

LEONARD, STREET AND DEINARD

212298

October 20, 2004

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

PROFESSIONAL ASSOCIATION



Annie Littlefield
612/335-7082
annie.littlefield@leonard.com

Re: Filing of Petition For Exemption to Abandon Approximately 5.0+/- miles of Rail Line Between Milwaukee, Wisconsin and Wauwatosa, Wisconsin (Environmental and Historic Reports Enclosed); STB Docket No.: AB-57 (Sub No. 55X)

Dear Secretary Williams:

Soo Line Railroad Company, d/b/a Canadian Pacific Railway Company, hereby files a **Petition For Exemption to Abandon**, pursuant to 49 U.S.C. § 10502. The purpose of this proposed abandonment is to discontinue and abandon all freight rail operations over approximately 5.0 +/- miles of rail line and adjacent properties located between Milwaukee, Wisconsin and Wauwatosa, Wisconsin, all in Milwaukee County, Wisconsin.

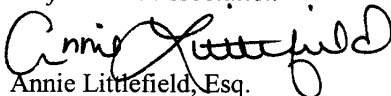
Enclosed for filing in **STB Docket No.: AB-57 (Sub No. 55X)** are the following:

1. Verified Petition For Exemption (1 original and 10 copies);
2. Environmental and Historic Reports (1 original and 10 copies);
3. Three (3) electronic copies of Items 1 and 2 (CDs enclosed);
4. A check in the amount of \$4,700.00 for the required filing fees; and
5. An extra copy of this transmittal letter. **Please date stamp this copy upon receipt and return it to me in the enclosed envelope.**

Should you have any questions, please contact me at the address above, or via facsimile (612/335-1657) or email (annie.littlefield@leonard.com). Thank you very much for your assistance.

Very truly yours,

LEONARD, STREET AND DEINARD
Professional Association


Annie Littlefield, Esq.

ENTERED
Office of Proceedings

OCT 21 2004

Part of
Public Record

Enclosures: Petition For Exemption, Environmental Report, Historic Report
cc: (w/out enclosures) Judy Mitchell; Steve Fisk; Carolyn V. Wolski, Esq.

FILE RECEIVED

OCT 21 2004

**STB
SURFACE
TRANSPORTATION BOARD**

150 SOUTH FIFTH STREET SUITE 2300 MINNEAPOLIS, MINNESOTA 55402 TEL 612-335-1500 FAX 612-335-1657

LAW OFFICES IN MINNEAPOLIS, SAINT PAUL, MANKATO, SAINT CLOUD AND WASHINGTON, D.C.

2541564v1

WWW.LEONARD.COM

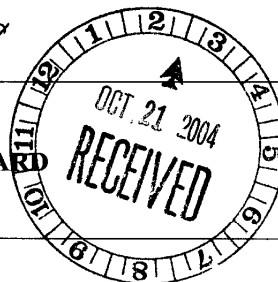
FILED

OCT 21 2004

**SURFACE
TRANSPORTATION BOARD**

212298

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC



ENTERED
Office of Proceedings
OCT 22 2004
Part of
Public Record

SOO LINE RAILROAD)
COMPANY ABANDONMENT OF)
TRACKAGE LOCATED NEAR)
WEST ALLIS, MILWAUKEE)
COUNTY, WISCONSIN)
Known as "The West Allis Line")

DOCKET NO. AB-57
(SUB-NO. 55X)

PETITION FOR EXEMPTION TO ABANDON
49 U.S.C. 10502 and 49 C.F.R §§ 1152.60 and 1121

SOO LINE RAILROAD COMPANY
d/b/a Canadian Pacific Railway, Inc.

FILED

OCT 21 2004

SURFACE
TRANSPORTATION BOARD

LEONARD, STREET AND DEINARD
Professional Association
Annie Littlefield, Esq.
150 South 5th Street, Suite 2300
Minneapolis, MN 55402
Telephone (612) 335-7082
Facsimile (612) 335-1657

Attorneys for Applicant

FEE RECEIVED
OCT 21 2004
SURFACE
TRANSPORTATION BOARD

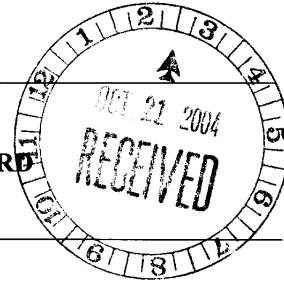
Service Date: October 20, 2004

FEE RECEIVED

West Allis Line Petition for Exemption – Oct. 2004

OCT 21 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC



SOO LINE RAILROAD)
COMPANY ABANDONMENT OF)
TRACKAGE LOCATED NEAR)
WEST ALLIS, MILWAUKEE)
COUNTY, WISCONSIN)
(Known as "The West Allis Line"))

DOCKET NO. AB-57
(SUB-NO. 55X)

FILED

OCT 21 2004

PETITION FOR EXEMPTION TO ABANDON
49 U.S.C. 10502 and 49 C.F.R §§ 1152.60 and 1121

SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings
OCT 21 2004
Part of
Public Record

I. INTRODUCTION

Soo Line Railroad Company, doing business as Canadian Pacific Railway, a Class I common carrier ("Soo Line"), hereby petitions the Surface Transportation Board ("Board") pursuant to 49 U.S.C. § 10502 for exemption from the requirements of 49 U.S.C. § 10903 for the abandonment of a 5-mile section of the West Allis Line, extending between milepost 88.2 +/- (near the State Highway 41 crossing in Milwaukee) and milepost 93.2 +/- (near North 123rd Street in Wauwatosa) and traversing through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin ("Rail Line"). The Rail Line is located within Sections 30, 31, 32, 33, 34, and 35, Township 7 North, Range 21 East, in Milwaukee County. See **Exhibit No. 1: Rail Line Map.**

The West Allis Line trackage eventually connects at the west end with the main line at milepost 95.1 in Elm Grove, while the east end connection is located near the Airline and Muskego Yards at milepost 88.2 +/-.

A. History and Current Status of the Rail Line

The last use of the Rail Line was in October 2001. Now out of service for nearly three years, the Rail Line had been used as a corridor since 1864 and currently passes through residential, commercial, and industrial areas. The only remaining shipper on the connecting spur track, which is owned by the Whitnall Summit Company and connects at milepost 89.7, is Avalon Rail (a rail car repair facility). Avalon no longer required service after June 1, 2001. Instead, Avalon has used Union Pacific Railroad Company as its primary carrier since October 2001. In 2003, Avalon Rail's volume was estimated at forty (40) switch moves, which were handled, and will continue to be handled, by Union Pacific. The revenue generated by this activity is nominal. Additionally, there are no urban redevelopment plans that would require the line to remain in place. Furthermore, based on information in our possession, the line does not contain a federally granted right-of-way. Soo Line, therefore, seeks expedited approval of this Petition in order to recycle the materials on the line into other parts of its system, to avoid costly rehabilitation expenses on this Rail Line, and to foster sound economic management of Soo Line.

B. Grounds for Exemption From Abandonment Application

Soo Line is seeking this exemption because the Rail Line is no longer viable. Specifically, the Rail Line is in very poor condition and it needs brush and tree removal, surfacing, crossing repair, and the insertion of 4,000 ties in order to continue operating at

10 MPH. The amount of potential traffic on the line is not sufficient to cover the costs of repairs and provide CPR with an adequate return on investment.

