

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

238014

March 19, 2015

ENTERED
Office of Proceedings
March 19, 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

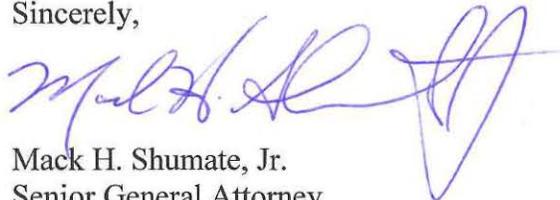
RE: Proposed Discontinuance of the Waukesha Industrial Lead from Milepost 17.15 to Milepost 18.16 near Waukesha, a total distance of 1.01 miles in Waukesha County, Wisconsin; STB Docket No. AB-33 (Sub-No. 325X)

Dear Ms. Brown:

Pursuant to the Board's exemption procedures for discontinuance of service of rail lines with no local business for at least two (2) years, (49 C.F.R. § 1152.50), I am hereby e-filing the Verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 325X). Enclosed is a credit authorization voucher in the amount of \$3,900.00 for the filing fee.

Sincerely,



Mack H. Shumate, Jr.
Senior General Attorney

MHS/ev

2015_03_19_Brown-Ltr-NOE

FEE RECEIVED
March 19, 2015
SURFACE
TRANSPORTATION BOARD



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-33 (Sub-No. 325X)

**UNION PACIFIC RAILROAD COMPANY
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN WAUKESHA COUNTY, WISCONSIN**

**VERIFIED NOTICE OF EXEMPTION
FOR DISCONTINUANCE OF SERVICE**

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
Tel: 312-777-2055
Fax: 877-213-4433

Dated and Filed: March 19, 2015

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-33 (Sub-No. 325X)

UNION PACIFIC RAILROAD COMPANY
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN WAUKESHA COUNTY, WISCONSIN

VERIFIED NOTICE OF EXEMPTION

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption for Discontinuance of Service ("Notice of Exemption") pursuant to 49 § C.F.R. 1152, Subpart F - Exempt Abandonments and Discontinuances of Service, for an exempt discontinuance of that portion of the Waukesha Industrial Lead from Milepost 17.15, Springdale Road, to the end of the Line at Milepost 18.16 West of Les Paul Parkway in the Southeast Waukesha area, a distance of 1.01 miles in Waukesha County, Wisconsin (the "Line").

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), UP submits the following information:

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The discontinuance is proposed to be consummated or effective on or after May

8, 2015 at least 50 days after filing this Notice of Exemption.

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local or overhead traffic has moved over the Line for at least two years. Therefore, there is no need to reroute any traffic. UP further certifies that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line is pending either with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two-year period.

Additional Information Required: 49 C.F.R. 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

(a) General.

(a)(1) The railroad's exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to discontinue service over the Waukesha Industrial Lead from Milepost 17.15 to Milepost 18.16 a total distance of 1.01 miles in Waukesha County, Wisconsin. UP intends to "rail bank" the Line, leaving the track in place and to retain its interest in the underlying right-of-way. The only salvage activity contemplated is that grade crossings on the Line may be removed or paved over as and when they require replacement or repair. Crossings and grade crossing warning devices removed from the Line will be replaced if and when service on the Line is reinstated. The Office of the Commissioner of Railroads of the State of Wisconsin (the "OCR") has acknowledged UP's rights and obligations with regard to any crossing removals or modifications during the period of discontinuance and authorizes reinstallation of the

crossing panels and warning devices if rail service on the Line is reinstated. A copy of the OCR's decision will be filed in this matter upon receipt by the UP.

(a)(4) A map showing the location of the Line in relation to other rail lines, highways, and major roads in the area is attached as **Exhibit 1**.

(a)(7) The representative to whom correspondence regarding this abandonment and discontinuance should be sent is:

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
Tel: 312-777-2055
Fax: 312-777-2065

(a)(8) ZIP Codes. The Line traverses U.S. Postal Service Zip Codes 53186, and 53146.

(e)(4) Rural and Community Impact.

