50(d)(2) and 1152.22 (a)(4)



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 ALL RIGHTS RESERVED.

PREPARED FOR:
 CANADIAN PACIFIC

PROPERTY LOCATION MAP

WAXDALE SPUR
 KANSASVILLE TO STURTEVANT, WISCONSIN

THIS DOCUMENT AND THE DESIGN INFORMATION HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF WEAVER BOOS CONSULTANTS, LLC AND IS NOT TO BE USED IN WHOLE OR IN PART, WITHOUT THE WRITTEN AUTHORIZATION OF WEAVER BOOS CONSULTANTS, LLC.

**WEAVER
 BOOS
 CONSULTANTS**
 CHICAGO, ILLINOIS
 (312) 922-1030 www.weaverboos.com

DRAWN BY: RD
 REVIEWED BY: CS
 DATE: 7/26/2013
 FILE: 0506-316-02
 CAD: SITELOC.DWG
FIGURE 1

Exhibit No. 2

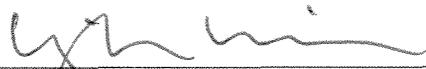
Certification of Proper Service of Written
Notice of Intent to Abandon under the Exemption Process

49 C.F.R. Section 1152.50(d)(1)

CERTIFICATE OF COMPLIANCE WITH SERVICE REQUIREMENT FOR
NOTIFICATION OF INTENT TO FILE EXEMPTION ABANDONMENT

The undersigned hereby certifies that she served the Notice of Intent to File Verified Notice of Exemption for the proposed abandonment in Docket No. AB-57 (Sub-No. 61X) via first class U.S. Mail on January 17, 2013, as required by 49 C.F.R. Section 1152.50(d)(1), to the parties listed on the attached Service List.

Dated: 1-27-2014



Leigh K. Curie
STINSON LEONARD STREET
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402
Tel.: (612) 335-1532
Fax: (612) 335-1657

Counsel for Soo Line Railroad Company

SERVICE LIST
NOTICE OF INTENT TO FILE EXEMPT ABANDONMENT
Soo Line Railroad Company – Abandonment of
Trackage Located in Racine County, Wisconsin
STB Docket No. AB-57 (Sub-No. 61X)

WISCONSIN PUBLIC SERVICE COMMISSION (OR EQUIVALENT AGENCY)

Public Service Commission of Wisconsin
610 North Whitney Way. P.O. Box 7854
Madison, Wisconsin 53707-7854

U.S. DEPARTMENT OF DEFENSE

Office of Special Assistant for Transportation Engineering
Surface Deployment and Distribution Command
Transportation Engineering Agency
Railroads for National Defense Program
709 Ward Drive, Building 1990
Scott AFB, IL 62225

NATIONAL PARK SERVICE, RECREATION RESOURCES ASSISTANCE DIVISION

National Center for Recreation and Conservation
U.S. Department of the Interior
National Park Service
1849 C Street N.W.
Org. Code 2220
Washington, DC 20240

U.S. DEPARTMENT OF AGRICULTURE, CHIEF OF THE FOREST SERVICE

Tom Tidwell, Chief
Forest Service
U. S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street, S.W.
Washington, DC 20024

Exhibit No. 3

Carrier Certification of Out-of-Service Status/Local
Traffic/Overhead Traffic/No Complaints

49 C.F.R. Section 1152.50(b)

CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)

I, David S. Drach, Director Real Estate U.S. for Soo Line Railroad Company (“Soo Line”) dba Canadian Pacific, hereby certify that with respect to the trackage that is the subject of this Verified Notice of Exemption in Docket AB-57 (Sub-No. 61X), Soo Line has had no movements over the subject trackage in at least two years. No local traffic has been handled to or from any customer for at least two (2) years prior to the date hereof and any overhead traffic routed over this line can be and has been rerouted over other lines. Further, I certify that no formal complaint has been filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line segment and that no such complaint is either pending with the Commission or any U.S. District Court or has been decided in favor of a complainant within the two-year period immediately preceding the filing of this Notice.

The foregoing Certification is made on behalf of Soo Line and Canadian Pacific by the undersigned after due and careful investigation of the matters herein certified. I verify under penalty of perjury under the laws of the United States of America, that I have been authorized by Soo Line to verify and file with the Surface Transportation Board the foregoing statement; that I know the contents thereof and the facts asserted therein; that I declare that the foregoing is true and correct.

Dated: January 27, 2014



Exhibit No. 4

Certification of Proper Service of
Environmental and Historic Reports

49 C.F.R. Section 1105.7(c)

CERTIFICATE OF COMPLIANCE WITH SERVICE REQUIREMENT FOR
ENVIRONMENTAL AND HISTORIC REPORTS

The undersigned hereby certifies that he served the Environmental and Historic Reports in Docket No. AB-57 (Sub-No. 61X) with a transmittal letter conforming to the requirements of 49 C.F.R. § 1105.11 via first class U.S. Mail, on December 20, 2013, as required by 49 C.F.R. § 1105.7(c) and 49 C.F.R. § 1105.8, to the parties listed on the attached Service List.

