



Wisconsin Department of Transportation

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Tony Evers
Governor

Craig Thompson
Secretary

Office of General Counsel
4822 Madison Yards Way., Rm. 922 South
P.O. Box 7910
Madison, WI 53707-7910

November 14, 2019

248986

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

VIA E-File

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings
November 14, 2019
Part of
Public Record

Re: Union Pacific Railroad Company – Abandonment Exemption – In Sheboygan County,
Wisconsin; STB Docket No. AB-33 (Sub-No. 321X)

Dear Ms. Brown,

Please find as filed a Petition for Notice of Interim Trail Use by the Wisconsin Department of Transportation (WisDOT) in regards to the above referenced matter. WisDOT respectfully requests a waiver of any applicable filing fees in this instance pursuant to 49 C.F.R. § 1002.2(e)(1). Please feel free to contact me should there be any questions in relation to this filing. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Vincent R. Bauer".

Vincent R. Bauer
Assistant General Counsel
Direct Line (608) 266-8807
Vincent.bauer@dot.wi.gov

FILING FEE WAIVED

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-33 (SUB-No. 321X)

UNION PACIFIC RAILROAD COMPANY
- ABANDONMENT EXEMPTION -
IN SHEBOYGAN COUNTY, WISCONSIN

**SHEBOYGAN COUNTY, WISCONSIN
PETITION FOR NOTICE OF INTERIM TRAIL USE**

BACKGROUND

Union Pacific Railroad Company ("UP") filed with the Surface Transportation Board ("Board") a Verified Notice of Exemption under 49 C.F.R. § 1152 Subpart F – Exempt Abandonments to abandon a portion of its railroad line known as the Sheboygan Old Main Line, from milepost 148.2 to milepost 149.5, a distance of 1.3 miles, within the City of Sheboygan and Sheboygan County, Wisconsin.

On April 14th, 2014, Sheboygan County executed a Statement of Willingness to Accept Financial Responsibility for the railroad line portion, as described below, pursuant to 49 CFR § 1152.29. This statement is for the railroad line portion of UP's railroad line referenced in UP's Verified Notice, extending from milepost 148.2 near Union Avenue to milepost 149.5 near Pennsylvania Avenue, a distance of 1.3 miles, within the City of Sheboygan and Sheboygan County, Wisconsin.

FILING FEE WAIVED

PURPOSE

The Wisconsin Department of Transportation ("WisDOT") files this Petition for Interim Trail Use on behalf of Sheboygan County pursuant to 16 U.S.C. §1247(d) and 49 C.F.R. § 1152.29. WisDOT petitions to obtain a notice of interim trail use for interim highway, bicycle, pedestrian and other trail purposes and railbanking by Sheboygan County for the full right of way involved in this proceeding. Sheboygan County 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 supports Sheboygan County's efforts to acquire the right to utilize the right of way for public purposes.

STATE RESPONSIBILITIES

WisDOT is the designated state agency in rail matters in the State of Wisconsin. 49 CFR §1152.2(g), 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 statutory authority to incorporate trails into the highway right-of-way through § 84.06(11), Wis. Stats. Pursuant to their respective duties and powers, WisDOT and Sheboygan County are working collaboratively to use the corridor for recreational trail use.

FILING FEE WAIVED

NOTICE OF INTERIM TRAIL USE

WisDOT respectfully requests that the Board provide Sheboygan County 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 Sheboygan County acquire the right to use the right of way of the rail line being abandoned for interim bicycle, pedestrian or other trail use and rail banking.

Included in this petition is a Statement of Willingness to Assume Financial Responsibility, executed by Sheboygan County which includes Exhibit 1, a map of the location of all needed property in Sheboygan County.

Sheboygan County's use 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 Board conditioned as requested by Sheboygan County would be inconsistent with or disruptive of potential future rail use.

FILING FEE WAIVED

CONCLUSION

WisDOT respectfully requests the Board to accept this Petition and issue a Notice of Interim Trail Use for the land corridor and related real property referenced in this proceeding, specifically for the segment of UP railroad line from milepost 148.2 near Union Avenue to milepost 149.5 near Pennsylvania Avenue, a distance of 1.3 miles, within the City of Sheboygan and Sheboygan County, Wisconsin. This project will allow all forms of transportation to be developed and utilized in a unified, interconnected, economically efficient and environmentally sound manner.

Respectfully Submitted,



Vincent R. Bauer, J.D.

WI State Bar No. 1084702

Wisconsin Department of Transportation

4822 Madison Yards Way, Room 922 S

P.O. Box 7910

Madison, WI 53707

(608) 266-8807

November 14th, 2019

FILING FEE WAIVED

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-33(SUB-NO. 321X)

WISCONSIN CENTRAL LTD -- ABANDONMENT EXEMPTION --
IN (SHEBOYGAN), SHEBOYGAN COUNTY, WISCONSIN

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY BY
(Trail User) WISCONSIN
PURSUANT TO 49 CFR 1152.29

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, Sheboygan County is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by the Union Pacific and operated by Union Pacific. The property, known as Sheboygan Old Main Line, extends from railroad milepost 148.2, near Union Avenue, to railroad milepost 149.5, near Pennsylvania Avenue, a distance of 1.3 miles in the City of Sheboygan and the County of Sheboygan, Wisconsin. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-33 (Sub-No. 321X).