The Line was constructed in 1882 by the Milwaukee and Madison Railroad Company. The Line is currently constructed with 90 and 100-pound rail. No local traffic has moved over the Line in at least two years, and there is no overhead traffic or passenger service on the Line. UP has received no request for rail service on the Line in well over two years. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during the prior two years.

After the discontinuance, rail service will continue to be provided by the remaining active portion of the UP Waukesha Industrial Lead, as well as the Canadian National main line between Fond du Lac and Chicago, which is located approximately one mile West of the subject Line. The area is well served by local roads and highways.

The Line is crossed by Wisconsin 164, a six lane major thoroughfare, and the entire Line lies within 1.5 miles of US-18, and less than 2.5 miles from Interstate-94. Based on information in UP's possession the Line does not contain federally granted rights of way. Any documentation in UP's possession with regard to the Line will be made available promptly to those requesting it.

Labor Protection

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

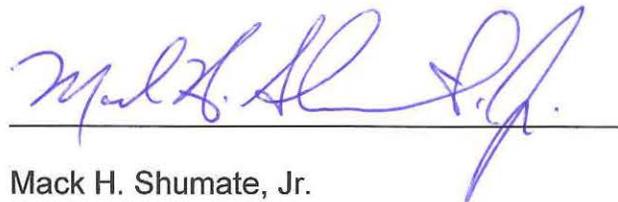
Attached as **Exhibit 2** is a Certificate of Service and Publication, pursuant to the notice requirements of 49 C.F.R §§ 1152.50(d)(1), 1105.11 and 1105.12.

Environmental and Historic Report

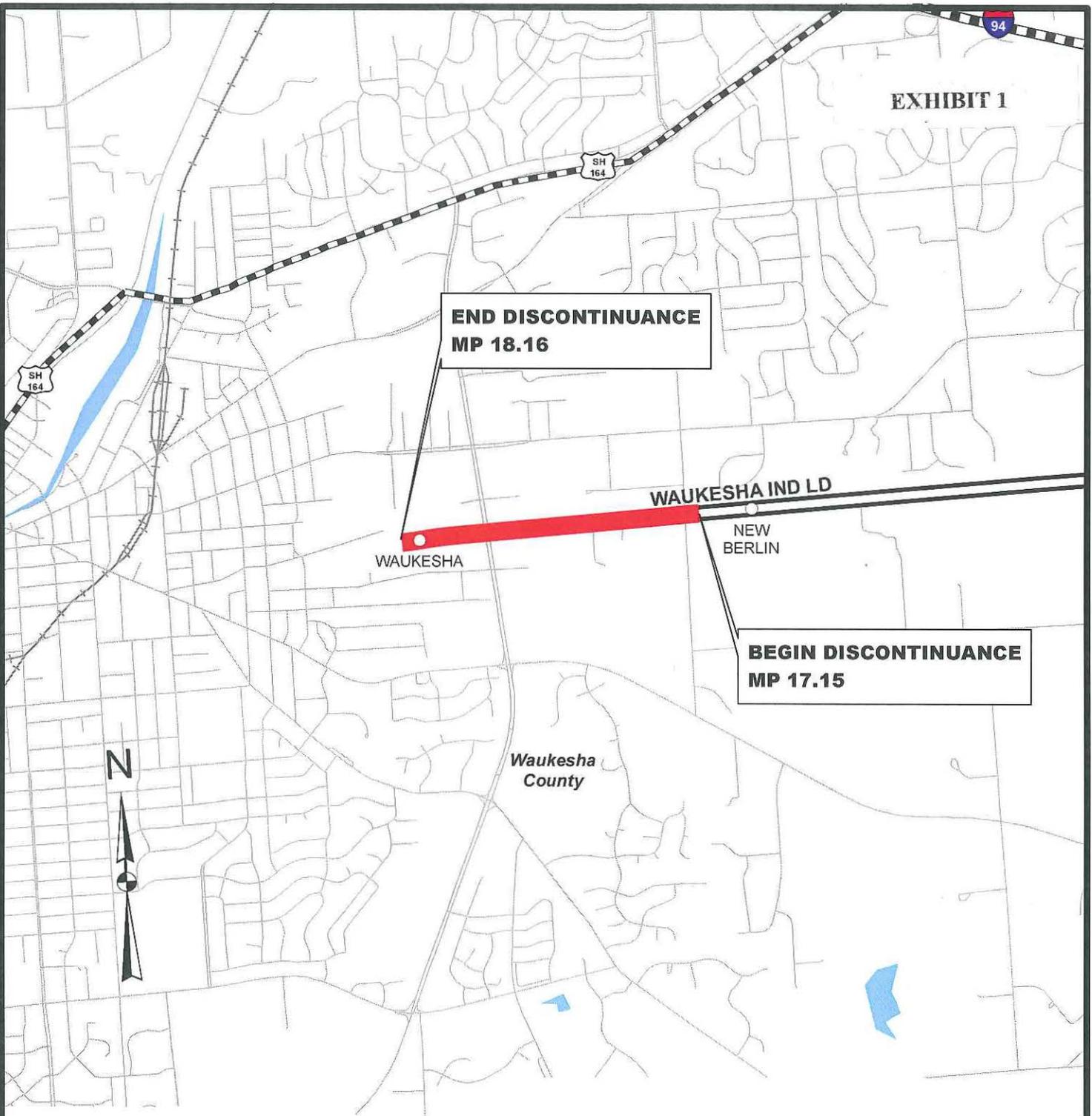
Not applicable in that UP is merely discontinuing service on the Line.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
Tel: 312-777-2055
Fax: 312-777-2065
MACKSHUMATE@UP.com