Dated:

January 27, 2014



W. Karl Hansen
STINSON LEONARD STREET
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Tel: (612) 335-7088
Fax: (612) 335-1657

SERVICE LIST
ENVIRONMENTAL AND HISTORIC REPORTS
Soo Line Railroad Company – Abandonment of
Trackage Located in Racine County, Wisconsin
STB Docket No. AB-57 (Sub-No. 61X)

Appropriate Regional Office(s) of the
U.S. Environmental Protection Agency

Ms. Susan Hedman,
Administrator, Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, IL 60604-3507

U.S. Fish and Wildlife Service

Mr. Tom Melius
Midwest Regional Director (Region 3)
U.S. Fish and Wildlife Service
5600 American Boulevard West, Suite 990
Bloomington, MN 55437-1458

U.S. Army Corps of Engineers – Regional Office

Lieutenant Colonel Robert Ells
District Commander, Detroit District
U.S. Army Corps of Engineers
McNamara Federal Building
477 Michigan Avenue
Detroit, MI 48226-2575

The National Park Service

Mr. Michael Reynolds
Regional Director
National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

The U.S. Soil Conservation Service

Mr. Jimmy Bramblett
Wisconsin State Conservationist
USDA Natural Resources Conservation Service
8030 Excelsior Drive
Madison, WI 53717-2906

The National Geodetic Survey (as designated agent for the National Geodetic Survey and the U.S. Geological Survey)

Ms. Juliana P. Blackwell
Director
Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9202
1315 East-West Highway
Silver Spring, MD 20910-3282

Simon Monroe
National Oceanic and Atmospheric Administration
Geodetic Survey, SSMC3 #9202
1315 East-West Highway
Silver Spring, MD 20910-3282

State Clearinghouse

Ed Eberle, Administrator
Intergovernmental Relations
Wisconsin Department of Administration
101 East Wilson Street, 9th Floor
P.O. Box 8944
Madison, WI 53708-8944

State Department of Transportation for Wisconsin

Secretary
Wisconsin Department of Transportation
4802 Sheboygan Avenue
P.O. Box 7910
Madison, WI 53707-7910

State Environmental Protection Agency for Wisconsin

Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921
Madison, WI 53707-7921

State Water Quality Official

Ms. Susan Sylvester
Director, Bureau of Water Quality
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921
Madison, WI 53707-7921

State Historic Preservation Office for Wisconsin

Wisconsin Historical Society
816 State Street
Madison, WI 53706-1482

State Coastal Zone Management Agency

Mr. Michael Friis
Program Manager
Wisconsin Coastal Management Program
101 East Wilson Street, 9th Floor
Madison, WI 53708-8944

Other Political Entities and/or Indian Reservations through which the line runs

Racine County

Mr. James A. Ladwing
Racine County Executive
Courthouse
730 Wisconsin Avenue, 10th Floor
Racine, WI 53403

Village of Sturtevant

Mr. Steve Jansen
President, Village Board
Village of Sturtevant
2801 89th Street
Sturtevant, WI 53177

Town of Yorkville

Town of Yorkville
925 15th Avenue
Union Grove, WI 53182

Village of Union Grove

Village of Union Grove
925 15th Avenue
Union Grove, WI 53182

Town of Kansasville

Mr. Thomas Lembcke
Chairman, Town Board
Dover Town Hall
4110 South Beaumont Avenue
Kansasville, WI 53139

Exhibit No. 5

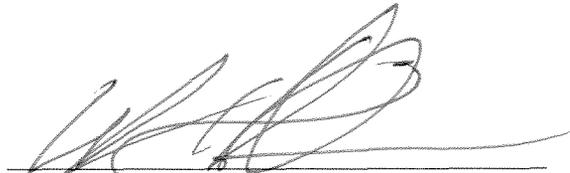
Certificate of Publication of
Newspaper Notice

49 C.F.R. Section 1105.12

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-57 (Sub-No. 61X) was advertised in a newspaper of general circulation in all counties through which the line which is the subject of this Notice runs, as required by 49 C.F.R. Section 1105.12. Copies of the Affidavit of Publication and Notice are attached.

Dated: January 27, 2014



W. Karl Hansen

Exhibit No. 6
Verification Regarding
Facts of Verified Notice of Exemption

VERIFICATION

I, David S. Drach, Director Real Estate U.S. for Soo Line Railroad Company (“Soo Line”) dba Canadian Pacific, hereby verify that I have carefully examined all of the statements concerning the operations of Soo Line in the Verified Notice of Exemption, including the map attached as Exhibit No. 1 to the Notice; that I have knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of my knowledge, information, and belief.

The foregoing is made on behalf of Soo Line by the undersigned after due and careful investigation of the matters herein certified. I verify under penalty of perjury under the laws of the United States of America, that I have been authorized by Soo Line to verify and file with the Surface Transportation Board the foregoing statement; that I know the contents thereof and the facts asserted therein; that I declare that the foregoing is true and correct.

Date: January 27, 2014