

**UNION PACIFIC RAILROAD COMPANY**

LAW DEPARTMENT  
101 NORTH WACKER DRIVE, SUITE 1920  
CHICAGO, ILLINOIS 60606  
FAX NO. 312-777-2065

RONALD J. CUCHNA  
GENERAL SOLICITOR  
312-777-2040



205947

GEORGE H. BRANT  
312-777-2051  
MACK H. SHUMATE, JR.  
312-777-2055  
DANIEL R. LA FAVE  
312-777-2046  
LINDA J. COYLE  
312-777-2056  
THOMAS W. CUSHING  
312-777-2053  
FREDERICK P. JOHNSTON, JR.  
312-777-2047

July 25, 2002

VIA U.P.S. OVERNIGHT

Mr. Vernon Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001



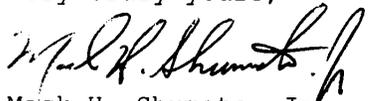
**RE: Docket AB-33 (Sub-No. 189X), Union Pacific Railroad Company  
- Abandonment and Discontinuance Exemption - In Eau Claire  
County, WI (Eau Claire Industrial Lead in Eau Claire, WI)**

Dear Mr. Williams:

The Union Pacific Railroad Company has received a request from the Wisconsin Department of Transportation on behalf of the City of Eau Claire, Wisconsin for a Notice of Interim Trail Use pursuant to 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 Eau Claire Industrial Lead from M.P. 0.00 near Barstow Street to M.P. 1.65 south of Truax Boulevard, a distance of 1.65 miles in Eau Claire County, Wisconsin. The Union Pacific is willing to negotiate with the City of Eau Claire concerning the acquisition of the subject property for trail use and supports the City of Eau Claire's request to negotiate for a period of 180 days. A copy of the City of Eau Claire's request is attached hereto as Exhibit "A" and hereby made a part hereof.

Ten (10) additional copies of this letter and exhibit are enclosed for the Board's use and distribution.

Very truly yours,

  
Mack H. Shumate, Jr.  
Senior General Attorney

ENTERED  
Office of Proceedings

JUL 26 2002

Part of  
Public Record

Enclosures

EXHIBIT "A"



**Wisconsin Department of Transportation**

www.dot.state.wi.us

Scott McCallum  
Governor

Thomas E. Carlsen, P.E.  
Acting Secretary

Office of General Counsel  
4802 Sheboygan Ave., Rm. 115B  
P.O. Box 7910  
Madison, WI 53707-7910

Telephone: 608-266-8810  
FAX: 608-267-6734  
E-mail: ogc.exec@dot.state.wi.us

June 20, 2002

Mr. Vernon A. Williams, Secretary  
Office of the Secretary  
Surface Transportation Board  
Case Control Unit  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

**FILING FEE WAIVED**



RE: **STB Docket No. AB-33 (Sub-No. 189X) Union Pacific Railroad Company--Abandonment Exemption--In Eau Claire County, WI -- Petition for Notice of Interim Trail Use**

Dear Mr. Williams:

Enclosed for filing are the original and ten (10) copies of the City of Eau Claire Wisconsin - Notice of Interim Trail Use."

We are making this application on behalf of the general public. The City of Eau Claire is a local governmental entity and exempt from the filing fee under 49 C.F.R. 1002.2 (e)(1).

Please date stamp and return the duplicate copy of this transmittal letter in the prepaid, return mail envelope for verification of receipt. Thank you.

By my signature below, I certify service upon the Union Pacific Railroad Company, Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Suite 1920, Chicago, IL 60606.

Sincerely,

*Allyn Lepeska*  
Allyn Lepeska  
Attorney

Enclosure

pc: Richard Steffes  
Vicki Schaefer  
Mack H. Shumate  
Brian Amundson  
Ronald Schroeder

ENTERED  
Office of Proceedings

JUN 21 2002

Part of  
Public Record

**FILED**

JUN 21 2002

OFFICE OF  
SURFACE  
TRANSPORTATION BOARD

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BEFORE THE  
SURFACE TRANSPORTATION BOARD

AB-33 (SUB-NO. 189X)

UNION PACIFIC RAILROAD COMPANY -- ABANDONMENT EXEMPTION --  
IN EAU CLAIRE COUNTY, WISCONSIN

CITY OF EAU CLAIRE WISCONSIN  
PETITION FOR NOTICE OF INTERIM TRAIL USE



**BACKGROUND**

On May 14, 2002, the Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon and discontinue service on a line of railroad known as the Eau Claire Industrial Lead from M.P. 0.00 near Barstow Street to M.P. 1.65 south of Truax Blvd., a distance of 1.65 miles in Eau Claire County, Wisconsin (the "Line"). The Line traverses U.S. Postal Service ZIP code 54703. There are no agency stations on the Line.

