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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

February 4, 2009

Via E-Filing

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S W.
Washington, D C 20023-0001

**RE: Union Pacific Railroad Company - Abandonment Exemption - In Dane County, WI;
STB Docket AB-33 (Sub-No. 251X) and**

**Wisconsin & Southern Railroad Company - Discontinuance of Service Exemption - In
Dane County, WI; STB Docket No. AB 383 (Sub-No. 4X)**

PETITION FOR NOTICE OF INTERIM TRAIL USE

Dear Ms. Quinlan.

The Union Pacific Railroad Company concurs with the request of the Wisconsin Department of Transportation to include the City of Fitchburg, Wisconsin with the City of Madison, Wisconsin with regard to the assumption of full responsibility for management of and for any legal liability arising out of the transfer or use of the property acquired from the Union Pacific Railroad Company on July 15, 2008 pursuant to a Notice of Interim Trail Use filed under 49 CFR 1152.29(a) as authorized by the Board in its Decision of July 28, 2008 with a service date of July 29, 2008. A copy of the Wisconsin Department of Transportation's filing with the Board dated January 26, 2009, which includes the agreement between the City of Fitchburg, Wisconsin and the City of Madison, Wisconsin, (the "Joint Responsibility Agreement") is attached hereto as Exhibit "A" and is hereby made a part hereof.

For purposes of the record, Union Pacific Railroad Company completed the sale of the Line under the NITU to the City of Madison, Wisconsin on or about July 15, 2008 and hereby informs the Board of the closing of said transaction under the National Trails Act. The inclusion of both the City of Madison, Wisconsin and the City of Fitchburg, Wisconsin, in accordance with the Joint Responsibility Agreement, is acceptable to the Union Pacific Railroad Company

Very truly yours,

cc: Kathleen Chung, Esq

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224400.

January 26, 2009
~~June 24, 2008~~

The Honorable Anne K. Quinlan, Esq.
Acting Secretary
Surface Transportation Board
Office of the Secretary
395 E Street, S.W.
Washington, D.C. 20423-0001

RE: Docket no. AB33 Sub No 251(v)

Dear Ms. Quinlan,

Please find attached a Statement of Willingness to Assume Financial Responsibility in the above entitled matter currently before the Surface Transportation Board. The City of Madison, Wisconsin and the City of Fitchburg, Wisconsin have agreed to jointly assume all financial responsibility replacing entirely any responsibility previously assumed by the Wisconsin Department of Natural Resources (WisDNR), and subsequently assumed by the City of Madison alone.

I have served a copy of the new Statement of Willingness and Certificate of Service upon the Union Pacific Railroad and WisDNR, and forwarded a copy to the City of Madison, and the City of Fitchburg.

Thank you.

Kathleen Chung
Wisconsin Department of Transportation
4802 Sheboygan Av
P O Box 7910
Madison, WI 53707-7910
(608) 266-8810
kathleen.chung@dot.state.wi.us

Closed July 14, 2008

BEFORE THE SURFACE TRANSPORTATION BOARD

UNION PACIFIC RAILROAD COMPANY
ABANDONMENT EXEMPTION IN DANE COUNTY

STATEMENT OF WILLINGNESS TO JOINTLY ACCEPT RESPONSIBILITY BY
THE CITY OF MADISON, WISCONSIN AND CITY OF FITCHBURG, 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 Madison, Wisconsin, jointly with the City of Fitchburg, Wisconsin are willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of and for the payment of any taxes or assessment that thereafter may be lawfully levied against the property acquired by City of Madison from Union Pacific Railroad Company in July 2008. The segment for which the Cities are making this Statement of Willingness is the following portion of the former rail line:

Central Soya Line, Harvard Subdivision, between Mile Post 88.5 Beltline in the City of Madison, Wisconsin and end of track at Mile Post 89.8 in the City of Fitchburg, Wisconsin, a distance of 4.4 miles in Dane County, Wisconsin.

A map depicting the property which has been jointly acquired by the Cities is attached to this pleading as Exhibit "1"

The City of Madison and the City of Fitchburg acknowledge that use of the property is subject to the Cities continuing to meet their 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 MADISON, WISCONSIN
a municipal corporation

By: [Signature]
David S. Cieslewicz, Mayor

Date: 12-17-08

Approved: [Signature]
Dean Braaser, City Comptroller

Date: 12/15/08

[Signature]
Eric T. Veum, Risk Manager

Date: 12/15/08

By: [Signature]
Marabeth Witzel-Pohl, City Clerk

Date: 12/3/08

Approved as to Form
[Signature]
Michael P. May, City Attorney

Date: 16 December 2008

CITY OF FITCHBURG, WISCONSIN
a municipal corporation

By: Thomas Claudet
Thomas Claudet, Mayor

Date: 11-25-08

By: Jinda J. Cory
Jinda J. Cory, City Clerk

Date: 11-25-08

Execution of this Statement of Willingness by Madison is authorized by Resolution Enactment No. RES-07-00700, File No. 06208, adopted by the Common Council of the City of Madison on August 7, 2007

Execution of this Statement of Willingness by Fitchburg is authorized by Resolution R-01-07 adopted by the Common Council of the City of Fitchburg on July 24, 2007

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Statement of Willingness to Assume Financial Responsibility by the City of Madison in regards to AB33 251X, by electronic mail, pursuant to 49 C F R §1104.12, this 26th day of January 2009, on all parties of record on the service list

Kathleen Chung

Kathleen Chung, Attorney
State Bar no 1032802
Wisconsin Department of Transportation
Office of General Counsel