Legend

-  DISCONTINUANCE
-  OTHER TRACKS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS
-  STATIONS

WAUKESHA IND LD

MP 17.15 TO MP 18.16
TOTAL OF 1.01 MILES
IN WAUKESHA COUNTY, WISCONSIN

**UNION PACIFIC RAILROAD CO.
WAUKESHA IND LD
WISCONSIN**



DOCKET NO. AB – 33 (SUB-NO. 325X)

UNION PACIFIC RAILROAD COMPANY
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN WAUKESHA COUNTY, WISCONSIN

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) – Notice

The undersigned certifies that on March 9, 2015 (at least 10 days before a Notice of Exemption is filed), written notice was given by Union Pacific stating Union Pacific's intent to use the Notice of Exemption procedure to discontinue service on the Waukesha Industrial Lead in Waukesha County, Wisconsin in Docket No. AB-33 (Sub-No. 325X). Said written notice (a copy of which is attached hereto as **Attachment No.**

1) was served on the following:

U.S. Dept. of Agriculture
Chief of the Forest Service
4th Floor, N.W. Auditors Bldg.
U.S. Department of Agriculture
14th St. & Independence Ave., SW
Washington, DC 20250

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

Headquarters
Military Surface Deployment & Distribution
Command
Transportation Engineering Agency
ATTN: ADTE - SA
Railroads for National Defense Program
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

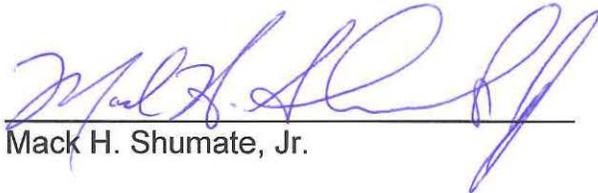
Wisconsin Office of Planning,
Assessment, Research & Quality
210 Administration Building
University of Wisconsin – Stout
Menomonie, WI 54751

49 C.F.R. § 1105.12 – Newspaper Notice

The undersigned further certifies that a "Notice of Intent to Discontinue Service" was published in the form prescribed by the Board for a Notice of Exemption (Copy Attached as **Attachment No. 2**). The Notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Waukesha	Waukesha Freeman	March 14, 2015

Dated this 19th day of March, 2015


Mack H. Shumate, Jr.