On June 20, 2002, the City of Eau Claire, Wisconsin (CECW) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the segment of UP railroad known as the Eau Claire Industrial Lead from M.P. 0.00 near Barstow Street to M.P. 1.65 south of Truax Blvd., a distance of 1.65 miles in Eau Claire County, Wisconsin.

**PURPOSE**

Wisconsin Department of Transportation (WisDOT) petitions to obtain a notice of interim trail use for interim highway, bicycle, pedestrian and other trail purposes and railbanking pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 for CECW for specified segments of the right of way

involved in this proceeding. CECW will use or preserve the land corridor and related real property for interim public transportation and recreational purposes (including highway, pedestrian and other trail), subject to restoration for railroad purposes. WisDOT and CECW have agreed to work cooperatively to acquire and use the right of way.

**STATE AND CITY RESPONSIBILITIES**

CECW is a municipal corporation located within the state of Wisconsin. CECW may acquire property within or outside the city for parks, recreation or any other public purpose. Section 66.22(1), Wis. Stats.

WisDOT is the designated state agency in rail matters in the State of Wisconsin. 49 U.S.C. Appx. § 1654(a) (formerly § 1654(j)), 49 C.F.R. § 266.1 and Ch. 85, Wis. Stats. WisDOT is responsible for all state and federally-aided highway construction and all state and federally-aided airport construction in Wisconsin. Secs. 84.01(2) and 114.32(1) and (5), Wis. Stats. WisDOT has the statutory first right to acquire for present or future transportation, recreational or scenic purposes any property used in operating a railroad that is abandoned in Wisconsin. Sec. 85.09(2), Wis. Stats.

WisDOT has state statutory authority to incorporate trails into the highway right-of-way in sec. 84.06(11), Wis. Stats.:

**"(11) State Trails. As a part of any highway improvement or as a separate project under this section, a portion of a hiking trail, cross-country ski trail, bridle trail or bicycle trail under the management of a state agency, municipality or nonprofit may be incorporated into the highway right-of-way, and facilities for safe crossing of the highway may be provided."**

CECW and WisDOT need the interim trail use designation to fulfill federal and state transportation and environmental responsibilities.

**NOTICE OF INTERIM TRAIL USE**

WisDOT respectfully requests that the Board provide CECW a notice of interim bicycle, pedestrian and other trail use and rail banking condition to accomplish the above public purposes.

WisDOT is interested in having CECW acquire and use the right of way of the rail line being abandoned for interim bicycle, pedestrian or other trail use and rail banking.

**Exhibit 1** consists of a map showing the location of all the needed property in Eau Claire County, Wisconsin.

**Exhibit 2** is the required Statement of Willingness by the City of Eau Claire, Wisconsin to assume full responsibility for management of the property.

CECW acquisition of the corridor for present and future transportation purposes as stated above is consistent with all Congressional purposes and neither abandonment nor discontinuance permitted by the STB conditioned as requested by WisDNR would be inconsistent with or disruptive of potential future rail use.

