

Wisconsin Department of Transportation
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Jim Doyle
Governor

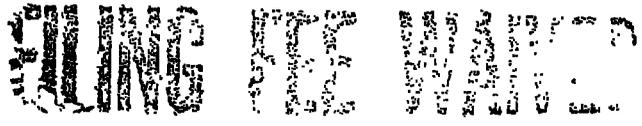
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December 3, 2009

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Ms. Cynthia Brown
Chief of the Section of Administration
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001



RE: **STB Docket No. AB-33 (Sub-No. 268X)** Union Pacific Railroad--Abandonment
Exemption--In Milwaukee County, WI -- Motion to Extend Time to Reach
Agreement on a Notice of Interim Trail Use

Dear Ms. Brown:

Attached please find the Motion to Extend Negotiating Period for NITU in above-entitled case submitted by the Wisconsin Department of Transportation on behalf of Milwaukee County. All parties of record have been electronically served with a copy of the Motion.

Sincerely,

Kathleen Chung

Kathleen Chung
Wisconsin Department of Transportation

ENTERED
Office of Proceedings
DEC - 3 2009
Part of
Public Record

cc: Frank Huntington, WisDOT
Bill Waldron, Milwaukee County
Mark Schulte, UP
Mack Shumate, UP

BEFORE THE
SURFACE TRANSPORTATION BOARD
AB-33 (SUB-NO. 268X)
UNION PACIFIC RAILROAD. --
NOTICE OF EXEMPTION FOR ABANDONMENT--
IN MILWAUKEE COUNTY, WISCONSIN

**COUNTY OF MILWAUKEE, WISCONSIN
MOTION TO EXTEND TIME TO
NEGOTIATE A NOTICE OF INTERIM TRAIL USE**

BACKGROUND

On service date June 11, 2009, the Surface Transportation Board (the Board) served notice that the Union Pacific Railroad Company (UP) filed with the Surface Transportation Board a Notice of Exemption pursuant to 49 U.S.C. § 10502 and the Board's regulations at 49 C.F.R. 1152 Subpart F – Exempt Abandonments to abandon a 3.08-mile line of railroad known as the Capitol Industrial Lead, from milepost 92.21, the Shoreline connection, to the end of the line at milepost 89.13, south of Hampton Avenue in the northeast area of Milwaukee, in Milwaukee County, WI. This portion of the line traverses United State Postal Service Zip Codes 53209, 53211, 53212 and 53217.

On May 11, 2009, the County of Milwaukee (CMW) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29 for the segment of UP railroad from milepost 92.21 to milepost 89.13, a total of approximately 3.08 miles.

The Board granted an NITU under 16 U.S.C. 1247(d), which was served on June 12, 2009, allowing CMW until December 9, 2009, to negotiate a rail banking agreement with UP.

The Milwaukee County Board of Supervisors expressed its commitment to the acquisition of

the subject corridor in 2009 through its authorization to submit a Federal Transportation Program grant application that seeks funding assistance for the acquisition of rights to the subject corridor and for development of a multiple-use trail therein.

Negotiations with the UP Railroad have been delayed due to extenuating circumstances as a County-wide budget shortfall has temporarily diverted attention away from numerous County initiatives, including the proposed trail development within the UP Rail corridor.

Milwaukee County is still highly interested in acquiring rights to the subject corridor and proceeding with the development of a trail facility therein. The County is now in a better position to engage in and finalize negotiations with the Union Pacific Railroad and, therefore, a negotiation period extension is requested. UP has indicated it will concur with this request.

MOTION

Therefore, CMW moves that the period prescribed to negotiate an interim trail use/rail banking agreement be extended for 180 days for the rail corridor between milepost 92.21 to milepost 89.13, a total of approximately 3.08 miles in the City of Milwaukee, in Milwaukee County, Wisconsin.

Respectfully submitted,



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12/3/09

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing Request for NITU extension in regards to **AB33 (Sub-No. 268X)**, by electronic mail, pursuant to 49 C.F.R. §1104.12, this 3rd day of December 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