

UNION PACIFIC RAILROAD  
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November 19, 2010

**VIA E-FILING**

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

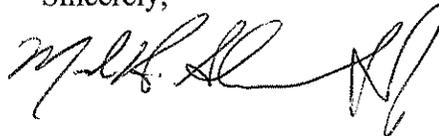
**Re: Abandonment Exemption to Abandon Operations and Discontinue Service of the Capitol Drive Industrial Lead from M.P. 92.21 the Shoreline Connection to the end of the Line at M.P. 89.13 south of Hampton Avenue, a distance of 3.08 miles in Milwaukee County, Wisconsin; STB Docket No. AB-33 (Sub-No. 268X)**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a motion from the Wisconsin Department of Transportation, (the "WIS DOT") on behalf of County of Milwaukee, Wisconsin, seeking to extend the negotiation period covering the issuance of a Certificate or Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 for the portion of the Union Pacific's Capitol Drive Industrial Lead located in the City from Milepost 92.21, the Shoreline Connection to the end of the Line at Milepost 89.13 south of Hampton Avenue, a distance of 3.08 miles in Milwaukee County, Wisconsin.

The Union Pacific is willing to extend the negotiation period with the WIS DOT concerning the acquisition of the subject property for trail use and supports the WIS DOT's request to extend the negotiation period for an additional 180 days to June 2, 2011. A copy of the WIS DOT's motion for extension is attached hereto as **Exhibit A** and hereby made a part hereof.

Sincerely,



Attachment

cc: Wisconsin Department of Transportation

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

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

ENTERED  
Office of Proceedings

NOV 17 2010

Part of  
Public Record

**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 were delayed due to extenuating circumstances as a County-wide budget shortfall, which temporarily diverted attention away from numerous County initiatives, including the proposed trail development within the UP Rail corridor. Milwaukee County is still very interested in acquiring rights to the subject corridor and proceeding with the development of a trail facility therein.

The funding request submitted by the County to the Congestion Mitigation and Air Quality Improvement Program, administered by Federal Highways Administration and WisDOT, and a related Statewide Multi-Modal Improvement grant application were both granted and the awards will be sufficient to allow the consummation of this project. The County is now engaging in the requisite federal acquisition process to comply with the award conditions, but the process is complex and requires additional time. Milwaukee County and the Union Pacific continue in productive discussions.

#### **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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11/17/10

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused the foregoing cover letter in regards to AB33 (Sub-No. 268X), by electronic mail, pursuant to 49 C.F.R. §1104.12, this 17<sup>th</sup> day of November 2010, on all parties of record on the service list.

*Kathleen Chung*

Kathleen Chung, Attorney  
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Wisconsin Department of Transportation  
Office of General Counsel