

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

April 9, 2013

VIA E-FILING

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

234047
ENTERED
Office of Proceedings
April 9, 2013
Part of
Public Record

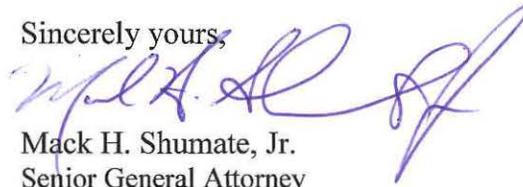
RE: Proposed Abandonment of the Menomonie Industrial Lead from Milepost 0.32 near Cedar Falls Road to Milepost 0.90, the end of the Line, near Oak Avenue, a total distance of 0.58 miles in Menomonie, Dunn County, Wisconsin, STB Docket No. AB-33 (Sub-No. 302X)

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the City of Menomonie (the "City") dated April 9, 2013, seeking a Public Use Condition under the provisions of 49 U.S.C. §0905 and 49 C.F.R. §1152.28 and interim trail use and rail banking under the provisions of 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Menomonie Industrial Lead, as defined above, a distance of 05.8 miles in Dunn County, Wisconsin.

The Union Pacific is willing to negotiate with City concerning the acquisition of the subject property for trail use and supports the City's request for the standard 180-day negotiation period with regard to the Line from Milepost 0.32 to Milepost 0.90 for a total distance of 0.58 miles. A copy of City's request is attached hereto as **Exhibit A** and is hereby made a part hereof.

Sincerely yours,



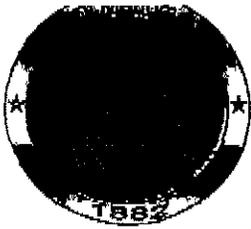
Mack H. Shumate, Jr.
Senior General Attorney

Attachment

cc: City of Menomonie

2013_04_09 180-Day Ext Trail Use Request (Dunn County).doc



**City of Menomonie**

800 Wilson Avenue
Menomonie, WI 54751
715 232 2369 – 715 232 2187
E-Mail: lprange@menomonie-wi.gov
E-Mail: mayor@menomonie-wi.gov

Randy Knaack
Mayor

Lowell R. Prange
City Administrator

April 9, 2013

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

RE: Proposed Abandonment of the Menomonie Industrial Lead from Milepost 0.32 near Cedar Falls Road to Milepost 0.90, the end of the Line, near Oak Avenue, a total distance of 0.58 miles in Menomonie, Dunn County, Wisconsin, STB Docket No. AB-33 (Sub-No. 302X)

Dear Ms. Brown:

This request is filed on behalf of the City of Menomonie, Dunn County, Wisconsin, which is a local government and political subdivision of the State of Wisconsin, interested in the further development of a recreational trail in the City of Menomonie, which is hereinafter referred to as 'proponent'. While not taking a position on the merits of this abandonment, the proponent requests issuance of a Public Use Condition as well as a Certificate of Notice of Interim Trail Use rather than an outright abandonment authorization extending from Milepost 0.32 near Cedar Falls Road and to Milepost 0.90, the end of the line, near Oak Avenue in the City of Menomonie, Dunn County, Wisconsin.

A. Request For Public Use Condition

Proponent requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that the corridor will connect to and be an extension of the existing trail now in place to the south of the line on the right-of-way covered by a trail condition previously granted in AB-33 (Sub. No. 1904). The conversion of the property to trail use is in accordance with state and local plans. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time because we have not had an opportunity to complete negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purpose. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. Ch. 1247(d), and 49 C.F.R. Ch. 1152.29, the City of Menomonie is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by the Union Pacific Railroad.

The property, known as part of the Menomonie Industrial Lead, extends from railroad Milepost 0.32 near Cedar Falls Road to railroad Milepost 0.90, the end of the line, near Oak Avenue, a total distance of 0.55 miles in the City of Menomonie, Dunn County, Wisconsin. The right-of-way is a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub-No. 302X). A location map depicting the property is attached.

The Common Council of the City of Menomonie acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By signature below, I certify that on April 9, 2013, a copy of this request was served upon the following party at Union Pacific Railroad via first class U.S. Mail, postage prepaid, and via fax to (877) 213-4433:

Mack H. Shumate, Jr.
Senior General Counsel
Union Pacific Railroad
101 North Wacker Drive, Room 1920
Chicago, IL 60608-1718

The City of Menomonie is a local government entity that is filing this request for interim trail use/railbanking for a public purpose. Accordingly, the City respectfully requests waiver of the filing fee.

Respectfully submitted,

CITY OF MENOMONIE



Randy Knaack, Mayor

cc Lowell Prange, City Administrator
Randy Eide, Public Works Director