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

ATTACHMENT 1

March 9, 2015

U.S. Dept. of Agriculture
Chief of the Forest Service
4th Floor, N.W. Auditors Bldg.
U.S. Department of Agriculture
14th St. & Independence Ave., SW
Washington, DC 20250

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

Headquarters
Military Surface Deployment & Distribution Command
Transportation Engineering Agency
ATTN: ADTE - SA
Railroads for National Defense Program
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

Wisconsin Office of Planning,
Assessment, Research & Quality
210 Administration Building
University of Wisconsin – Stout
Menomonie, WI 54751

RE: Proposed Discontinuance of the Waukesha Industrial Lead from Milepost 17.15 to Milepost 18.16 both near Waukesha a total distance of 1.01 miles in Waukesha County, Wisconsin; STB Docket No. AB-33 (Sub No. 325X)

Dear Sir or Madam:

Please be advised that Union Pacific Railroad Company (“UP”) expects to file with the United States Surface Transportation Board (“STB”), on or after March 19, 2015, a notice of an exempt discontinuance of a portion of a line of railroad known as the Waukesha Industrial Lead, located near Waukesha, Waukesha County, Wisconsin, extending from Milepost 17.5 to Milepost 18.16 both near Waukesha, Waukesha County, Wisconsin (The “Line”), a total distance of 1.01 miles. The Line traverses U.S. Postal Service zip code 53188.

The "no business" exemption procedure will be used to discontinue the Line, pursuant to the STB's abandonment and discontinuance regulations at 49 C.F.R. §1152.50. No local traffic has moved over the Line for at least two years and there is no overhead traffic on the Line. A Notice of Exemption to discontinue service on the Line pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed with the STB on or after March 19, 2015.

Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.



March 9, 2015
Page 2 of 2

A map showing the segment of Line to be abandoned is attached for your information.