### CONCLUSION

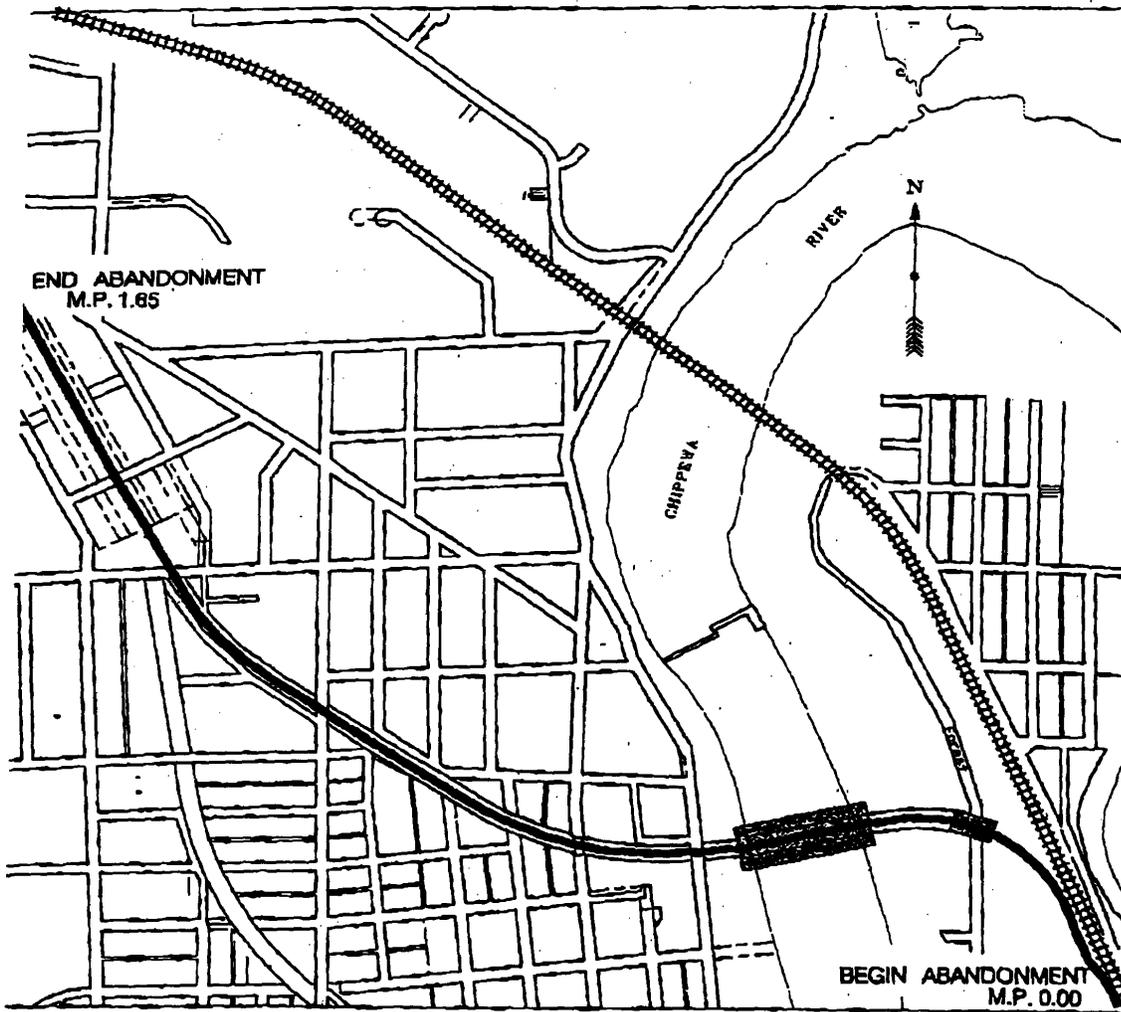
WisDOT respectfully requests the Board to issue a Notice of Interim Trail Use for the land corridor and related real property, including bridge structure, for a line of railroad known as the Eau Claire Industrial Lead from M.P. 0.00 near Barstow Street to M.P. 1.65 south of Truax Blvd., a distance of 1.65 miles in Eau Claire County, Wisconsin for interim trail use and rail banking, pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 to the Wisconsin Department of Natural Resources. This will allow all forms of transportation to be provided in a unified, interconnected, economically-efficient, and environmentally sound manner.

Respectfully submitted,



Allyn Lepecka, State Bar No. 1013474  
Wisconsin Department of Transportation  
4802 Sheboygan Avenue, Room 115-B  
P. O. Box 7910  
Madison, WI 53707-7910  
(608) 266-0253  
Attorney for Wisconsin Department of  
Transportation

EXHIBIT "A"



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
BR.270-92 A	1 - SP DPG	37'	1941
BR.270-92 A	6 - SPAN PT		1941
BR.270-92 B	4 - 180' DT	720'	1988

Eau Claire Industrial Lead  
 M.P. 0.00 TO M.P. 1.65  
 EAU CLAIRE INDUSTRIAL LEAD & TOTAL OF 1.65 MILES  
 IN EAU CLAIRE, EAU CLAIRE COUNTY, WISCONSIN