Soo Line has not provided service on this Rail Line for three years. There is only one former customer directly on the Rail Line proposed for abandonment, Ryerson Steel, located at milepost 91.2. For the past two years, however, Ryerson Steel has not received any traffic. The Rail Line also connects to a spur track at milepost 89.7 that is owned by the Whitnall Summit Company. The only remaining shipper on the connecting spur track, Avalon Rail (a rail car repair facility), no longer required service after June 1, 2001. Instead, Avalon has used Union Pacific Railroad Company as its primary carrier since October 2001. In 2003, Avalon Rail's volume was estimated at forty (40) switch moves, which were handled, and will continue to be handled, by Union Pacific. Again, the revenue generated by this activity is nominal. Another previous spur track customer, Tallmadge-Regenco, has not received any traffic in a number of years. Importantly, both Avalon and the spur track owner, Whitnall Summit Company, were notified of this proposed abandonment by letter dated July 31, 2003. See **Exhibit 7 (Notification Letter to Shippers)**. Finally, there has been no overhead traffic on the line for the past five years.

C. Reasons for Expedited Petition

Soo Line is seeking expedited consideration of this abandonment because, as in Wheeling & Lake Erie R.R. Co. – Aband. Exempt. – In Huron Co., OH, Soo Line will be able to promote stronger business practices by doing the following:

1. Avoid[ing] costly rehabilitation expenses on this [inactive] line;
2. Apply[ing] its assets more productively elsewhere on its system;
3. Promote[ing] safe and efficient rail transportation;
4. Foster[ing] sound economic conditions; and

5. Encourage[ing] efficient management.

1916 WL 694224 at *2 (I.C.C.) (citing to 49 U.S.C. § § 10101(2)(3)(5)(7) and (9)). In addition, Soo Line has need on other parts of its rail system for the rail that is currently in place, and seeks to begin salvaging the rail yet this year. An expeditious decision on this abandonment petition will allow salvage operations to commence.

II. BACKGROUND INFORMATION

A. Line Location, Zip Code Information and Map.

The West Allis Trackage is a 5.0+/- mile line of railroad that extends between milepost 88.2+/- (near State Highway 41) and milepost 93.2+/- (near North 123rd Street) and traverses through United States Postal Service Zip Codes 53214 (in West Allis), 53295 (in West Milwaukee), and 53215, 53233, and 53204 (in Milwaukee) in Milwaukee County, Wisconsin. A map of the proposed abandonment is located at **Exhibit No. 1**.

B. Shipper and Traffic Information.

The last active shipper on the line, Avalon, indicated to the Soo Line on that it would no longer need rail freight service after June 15, 2001. Instead, Avalon has used Union Pacific Railroad Company as its primary carrier since October 2001. Further, in 2003, Avalon Rail's volume was estimated at forty (40) switch moves, and was handled, and will continue to be handled, by Union Pacific. Again, both Avalon and the spur track owner, Whitnall Summit Company, were notified of this proposed abandonment by letter in July 2003. See **Exhibit 7 (Notification Letter to Shippers)**.

C. History of the Line.

As described in Soo Line's historic report filed with this Petition and depicted on the detailed map located at **Exhibit No. 1**, the trackage being abandoned was once part of a larger segment serving Milwaukee. The trackage was originally developed beginning in 1864 by the Milwaukee and St. Paul Railroad Company, which later became the Chicago Milwaukee St. Paul and Pacific Railroad Company, and then the Soo line Railroad Company. Historically, the line was used primarily for railroad operation and maintenance. And while there is some commercial activity in this part of urban West Allis, there is no longer any need for rail service along the Rail Line by the businesses and industries in the area because they are effectively served by trucks and Union Pacific.

III. SOO LINE MEETS THE EXEMPTION STANDARDS OF 49 U.S.C. § 10502(a).

A. Standards.

Under 49 U.S.C. § 10502(a), the Board must exempt a transaction or service from regulation when it finds that: (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not necessary to protect shippers from the abuse of market power. Congress clearly intended that the Board use its exemption authority under 49 U.S.C. § 10502 to free certain transactions and services from the burdensome administrative oversight and financial costs associated with excessive regulation:

The policy underlying this provision is that while Congress has been able to identify broad areas of Commerce where reduced regulation is clearly warranted, the Board is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees

expect that, consistent with the policies of this Act, the Board will pursue partial and complete exemptions from remaining regulation. H.R. Rep. No. 96-1430, 96th Cong. 2d Sess. 105 (1980).

It has been held that this important cornerstone of the Staggers Act was “intended to give ICC very broad authority to eliminate unnecessary regulation.” Coal Exporters Ass’n v. United States, 745 F.2d 76, 82 (D.C. Cir. 1984), cert. denied, 471 U.S. 1072 (1985). The ICC itself has stated that its exemption power “is to be used to alleviate regulatory requirements that burden the regulated entity to permit carriers to do that for which they would otherwise need Commission [now Board] approval.” Wisconsin Department of Transportation -- Abandonment Exemption, Finance Docket No. 31303, 1988 W.L. 225048 (November 23, 1989) (unprinted). Once the statutory criteria of § 10502 are satisfied, the Board should exercise its exemption authority to relieve the carrier from the additional burdens of regulation. Because the instant petition meets all three of 49 U.S.C. § 10502’s criteria, an exemption from the requirements of 49 U.S.C. § 10903 is warranted. This proposed abandonment meets these criteria as follows:

- (1) It allows Soo Line to relocate assets to more useful areas;
- (2) The abandonment is of limited scope (only 5.0 miles); and
- (3) There is no need to protect shippers because there has been no Soo Line service for three years and alternative service is available.

B. An Exemption Would Further the National Transportation Policy.

Board approval is required for abandonment of a rail line. Thus expedited decision is appropriate here because this abandonment fits solidly within the parameters of the statute. Under 49 U.S.C. § 10903, however, the administrative expense and potential delay which accompany compliance with its requirements are substantial and can be exempted in appropriate circumstances. When, as here, there are no shippers on

the Rail Line that need or use Soo Line's rail services, the railroad's burden of continuing operations is unreasonable and the additional costs and time inherent in the Section 10903 process would only frustrate the deregulatory spirit of the Staggers Act and the Interstate Commerce Commission Termination Act.

Recognizing the need for an alternate process in situations such as this, the Board has held that "[d]etailed scrutiny under 49 U.S.C. 10903, et seq., is not necessary to carry out the rail transportation policy" in some cases. CSX Transportation Inc., 1989 W.L. 239542 (ICC); Canadian Pacific, Ltd., 1989 W.L. 238849 (ICC); Southrail Corp., 1989 W.L. 238382 (ICC). An exemption "expedite[s] regulatory decisions and reduce[s] regulatory barriers to exit [49 U.S.C. 10101 (2) and (7)] . . . by minimizing the administrative time and expense otherwise required for the abandonment of this line." Id. See also CSX, 1989 W.L. 239542 (ICC); Canadian Pacific, 1989 W.L. 238849 (ICC). Approval of this exemption will permit Soo Line to redirect the maintenance and operating expenses that would be required for this unused line and apply them more productively elsewhere. This will foster sound economic conditions and encourage efficient railroad management, as contemplated by 49 U.S.C. 10101(3), (5), and (9). Canadian Pacific, 1989 W.L. 238849 (ICC).

Finally, the Congressional intent of fostering competition and the continuation of a sound rail transportation system will be furthered by an exemption in this case. Abandonment will permit Soo Line to efficiently redirect the value of the operating assets dedicated to this line elsewhere on more viable lines in its system. Further, Soo Line will be free of the uneconomic costs associated with maintaining a line of railroad which has

no customers. Freeing the railroad from these costs will enhance Soo Line's competitive position in the marketplace.

In short, an exemption will further the rail transportation policy of the United States and contribute to the continuation of a sound transportation system.

C. The Proposed Transaction is Limited In Scope and Regulation is Not Necessary to Protect Shippers from Abuse of Market Power

Once the Board determines that regulation is not necessary to carry out national rail policy, it should grant the exemption if either (a) the transaction or service is of limited scope, or (b) regulation is not necessary to protect the shipper from the abuse of market power. 49 U.S.C. § 10502(a). Although an exemption is mandated when only one criterion is met, both criteria are satisfied in this case.