Sincerely,

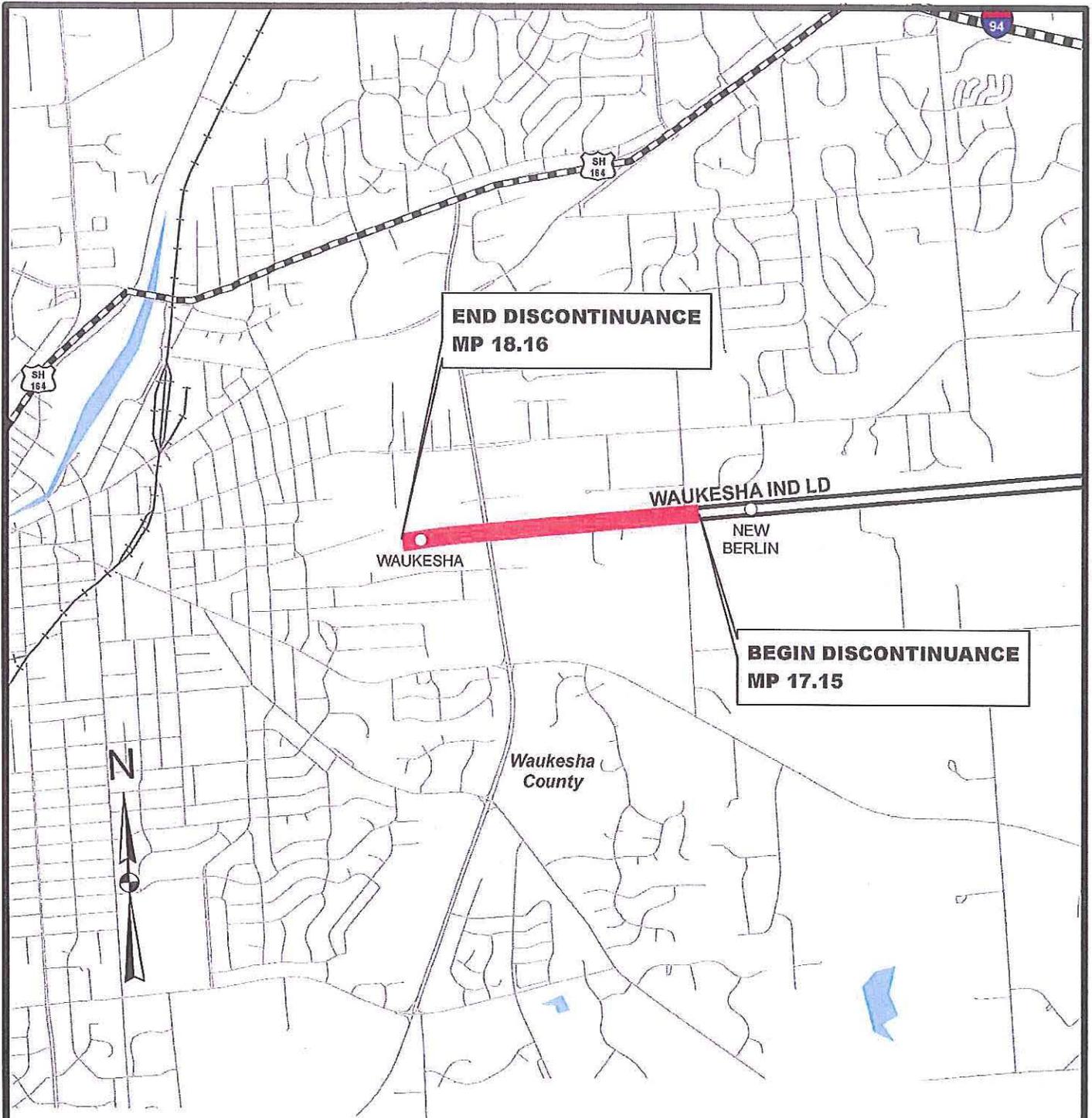


Mack Shumate, Jr.
Senior General Attorney

MHS/ev
Attachment

2015_03_09 Ten Day Notice.doc





**END DISCONTINUANCE
MP 18.16**

**BEGIN DISCONTINUANCE
MP 17.15**

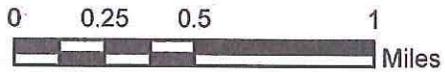
Legend

-  DISCONTINUANCE
-  OTHER TRACKS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS
-  STATIONS

WAUKESHA IND LD

MP 17.15 TO MP 18.16
TOTAL OF 1.01 MILES
IN WAUKESHA COUNTY, WISCONSIN

**UNION PACIFIC RAILROAD CO.
WAUKESHA IND LD
WISCONSIN**



AFFIDAVIT OF PUBLICATION

State of Wisconsin Circuit Court Waukesha County

PROOF OF PUBLICATION

Account Name: Union Pacific Railroad Com.
Telephone Number: 402-544-0438
Address: 1400 Douglas St.- Stop 1580
Omaha, NE 68179

ACCT Number: 322819

IN THE MATTER OF: Discontinue Service Notice
AD Number: 243209002
AD Cost: 275.68

I, Teri Dahnke, being sworn, state:

I am the billing coordinator of the Waukesha Freeman, a public newspaper of general circulation, printed and published in the English language in the City of Waukesha, in Waukesha County, Wisconsin, and fully complying with the laws of Wisconsin relating to the publication of legal notices.

The notice, of which a printed copy attached hereto, is a true copy taken from the newspaper as published on the following dates.

3/14/15

Signed: _____

Teri Dahnke

Teri Dahnke, Billing Coordinator

STATE OF WISCONSIN SS.
WAUKESHA COUNTY

Personally came before me, this date of March 14, 2015
the above named Teri Dahnke to me known to be the person who executed
the foregoing instrument and acknowledged the same.