UNION PACIFIC RAILROAD CO.  
 EAU CLAIRE INDUSTRIAL LEAD  
 INCL 50+ YEAR OLD STRUCTURES

- LEGEND**
- RR LINES TO BE ABANDONED
  - OTHER UPRR LINES
  - OTHER RAILROADS
  - 50+ YEAR OLD STRUCTURES
  - PRINCIPAL HIGHWAYS
  - OTHER ROADS

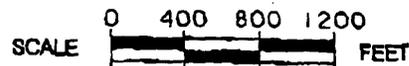


EXHIBIT 1

Revised: February 13, 2002 Q:\ABANDONMENTS\AB0311\_EAUCLAIRE.DGN

BEFORE THE  
SURFACE TRANSPORTATION BOARD

AB-33 (SUB-NO. 189X)

UNION PACIFIC RAILROAD COMPANY – ABANDONMENT EXEMPTION –  
IN EAU CLAIRE COUNTY, WISCONSIN

STATEMENT OF WILLINGNESS TO ACCEPT RESPONSIBILITY BY  
CITY OF EAU CLAIRE, WISCONSIN  
PURSUANT TO 49 CFR 1152.29

In order to establish interim trail use and rail banking under 16 USC 1247(d) and 49 CFR 1152.29, the city of Eau Claire, Wisconsin (CECW) is willing to assume full responsibility for management of the property it acquires from the present owner and operator, Union Pacific Railroad Company. Upon acquisition CECW is willing to assume full responsibility for its operations on the property and for the payment of any taxes or assessments that thereafter may be lawfully levied against it. The property for which CECW is making this Statement of Willingness is the entire land corridor and contiguous yard and related real property, including bridge structures, a line of railroad known as the Eau Claire Industrial Lead from M.P. 0.00 near Barstow Street to M.P. 1.65 south of Truax Blvd., a distance of 1.65 miles in Eau Claire County, Wisconsin.

The property CECW intends to acquire is the entire line of railroad proposed for abandonment in this proceeding, Docket No. AB-33 (SUB-NO. 189X). A map depicting the property that is to be acquired by CECW is attached to this pleading as Exhibit 1.

CECW acknowledges that use of the property is subject to the CECW's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the property for rail service. A copy of this statement is being served on the railroad, Union Pacific Railroad Company on the same date it is being served on the Surface Transportation Board.