First, this proposed abandonment is of limited scope because it will not effect local customers. The last use of the Rail Line was in October 2001. The one former customer directly on the Rail Line proposed for abandonment, Ryerson Steel (located at milepost 91.2), has not received any traffic in a few years and no longer requires rail service. Only one customer on a spur track connecting to the Rail Line at milepost 89.7, Avalon Rail, uses rail service and its requirements have been handled, and will continue to be handled, by Union Pacific Railroad Company. The other previous spur track customer, Tallmadge-Regenco, has not received any traffic in a number of years, nor will it need future services from Soo Line. Second, no abuse of market power will occur as the result of this abandonment exemption. Rail operations will continue for Avalon, the one shipper in the area, via the services of Union Pacific. Thus, there will be no lessening of rail competition as a result of this proposed action.

We respectfully request that the Board, therefore, grant this Petition because this transaction will further the purposes of the rail transportation policy, it is of limited scope, and regulation is not necessary to prevent an abuse of market power.

IV. OTHER ABANDONMENT REQUIREMENTS ARE MET

A. Labor Protection

Soo Line anticipates little or no impact to labor as a result of this transaction, because operations have already ceased. It is anticipated that no hours of work will be lost and that no positions will be eliminated upon abandonment of this segment. Soo Line recognizes that in exercising its exemption authority, the Board may not relieve a carrier of labor protection obligations that otherwise would be required by statute. See 49 U.S.C. § 10502(g). Inasmuch as abandonments under § 10903 carry mandatory labor protection, the Board may impose upon Soo Line (as the rail carrier providing service) the conditions set forth in Oregon Short Line Railroad and the Union Pacific Railroad Company -- Abandonment Portion, 360 I.C.C. 91 (1979).

B. Environmental Report.

On September 24, 2004, Soo Line served an Environmental Report prepared pursuant to 49 C.F.R. § 1105.8(4)(g) with service on the officials required to receive notice by 49 C.F.R. § 1105.7. See **Exhibit No. 3: Certificate of Service.**

C. Historic Report

Pursuant to 49 C.F.R. §§ 1105.7(c)(10) and 1105.8, Soo Line prepared, filed, and served a Historic Report concerning potential historical aspects of this line and lines with service on the State Historic Preservation Officer for Wisconsin as well as the Board's Section of Environmental Analysis. See **Exhibit No. 3: Certificate of Service.** Soo

Line has attached responses from all required agencies and officials listed on the Service List. See **Exhibit No. 4: Responses to Comment Letter**

D. Newspaper Publication Notice

Soo Line has appended the requisite newspaper publication Notice pursuant to 49 C.F.R. § 1105.12. See **Exhibit No. 5.**

E. Federal Register Notice

Soo Line has appended the requisite Notice pursuant to 49 C.F.R. § 1152.60(c). See **Exhibit No. 6.**

F. Computer Diskette Requirement

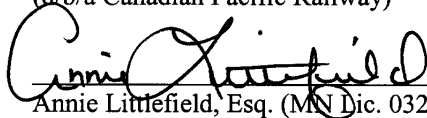
Pursuant to 49 C.F.R. § 1104.3(b)(1), Soo Line is enclosing a three compact discs containing the Petition formatted in WordPerfect.

For the reasons stated herein, Soo Line respectfully requests the Board to grant its Petition and to expedite the handling of the matter so that abandonment authority is granted no later than December 1, 2004.

Dated: October 20, 2004

Respectfully submitted,

SOO LINE RAILROAD COMPANY
(d/b/a Canadian Pacific Railway)

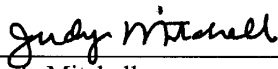

Annie Littlefield, Esq. (MN Lic. 0329277)
LEONARD, STREET AND DEINARD
Professional Association
150 South 5th Street, Suite 2300
Minneapolis, MN 55402
Telephone (612) 335-7082
Fax (612) 335-1657

Attorneys for Soo Line Railroad Company

VERIFICATION

STATE OF MINNESOTA)
)ss.
COUNTY OF HENNEPIN)

Judy Mitchell, being duly sworn, deposes and says that she is the Director of Business Development for Soo Line Railroad Company (d/b/a Canadian Pacific Railway), that she is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Petition for Exemption in Docket No. AB-57 (Sub-No. 55X) on behalf of Soo Line Railroad Company; that she has carefully examined all of the statements concerning Soo Line Railroad Company in said Petition for Exemption, including the map attached as Exhibit No. 1 to the Petition; that she has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of her knowledge, information, and belief.



Judy Mitchell
Director of Business Development
for Soo Line Railroad Company

SUBSCRIBED AND SWORN TO
before me this 20th day of October, 2004



NOTARY PUBLIC

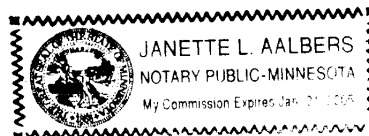



EXHIBIT NO. 1

*Detailed Exhibit Map for Petition for Exemption
as required by
49 C.F.R. §§ 1152.60(b) and 1152.22(a)(4)*