Signed: _____

Nancy Bellin

Nancy Bellin
Notary Public, Wisconsin

My Commission expires: 10/5/18



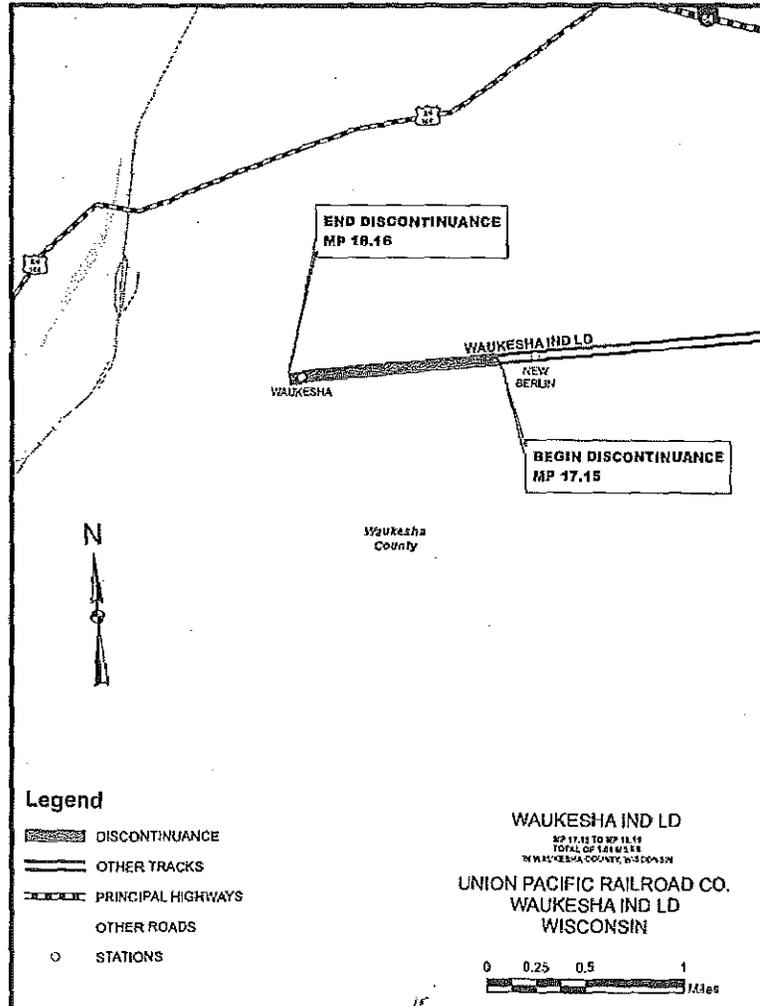
NOTICE OF INTENT TO DISCONTINUE SERVICE

UNION PACIFIC RAILROAD COMPANY ("UP") gives notice that on or after March 19, 2015, it intends to file with the Surface Transportation Board, Washington, D.C. 20423, a Notice of Exemption under 49 C.F.R. Part 1152, Subpart F -- *Exempt Abandonments and Discontinuances*, for an exempt discontinuance of service on that portion of the Waukesha Industrial Lead extending from Milepost 17.15 to Milepost 18.16 both near Waukesha, a total distance of 1.01 miles located in the County of Waukesha, Wisconsin (the "Line"). The Line traverses U.S. Postal Service Zip Code 53188. The proceeding has been docketed as No. AB-33 (Sub-No. 325X).

The Board's Section of Environmental Analysis ("SEA") will generally prepare an Environmental Assessment ("EA"), which will normally be available twenty-five (25) days after the filing of the Notice of Exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423 or by calling that office at (202) 245-0295. The Notice of Exemption will provide that the proceeding is exempt from environmental reporting requirements under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 11 04.1(a) and 11 04.3(a).], and one copy must be served on the applicant's representative. [See 49 CFR 11 04.12(a).] Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at (866) 254-1792. Copies of any comments or requests for conditions should be served on UP's: Mack Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, #1920, Chicago, Illinois 60606 (312) 777-2055.

UNION PACIFIC RAILROAD COMPANY

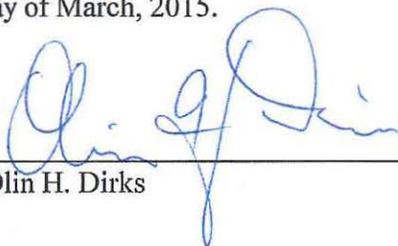


VERIFICATION

STATE OF NEBRASKA)
)SS:
COUNTY OF DOUGLAS)

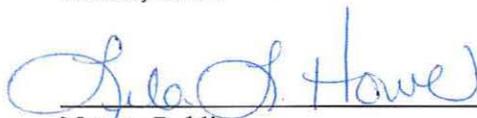
I, OLIN H. DIRKS, Senior Manager rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the law of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company.

Dated at Omaha, Nebraska, this 19th day of March, 2015.

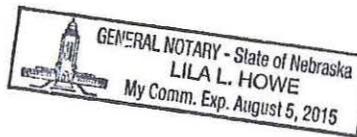


Olin H. Dirks

SUBSCRIBED AND SWORN TO
before me this 19th day of
March, 2015.



Notary Public



My Commission expires: Aug 5, 2015