A map depicting the property depicting the right-of-way is attached as **Exhibit 1**.

Sheboygan County acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad, Union Pacific, on the same date it is being served on the Board.

Sheboygan County
(Name of Trail User/Organization)

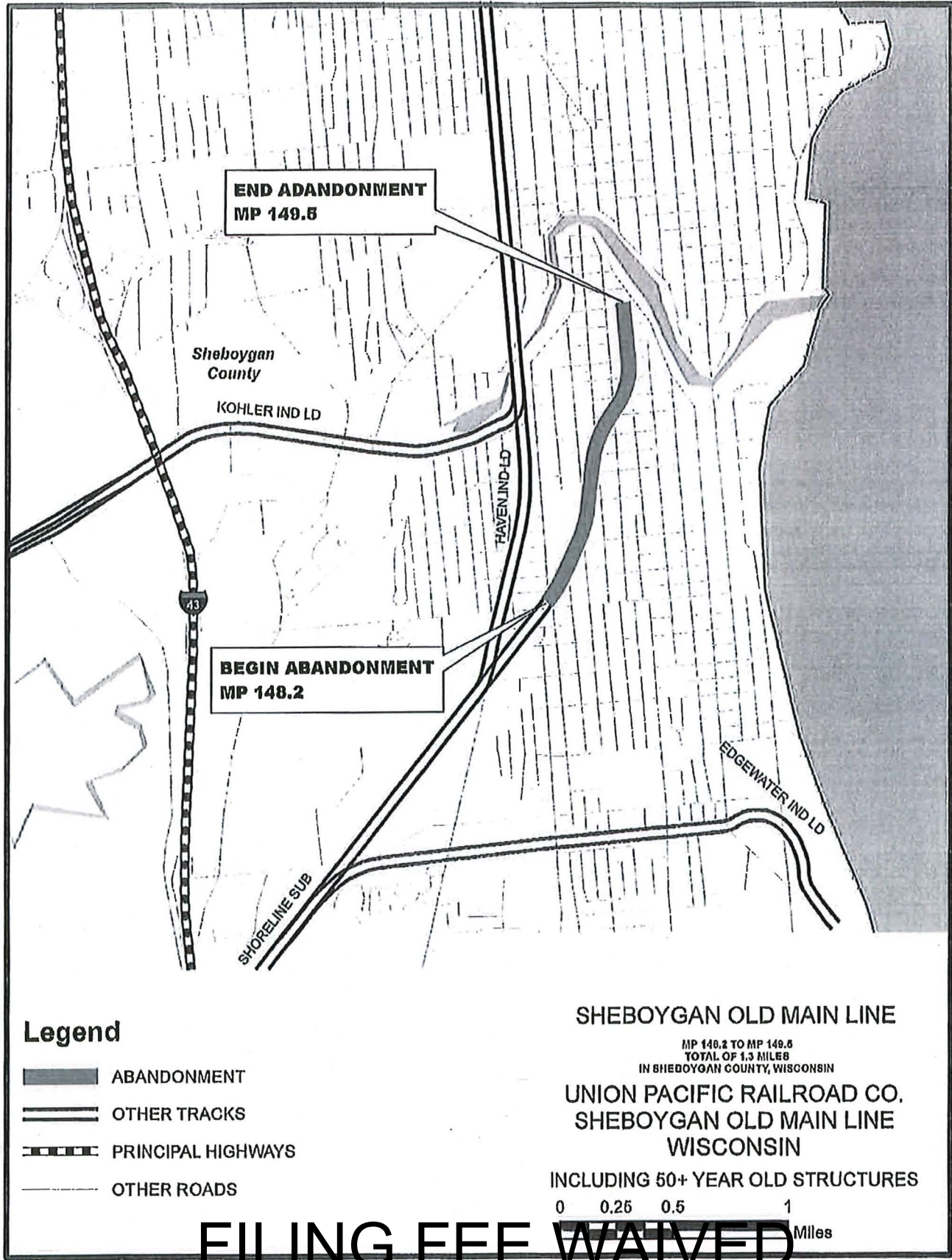
4-24-14
Date

By: Aaron Brault, Director
Sheboygan County Planning & Conservation
508 New York Avenue
Sheboygan, WI 53081

Cc: Carl Buesing
Sheboygan County Corporation Counsel
2124 Kohler Memorial Drive
Sheboygan, WI 53081

FILING FEE WAIVED

Exhibit 1



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