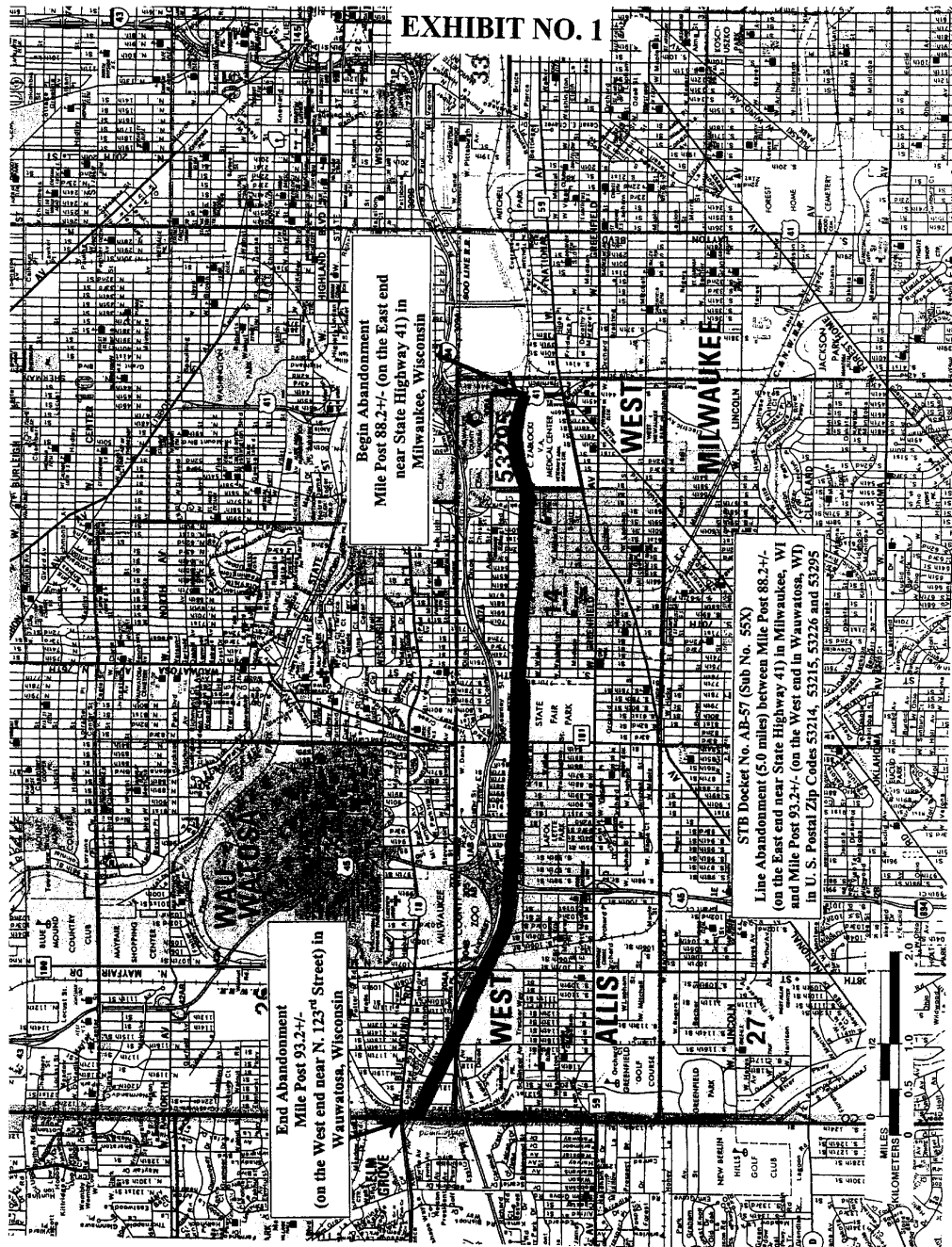


EXHIBIT NO. 2

*Verified Statement of Judy Mitchell
Director of Business Development for Soo Line Railway Company*

**VERIFIED STATEMENT
JUDY MITCHELL**

My name is Judy Mitchell. I am the Director of Business Development for Canadian Pacific Railway/Soo Line Railroad Company. I am responsible for managing major investment, network restructuring and development projects. Prior to assuming my present position, I held the position of Manager of Commercial Development for eleven years. During this time, I have participated in the preparation of abandonment applications by Soo Line.

This statement is being given in support of the Petition of Soo Line Railroad for an exemption to abandon an approximately 5.0+/- mile line of railroad that extends between milepost 88.2 +/- (near State Highway 41) and milepost 93.2+/- (near North 123rd Street) and traverses through United States Postal Service Zip Codes 53214 (in West Allis), 53295 (in West Milwaukee), and 53215, 53233, and 53204 (in Milwaukee) in Milwaukee County, Wisconsin, also known as "the West Allis Trackage."

Soo Line is seeking this exemption because the West Allis Trackage is no longer viable. There is only one former customer directly on the Rail Line proposed for abandonment, Ryerson Steel (located at milepost 91.2). This customer has not, however, received any traffic in over two years. Further, Ryerson Steel has no future need for the line. Additionally, the Rail Line connects to a spur track at milepost 89.7 that is owned by the Whitnall Summit Company. The only remaining shipper on the spur track, Avalon Rail (a rail car repair facility), has used Union Pacific Railroad Company as its primary carrier since October 2001. Avalon Rail had a 2003 volume estimated at forty (40) switch moves, which were handled, and will continue to

handled, by Union Pacific. In addition, there has been no overhead traffic on the line for the past five (5) years and the line has had no revenue since 2001. Furthermore, although all former customers have been notified of this proposed abandonment, we believe no complaints have been filed with the STB.

Soo Line is currently in need of the rail that occupies this track. It has salvage value both for reuse within our system as well as for sale to other railroads. Soo Line is anxious to obtain abandonment authority and to remove the rail yet this year.

Even without considering the avoidable costs for the operation of this line, and the fact that there is no income from it, this line is in very poor condition, needs brush & tree removal, surfacing, crossing repair, and the insertion of 4,000 ties in order to continue operating at 10 MPH. This line is clearly a burden on interstate commerce and continued operation of the line will result in a substantial financial drain on the Soo Line.

STATE OF MINNESOTA)
) ss:
COUNTY OF HENNEPIN)

Judy Mitchell, being first duly sworn, deposes and states that she has read the above document, knows the facts asserted therein, and that the same are true as stated.

Judy Mitchell
Judy Mitchell

SUBSCRIBED AND SWORN TO
before me this 20th day of October, 2004.

Janette L. Aalbers
Notary Public



EXHIBIT NO. 3

Certification of Proper Service of Environmental Report and Historic Report

SERVICE LIST

ENVIRONMENTAL AND HISTORIC REPORT

Soo Line Railroad Company Abandonment of Trackage Located between Wauwatosa and Milwaukee, Wisconsin
Docket No.: AB-57 (Sub-No.52X)

AGENCIES CONSULTED

Public Service Commission of Wisconsin

610 North Whitney Way
P. O. Box 7854
Madison, WI 53707-7854
Tel: 608-267-1479
Fax: 608-266-3957

Military Traffic Management

Command (MTMCTEA)
Railroads for National
Defense Program
720 Thimble Shoals Blvd.
Suite 130
Newport News, VA
23606-2574

U. S. Department of the Interior

National Park Service
Recreational Resources
Assistance Division
P. O. Box 37127
Washington, DC
20013-7127

U. S. Department of Agriculture

Chief of the Forest Service
4th Floor NW, Auditors Bldg.
14th Street & Independence
Avenue SW
Washington, DC 20250

U.S. Environmental Protection Agency

Bahrat Mathur,
Regional Director
EPA Region 5 Office
Metcalf Building
77 West Jackson Blvd
Chicago, IL 60604
(312) 353-2000

U.S. Fish and Wildlife Service

Robyn Thorson
Regional Director
One Federal Drive
BHW Federal Building
Fort Snelling
Twin Cities, MN 55111
612-713-5301

U. S. Army Engineer District, Detroit

Vic Kotwicki
Chief of Real Estate
P.O. Box 1027
Detroit, MI 48231-1027
Tel: 313-226-6762
Fax: 313-226-6009

National Park Service

William W. Schenk,
Regional Director
National Park Service
Midwest Region
1709 Jackson St.
Omaha, NE 68102
(402) 221-3471

U.S. Soil and Conservation Service

USDA Natural Resources
Conservation Service
Attn: Patricia S.
Leavenworth
State Conservationist
6515 Watts Road
Suite 200
Madison, WI 53719-2726

National Geodetic Survey

National Geodetic Survey
Director Charlie Challstrom
NGS Information Services
NOAA, N/NGS12
SSMC-3, #9202
1315 East-West Highway
Silver Spring, MD 20910-
3282
(301) 713-3242

State Clearinghouse

Federal State Relations
Office
IGA Relations
101 East Wilson St.
6th Floor
P. O. Box 7868
Madison, WI 53707-7868

State Department of Transportation

Ms. Vicki Schaefer
Railroad Property
Specialist
Wisconsin Department of
Transportation
4802 Sheboygan Avenue
Suite 701
P. O. Box 7914
Madison, WI 53707-7914

Ronald E. Adams
P.E. Director
Bureau of Railroads &
Harbors
Division of Transportation
Infrastructure Dev.
Wisconsin Department of
Transportation
4802 Sheboygan Avenue
P. O. Box 7914
Madison, WI 53707-7914

State Environmental Protection Agency for Wisconsin

Department of
Natural Resources
P. O. Box 7921
Madison, WI 53706
608-266-2121

State Historic Preservation Office for Wisconsin

Wisconsin Historical Society
816 State Street
Madison, WI 53706
608-264-6500

Coastal Zone Management

Wisconsin Department of
Administration
Wisconsin Coastal
Management Program
P. O. Box 8944
101 Wilson Street
Madison, WI 53708-8944
608-267-7982

Other Political Entities and/or Indian Reservations

Lee Holloway, Chairman
Milwaukee County
Board of Supervisors
Room 201, Courthouse
901 North 9th Street
Milwaukee, WI 53233
(414) 278-4222

Scott Walker
Milwaukee County
Executive
Room 306, Courthouse
901 North 9th Street
Milwaukee, WI 53233
(414) 278-4211

Mayor Tom Barrett
City Hall, Room 201
200 East Wells Street
Milwaukee, WI 53202
(414) 286-2200