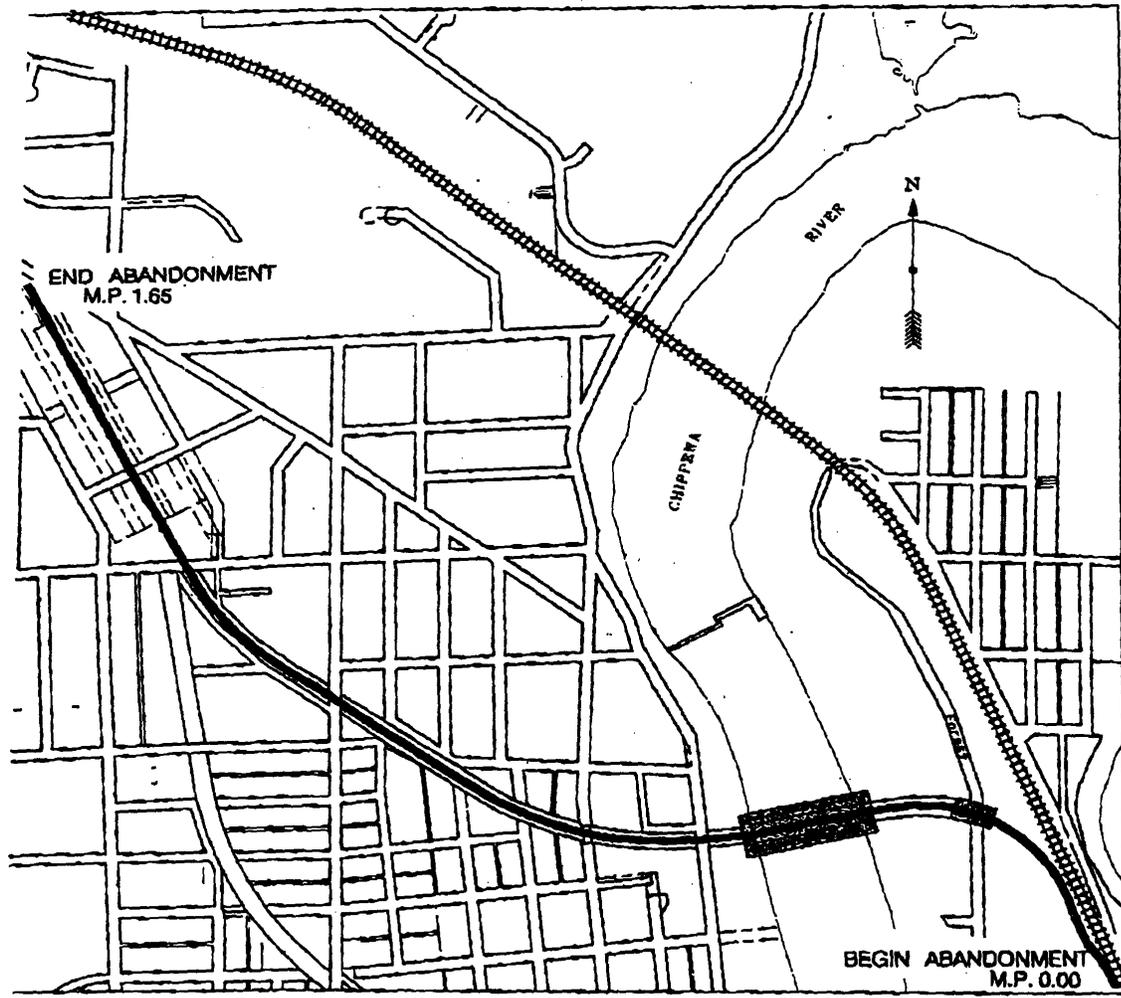
City of Eau Claire, Wisconsin (CECW)

Brian G. Amundson  
Brian G. Amundson  
Director of Public Works  
Acting City Manager

6-20-02  
Date



EXHIBIT "A"

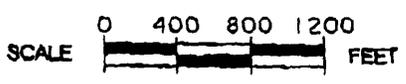


BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
BR. 270-42 A	1 - 37' DPG	37'	1941
BR. 270-42 A	6 - SPAN PT		1941
BR. 270-42 B	4 - 187' DT	720'	1981

**Eau Claire Industrial Lead**  
 M.P. 0.00 TO M.P. 1.65  
 EAU CLAIRE INDUSTRIAL LEAD A TOTAL OF 1.65 MILES  
 IN EAU CLAIRE, EAU CLAIRE COUNTY, WISCONSIN

**UNION PACIFIC RAILROAD CO.**  
**EAU CLAIRE INDUSTRIAL LEAD**  
 INCL. 50+ YEAR OLD STRUCTURES

- LEGEND**
- RR LINES TO BE ABANDONDED
  - OTHER UPRR LINES
  - OTHER RAILROADS
  - 50+ YEAR OLD STRUCTURES
  - PRINCIPAL HIGHWAYS
  - OTHER ROADS



Revised: February 13, 2002 Q:\ABANDONMENT\SVAB0311\_EAUCLAIRE.DGN

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing letter in support of Interim Trail Use under Docket No. AB-33 (Sub-No. 189X) by Union Pacific Railroad Company was served on the date indicated below by mailing a copy, first class mail postage prepaid to the following:

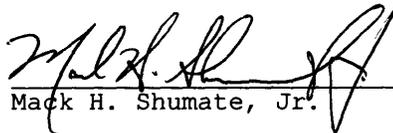
Allyn Lepaska, Esq.  
Attorney  
Wisconsin Dept. of Transportation  
4802 Sheboygan Ave., Room 115B  
Madison, WI 53707-7910

City of Eau Claire  
City Hall  
203 South Farwell Street  
Eau Claire, WI 54701

Rodney Kreunen, Commissioner  
Office of the Commissioner of  
Railroads  
P.O. Box 8968  
Madison, WI 53708-8968

Eau Claire County Supervisors  
County Courthouse  
721 Oxford Avenue  
Eau Claire, WI 54703-5481

Dated this 25<sup>th</sup> day of July, 2002.

  
Mack H. Shumate, Jr.