City of Milwaukee
Dept. of City Development
809 North Broadway
Milwaukee, WI 53202
(414) 286-5900

Ron Hayward
Village President
Village of West Milwaukee
4755 West Beloit Road
West Milwaukee, WI 53214
(414) 645-1530

Mayor Jeannette Bell
West Allis City Hall
7525 West Greenfield Ave.
West Allis, WI 53214
(414) 302-8207

John F. Stibal
City of West Allis
Department of Development
7525 West Greenfield Ave.
West Allis, WI 53214
(414) 302-8460

Mayor Theresa M. Estness
City Hall
7725 W. North Avenue
Wauwatosa, WI 53213

Nancy Welch
Director of Community
Development
7725 W. North Avenue
Wauwatosa, WI 53213

Local and Regional Planning Agencies

David A. Windsor, P.E.
City of Milwaukee DPW
Infrastructure Services Div.
Transportation Section
Planning & Development
841 N. Broadway, Room 919
Milwaukee, WI 53202
(414) 286-3701

Ms. Liliith Fowler
Executive Director
Menomonee Valley
Partners Inc.
301 West Wisconsin Ave.
Milwaukee, WI 53203
414-274-4654

EXHIBIT NO. 4

Responses to Scoping Letter

Exhibit No. 4
Responses to the Environmental Scoping Letter

Littlefield

Littlefield, Annie

From: Schaefer, Vicki [vicki.schaefer@dot.state.wi.us]
Sent: Monday, September 13, 2004 11:15 AM
To: Littlefield, Annie
Cc: David Drach (E-mail)
Subject: West Allis/Milwaukee abandonment

We are in receipt of your Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment of the 5.0 rail line extending between MP 88.2 and MP 93.2 in Milwaukee County.

Please provide right of way plats, including title information, at your earliest convenience.

Thank you. If you have any questions, please call me.

Vicki Schaefer
Wisconsin Department of Transportation
Bureau of Railroads and Harbors
phone - 608-267-7346



Headquarters Building
818 State Street
Madison, WI 53706-1482
608-264-6400

September 13, 2004

Ms. Annie Littlefield, J.D.
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402

RE: Soo Line Abandonment: MP 88.2 To 93.2, Milwaukee County, WI
STB Docket No.: AB-57 (Sub No. 55X)

Dear Ms. Littlefield:

Please be advised that the Wisconsin § 106 review process has changed as of August 1, 2002. The materials you recently submitted for our review do not comply with our new process guidelines.

For detailed information on the new process, please visit the Office of Preservation Planning's "The Wisconsin NHPA § 106 Review Process" web site at:

http://www.wisconsinhistory.org/hp/protecting/106_intro.asp

For this project and all future projects, please submit to us your § 106-review materials with the "Request for SHPO Comment" form as described in the Guidelines found at the above referenced web site.

For specific questions about this issue, please contact Chip Brown by email at chbrown@whs.wisc.edu or by telephone at (608) 264-6508.

Thank you for your attention to this matter.

Sincerely,

Dan Duchrow
Program Assistant
Office of Preservation Planning

Cc: STB, Washington, D.C.

SEP 20 2004

SEP-22-2004 15:34 FROM: US EPA REGION 5

312 353 5374

TO: LS D

P.2



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 22 2004

REPLY TO THE ATTENTION OF
B-19J

Annie Littlefield, J.D.
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402

Re: Docket No. AB-57, Sub. No. 55X, *Soo Line Railroad Company, d/b/a Canadian Pacific Railway Company - Proposed Discontinuance of Service and Abandonment Exemption*

Dear Ms. Littlefield:

In accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (U.S. EPA) has reviewed a scoping document from counsel for Soo Line Railroad Company (Soo Line). Approximately 5.0 miles of rail line are proposed for abandonment between West Milwaukee and West Allis in Milwaukee County, Wisconsin.

Soo Line intends to salvage rail equipment on the line for possible re-use, sale or disposal in accordance with applicable environmental regulations. Ballast and other structures would remain in place. Pursuant to a review of this scoping document, we have the following comments which should be discussed in the forthcoming Environmental Report (ER).

- The scoping document identified five Recognized Environmental Conditions (REC) on the rail line. The ER should discuss the removal and disposition of the items identified by the Phase I Environmental Site Assessment as RECs.
- The scoping document and attached map indicate that 5.0 miles of rail line will be abandoned between Mile Post 88.2 +/- and Mile Post 93.2 +/- . However, the document does not indicate what will happen to the rail line extending to the east and west of the segment proposed for abandonment. The ER should discuss whether the proposed segment is part of a larger abandonment process or if the remaining rail line to the east and west will remain active.
- Per the July 3, 1984 Rebuttable Presumption Against Registration for three major wood preservatives under the Federal Insecticide, Fungicide, and Rodenticide Act, wood treated with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State of Wisconsin.

Recycled/Recyclable - Printed with Vegetable Oil Based Ink on 50% Recycled Paper (70% Postconsumer)

Littlefield

Littlefield, Annie

From: Littlefield, Annie
Sent: Thursday, September 16, 2004 11:07 AM
To: 'Wakeman, Robert S.'
Subject: West Allis Abandonment

Hi Bob,

According to the abandonment regulations, we need to serve notice on the regional office of the US Soil Conservation Svc., which in the past has been the state offices of the DNR. Recently, we managed an abandonment in a rural area of North Dakota. The ND Natural Resources Conservation Service response related to the importance of protecting both wetlands and primary farmlands. Neither wetlands nor primary farmlands were negatively impacted by that proposed abandonment. In this case, the abandonment is in a commercial, residential and industrial area (only 5 miles long). It's possible that the Wisconsin DNR won't have any comments. We, however, are required by law to make sure that we contact all of the requisite agencies listed in the regulations. Below is a copy of the letter for your review, minus the attachments. If you need to see a map, please let me know. Also, if you choose to respond, feel free to email your response to me. Also, if you have more questions, please let me know. Thanks, Annie Littlefield [Tel. (612)335-7082]

TO: ALL PARTIES ON THE ATTACHED SERVICE LIST

Re: Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment of a 5.0+/- Mile Line of Railroad That Extends Between Milepost 88.2 +/- (near State Highway 41) and milepost 93.2+/- (near North 123rd Street) and Which Traverses Through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin - STB Docket No.: AB-57 (Sub No. 55X)

Dear Sir/Madam:

On or about September 25, 2004, Soo Line Railroad Company, d/b/a Canadian Pacific Railway Company ("Soo Line"), anticipates filing a Petition for an Exemption pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1152.60 with the United States Department of Transportation - Surface Transportation Board (STB) to discontinue and abandon all freight rail operations over an approximately 5.0+/- mile section extending between milepost 88.2 +/- (near the State Highway 41 crossing in Milwaukee) and milepost 93.2+/- (near North 123rd Street in Wauwatosa) and traversing through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin ("the Rail Line"). The Rail Line is located within Sections 30, 31, 32, 33, 34, and 35, Township 7 North, Range 21 East in Milwaukee County (See Exhibit 1). A map of the proposed abandonment is enclosed as Exhibit 1. The Rail Line, now out of service for nearly three years, had been used as a corridor since 1864 and currently passes through residential, commercial, and industrial areas.

Request for Comments

The proposed Petition for an Exemption requires review by the STB. I will be preparing an Environmental Report and, if appropriate, a Historic Report, which will provide the basis of the environmental review to be conducted by the STB's Section of Environmental Analysis ("Section of Environmental Analysis"). In preparing this report, consultation with agencies or organizations that may have specific interest in or knowledge of potential environmental impacts is essential. This letter, therefore, solicits your comments regarding potential environmental or historical impacts, if any, of the proposed Rail Line abandonment.

Your comments will be incorporated into our Environmental Report to be filed on or about September 25, 2004. A copy of this report will be provided to you. After that date, any additional comments can be submitted directly to the Section of Environmental Analysis.

9/23/2004

Littlefield

Description of Proposed Abandonment

The Rail Line eventually connects at the west end with the main line at milepost 95.1 in Elm Grove. It connects at the east end with the Airline and Muskego Yards. The abandonment, however, consists of a 5-mile section extending between milepost 88.2 +/- (near the State Highway 41 crossing in Milwaukee) and milepost 93.2 +/- (near North 123rd Street in Wauwatosa) and traversing through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin. The Rail Line is located within Sections 30, 31, 32, 33, 34, and 35, Township 7 North, Range 21 East in Milwaukee County (See Exhibit 1).

For your evaluation of the environmental impacts that could result from abandonment of the Rail Line, the proposed action includes discontinuing freight service, and salvaging equipment and materials that are present on the line. Additionally, the proposed action includes some removal of rails, ties, spikes, plates, railroad-related utilities, and signaling devices. The ballast and other structures would remain in place. All equipment and materials that are removed from the line would either be reused, sold as scrap, or disposed of in accordance with applicable environmental regulations that contains a limited number of lease parcels.

The last use of the Rail Line proposed to be abandoned was in October 2001. There is only one former customer directly on the Rail Line proposed for abandonment, Ryerson Steel (located at milepost 91.2). This customer has not, however, received any traffic in a few years and no longer requires rail service. Additionally, the Rail Line connects to a spur track at milepost 89.7 that is owned by the Whitnall Summit Company ("Whitnall"). One customer on the spur track, Avalon Rail (a rail car repair facility), had a 2003 volume estimated at forty (40) switch moves, which were handled, and will continue to be handled, by Union Pacific Railroad Company under an agreement with Soo Line. Another previous customer, Tallmadge-Regenco, has not received any traffic in a number of years.

Phase I Assessment Completed

The Phase I Environmental Site Assessment ("Phase I"), completed December 2003, identified five Recognized Environmental Conditions ("RECs") on the Rail Line, including, but not limited to, batteries and railroad ties, former track hoppers at a cement and concrete plant, a junkyard, unauthorized dumping of unlabelled empty drums and household trash, and also soil piles containing concrete and wood that are located west of Highway 100. Although the Phase I identified five RECs, the Rail Line is not listed as being currently or formerly on the following federal databases: the National Priorities List, CERCLIS, CORRACTS, ERNS, CERC-NFRAP, or a Proposed NPL or RCRIIS List, nor is the Rail Line identified on any of the following State ASTM Standard databases: Indian UST, Leaking Underground Storage Tank (LUST), State Hazardous Waste sites (SHWS), State Solid Waste Facilities and Landfills (SWF/LF), or UST. Additionally, while the railway was reportedly used to haul freight, it was not known to have transported hazardous materials or petroleum products. Further, based on water well construction logs dating back to 1936, the Rail Line does not contain any water wells. While some neighboring sites have been listed on the abovementioned databases, none of these sites currently pose a threat to the Rail Line. Additionally, there are 23 active land lease records associated with the Rail Line. One inactive lease is associated with a wire crossing that was assigned to the Wisconsin Electric Power Company. Finally, there are no known current or historical operations that are known to cause, or could have caused changes to the environmental condition of the Rail Line.

Scope of Environmental Report Comments

The Environmental Report for the proposed abandonment will be prepared pursuant to STB regulations in 49 C.F.R. § 1105.7, which is attached at Exhibit 2, the National Environmental Policy Act, 42 U.S.C. § 4332, the Energy Policy and Conservation Act, 42 U.S.C. § 6362(b), and related laws including the National Historic Preservation Act, 16 U.S.C. § 470f, and the Endangered Species Act, 16 U.S.C. § 1531.

We are soliciting your comments with regard to: (1) any permitting/approval authority your agency has over the proposed action, (2) any specific concerns which you feel should be addressed in the STB environmental document prepared after our Environmental Report is submitted, and (3) the effects, if any, of our proposed action on those resources or areas of concern within the authority of your agency, as required by 49 C.F.R. § 1105.7(e).

Specifically, the STB's regulations state that, with respect to the areas of concern within the jurisdiction of your

9/23/2004

-----Original Message-----

From: Littlefield, Annie

Sent: Friday, September 24, 2004 12:10 PM

To: 'Tretheway.Elinor'

Subject: RE: The West Allis Abandonment & the P&H Harnischfeger Co.
Elinor,

Below is the text that describes the location of milepost 88.2, based on the Phase I research conducted in December 2003.

Milepost 89.0 to 88.2 (Hawley Road, South 60th Street to Highway 41): This area passes through the Veterans Home property and near Miller Stadium. The area east of Highway 41 was also observed and includes several spurs that are currently used by P&H Harnischfeger, a crane manufacturer.

I hope this provides you with the information you are looking for. Let me know if you need further clarification.

Thanks, Annie

-----Original Message-----

From: Tretheway.Elinor [mailto:elinor.tretheway@we-energies.com]

Sent: Friday, September 24, 2004 11:55 AM

To: Littlefield, Annie

Subject: RE: The West Allis Abandonment & the P&H Harnischfeger Co.

Thanks. Can you also please send me the text that describes the location of milepost 88.2?

-----Original Message-----

From: Littlefield, Annie [mailto:annie.littlefield@leonard.com]

Sent: Friday, September 24, 2004 11:43 AM

To: elinor@renewthevalley.org

Subject: The West Allis Abandonment & the P&H Harnischfeger Co.

Hello Elinor,

Per today's telephone conversation, according to Soo Line's records, P&H Harnischfeger will not be affected by this abandonment because they are located east of Highway 41, beyond milepost 88.2, which is the endpoint of this particular abandonment. Should you have additional questions, feel free to contact me.

Thanks,

Annie Littlefield

Minneapolis, MN 55402

612.335.7082 Direct

612.335.1657 Facsimile

annie.littlefield@leonard.com

This message, including attachments, is from the law firm of Leonard Street and Deinard.

This message contains information that may be confidential and protected by the attorney-client or attorney work product privileges. If you are not the intended recipient, promptly delete this message and notify the sender of the delivery error by return e-mail or call us at 612-335-1500. You may not forward, print, copy, distribute, or use the information in this message if you are not the intended recipient.

Email and Comment Letter from the Wisconsin DNR – Received September 24, 2004

-----Original Message-----

From: Thompson, Michael C [mailto:Michael.Thompson@dnr.state.wi.us]

Sent: Friday, September 24, 2004 1:52 PM

To: Littlefield, Annie

Cc: Lepeska, Allyn; Cook, Melissa A.; Blotz, Tom E; Radermacher, Geri M; Steffes, Richard E; Lee, Scott; GSmith@milwcnty.com

Subject: WDNR Scoping Comments for Proposed Soo Line Railroad Abandonment, Milwaukee County, Wisconsin

<<littlefield request.doc>> <<WDNR Scoping Comments on Proposed Soo Line Abandonment, 44th to 123rd St, Milwaukee County, Wisconsin.doc>>

Hello Ms. Littlefield,

An electronic version of the Wisconsin Department of Natural Resources Scoping Comments for the Proposed Soo Line Railroad Abandonment between milepost 88.2 near State Highway 41, Milwaukee and milepost 93.2 near N 123rd St., Wauwatosa, Milwaukee County, Wisconsin is attached. A separate hard copy is being mailed.

Please contact me if you have any trouble opening the document or need additional information.

Mike

Michael C. Thompson

DNR Southeast Region Environmental Analysis & Review Supervisor

2300 N MLK Jr. Dr.

Milwaukee WI 53212

T 414.263.8648

F 414.263.8483

michael.thompson@dnr.state.wi.us



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

West Allis Line Petition for Exemption – Sept. 2004

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8606
TTY 711

September 15, 2004

File Ref: 1600

Ms. Annie Littlefield, J.D.
Leonard, Street, and Deinard
150 S Fifth Street, Suite 2300
Minneapolis, MN 55402

Dear Ms. Littlefield:

Thank you for your September 2, 2004 letter-requesting Department comments on the proposed Soo Line Railroad Company (Soo Line) abandonment in Milwaukee County, Wisconsin. The proposed abandonment corridor is approximately 5 miles long from milepost 88.2 near State Highway 41 and 44th Street to milepost 93.2 near North 123rd Street, Milwaukee County.

Please consider the following comments regarding (1) permitting /approval authority, (2) specific issues for the Surface Transportation Board environmental document, and (3) general comments on the environmental impacts of the proposed abandonment, as you prepare your Environmental Report for the proposed abandonment.

(1) Department approvals and permits

Department Permit and Approval that May be Required ¹	Department Contact
s. 30.19 Wis. Stat. – permit for grading work in excess of 10,000 sq. ft. near milepost 93.2 and Underwood Creek	Ms. Geri Radermacher, Water Management Specialist 141 NW Barstow St. Waukesha, WI 53188 (262) 574-2137
NR 103 and 299 – Analysis/certification for wetland fill for access roads and work areas near milepost 93.2 and Underwood Creek	Ms. Geri Radermacher, Water Management Specialist 141 NW Barstow St. Waukesha, WI 53188 (262) 574-2137
Federal Section 402 or 404 Wetland Permits	You should contact the U.S. Army Corps of Engineers office in Waukesha, WI (262) 547-4171

¹ Mike Thompson, DNR, 2300 N Martin Luther King Jr. Dr., Milwaukee, WI 53212, (414) 263-8648
thompm@dnr.state.wi.us is the single point of contact for DNR permits and approvals if this project is overseen by Wisconsin DOT and is coordinated through the DNR-DOT Cooperative Agreement.

	for further information regarding the need for these permits.
Ch. NR 216 – Erosion control associated with construction activities	Jim Ritchie, Stormwater Specialist 2300 N Martin Luther King Jr. Dr. Milwaukee, WI 53212 (414) 263-8682
Access agreements – survey work or temporary roads on the Hank Aaron State Trail	Melissa Cook, Hank Aaron State Trail Manager 2300 N Martin Luther King Jr. Dr. Milwaukee, WI 53212 (414) 263-8559

(2) Issues for the Surface Transportation Board Environmental Document

If the Surface Transportation Board (STB), **after coordination with local government and other local interests**, approves the abandonment, the Soo Line corridor could become a Federal “Rails-to-Trails” Act recreational trail that is preserved for possible future transportation use. The Department recommends that the STB consider adjusting the limits of the abandonment to allow connections to the Hank Aaron State Trail and Milwaukee County Oak Leaf Trail.

The east end of the Soo Line corridor could connect to the Hank Aaron State trail if the east terminus was shifted from approximately 44th Street to approximately 39th Street. The west end of the Soo Line corridor could connect to the Milwaukee County Oak Leaf Trail if the western terminus was shifted from 123rd Street to 125th Street. The resulting trail system, including the City of Brookfield Trail System, would provide approximately 120 miles of contiguous trail corridor with connections to commercial, education, and employment centers in a high density urban community. I have included links to maps of the Hank Aaron State Trail http://dnr.wi.gov/org/land/parks/specific/hank_aaron/hankaaronmap04.pdf, Milwaukee County Oak Leaf Trail <http://www.countyparks.com/trails/map.pdf>, and City of Brookfield Trail Systems <http://www.cityofbrookfield.com/Images/GreenwayCorridorTrailMap.jpg>.

It is also important to note that the Soo Line corridor would provide several grade-separated crossings of freeway and surface arterial transportation corridors. Bridges should be preserved during abandonment of the railroad corridor.

(3) General Comments on the Environmental Impacts of the Proposed Abandonment

Rail line abandonment projects generally have low environmental impacts. Impacts are typically related to temporary access roads and staging areas used by heavy equipment.

Water Quality

The 5-mile Soo Line corridor is located in the Milwaukee River Basins. Basin reports provide an overview of land and water resource quality and are available at <http://www.dnr.state.wi.us/org/gmu/milw/index.htm>.

Proper erosion control measures should be used and maintained during and after any track, tie, bridge or culvert removal. Project plans and specifications should include an erosion control plan. Areas of disturbed soil should be restored to original grade and re-seeded as soon as possible. Native species should be used where appropriate.

Wetlands

Wetlands are present along Underwood Creek near milepost 93.2 of the Soo Line corridor. The removal of track and ties should not affect any designated wetlands as they currently exist. However, original construction of the roadbed resulted in the filling of wetlands along the corridor. Original drainage patterns were also altered, resulting in changes to the local hydrology. If future use of the right-of-way is not for transportation or trail purposes, all fills should be removed and the original contours and vegetation re-established. Any work in wetlands may require local, state and/or Corps of Engineers permits.

More detailed wetland information such as maps, boundaries, types, and function is available at <http://www.dnr.state.wi.us/org/water/fhp/wetlands/mapping.shtml>. The Southeastern Wisconsin Regional Planning Commission (SEWRPC), (262) 547-6721 may also have useful data.

Flood Plains

The Department's cursory review did not identify any existing surface water drainage problems in the Soo Line project area. The proposal should not remove bridges, culverts, or change drainage patterns. Permits for bridges and culverts over navigable waterways are required if the Soo Line is not used for public transportation or trails.

The abandonment itself should have no impact on the 100-year flood plain if no additional fill is placed in the flood plain as a result of the abandonment. If the right-of-way is to be used for transportation or trail purposes, the existing bridges and culverts may remain in place if maintained. However, if this is not the case, all structures must be removed completely and the embankments re-graded and permanently stabilized.

The Milwaukee Metropolitan Sewerage District (MMSD) is working on flood control issues in the broad region surrounding the Soo Line corridor. Information regarding MMSD planning is available at <http://www.mmsd.com/projects/floodmgmt1.cfm>.

The Federal Emergency Management Agency (FEMA) is implementing a map modernization initiative to upgrade the Floodplain Map development process in which maps are created and distributed in a geographic information systems (GIS) format. The Department's floodplain management program has scanned the existing paper maps and geo-registered them. They are displayed on our web interactive maps, <http://www.dnr.state.wi.us/org/water/wm/dsfm/section/mapindex.htm>, and can be overlaid on top of Air Photos or Topographic Maps. See FEMA's floodplain mapping website,

<http://www.fema.gov/maps.shtm>, for more information on floodplain maps. SEWRPC (262) 547-6721 may also have useful data.

Endangered or threatened species

There are no state or federal endangered or threatened species in the Soo Line corridor. There are several state special concern mesic forest communities within one mile of the corridor.

Vegetated areas that are disturbed by the project activities should be re-seeded with DNR certified native prairie seed. Every effort should be made to ensure that invasive exotic species are not introduced to the site.

Critical Habitats/ Wildlife sanctuaries or refuges

Rail corridors provide valuable habitat for native plant and animal species. There are occurrences of mesic forest communities within one mile of the corridor.

National or state parks or forests

There are no national or state parks or forests along the corridor route between mileposts 88.2 and 93.2. The Hank Aaron State Trail corridor is present east of milepost 88.2 of the Soo Line corridor. The Milwaukee County Oak Leaf Trail is present west of milepost 93.2. Veterans Administration offices and Wood National Cemetery are present in the corridor. Potential connections to Wisconsin State Fair Park and the Milwaukee County Zoo may be present in the corridor.

Regional and/or local land use plans

Melissa Cook, Hank Aaron State Trail Manager (414) 263-8559 can provide information on State Trail planning http://dnr.wi.gov/org/land/parks/specific/hank_aaron/future.html.

The Southeastern Wisconsin Regional Planning Commission has begun the review and update of the land use and transportation system plans for the seven-county Southeastern Wisconsin Region. The regional land use and transportation plans are intended to provide a vision for, and guide to, land use development and redevelopment and transportation system development in the Region for 20 or more years into the future. More information is available at the following link http://www.sewrpc.org/regionalplans/pdfs/newsletter_01_web_regional_plans.pdf.

Hazardous Substance Releases

The Department provides an on-line database of contaminated sites, called the Bureau for Remediation and Redevelopment Tracking System, or "BRRTS on the Web." It includes spills, leaks, superfund cleanups and other contaminated sites that have been discovered and reported. You may check the site to see if a hazardous substance release has been reported in your project area. The web address is <http://dnr.wi.gov/org/aw/rr/brrts/index.htm>. If you discover a hazardous substance release during abandonment activities notify the Department by calling 800-943-0003.

All drums and containers used during construction should be stored in secure locations to prevent vandalism and unwanted dumping. If you discover an abandoned container at your project site notify the Department by calling 800-943-0003.

Waste and Demolition Disposal

The Department recommends that railroad tracks and ties be recycled. Demolition and waste material that cannot be recycled must be disposed of in an appropriate manner. Disposal in wetlands or surface waters is not permitted. A plan should be developed describing the method and location of all waste and demolition material disposal.

Closing comments

Thank you for the opportunity to comment on the proposed Soo Line abandonment in Milwaukee County, Wisconsin. The proposed Soo Line abandonment presents a unique opportunity to redevelop a single underutilized transportation corridor connected east of milepost 88.2 to the existing Hank Aaron State Trail, and west of milepost 93.2 to the existing Underwood Creek Parkway. Please contact me at (414) 263-8648 or thompm@dnr.state.wi.us if you have questions or need additional information.

Sincerely,

Michael C. Thompson
Environmental Coordinator

Cc: Mr. Allyn J. Lepeska, Wisconsin Department of Transportation, 4802 Sheboygan Ave
115B Madison, WI 53702

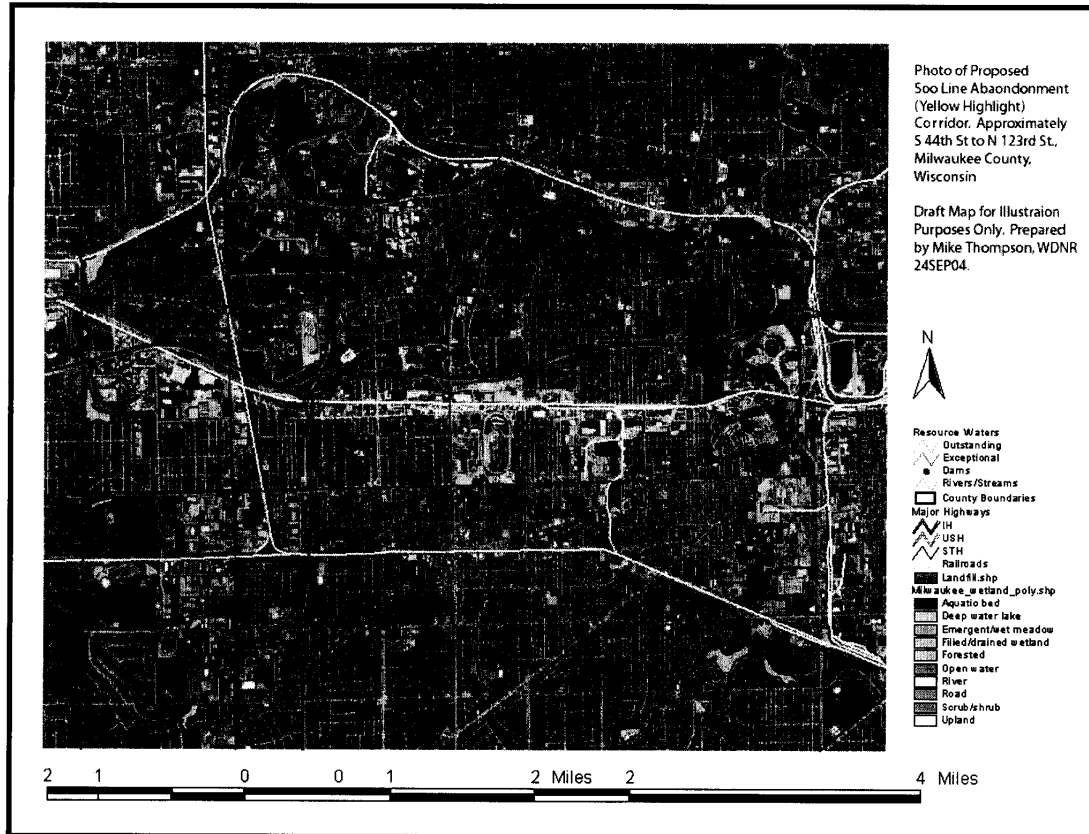
Guy Smith, Trails Coordinator, Milwaukee County Milwaukee County Park System,
9480 Watertown Plank Road, Wauwatosa, WI 53226

Bill Kolstad, Director of Parks, Recreation, and Forestry, City of Brookfield, 2000 N.
Calhoun Road, Brookfield, WI 53005-5095

Philip C. Evenson, AICP, Executive Director, Southeastern Wisconsin Regional Planning
Commission, PO Box 1607, Waukesha, WI 53187-1607

Melissa Cook, DNR

Tom Blotz, DNR
Geri Radermacher, DNR
Jim Ritchie, DNR
Richard Steffes, LF/4
Scott Lee, DOT2





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Green Bay ES Field Office
2661 Scott Tower Drive
New Franken, Wisconsin 54229-9565
Telephone 920/866-1717
FAX 920/866-1710

September 27, 2004

Section of Environmental Analysis
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423-0001

re: Railroad Line Abandonment
Soo Line Railroad
Wauwatosa to Milwaukee
Milwaukee County, Wisconsin

Dear Sirs:

The U.S. Fish and Wildlife Service (Service) has received a request for review of the subject project for natural resources impacts in a letter dated September 2, 2004, from Ms. Annie Littlefield of Leonard, Street and Deinard. Due to staff time constraints and priority work activities, we are able to review the project primarily for potential impacts to federally-listed threatened and endangered species or those proposed for listing. Be advised that other environmental concerns may be associated with this project such as wetland and stream impacts, erosion control needs, and effects on state-listed threatened or endangered species. If stream or wetland impacts will occur, state or federal permits may be needed.

Please provide us copies of any future documents that may be associated with this project or of future projects you may be planning that would require Service review. This will allow us to keep our files current. We will provide comments as time and work priorities allow.

Federally-Listed Species, Candidate Species, and Critical Habitat

Our records indicate that no federally-listed threatened or endangered species, candidate species, or critical habitats are known to occur in Milwaukee County.

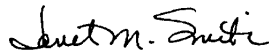
Currently, there are no federally-listed threatened or endangered species or critical habitat known to be present at the project site. However, over time, habitats at or near the project site may be utilized by listed or proposed species not present at this time. Further, fish, wildlife or plant species occurring within the project area may become federally-listed as threatened or endangered or proposed for listing; it is also possible that critical habitat could be proposed or designated for a species. Therefore, if there is a time lag between plan completion and

execution, it is important to reassess the impact of the project on federally-listed or proposed species or designated critical habitat prior to completion of the final project design and start of construction. In such instances, this office should be contacted for updated species and critical habitat information. Our species/critical habitat list is updated every 6 months.

As this project involves a Federal activity (i.e., permits), the Surface Transportation Board (STB), or your designated agent, is responsible for contacting the Service regarding your agency's determination as to whether the selected project alternative may affect federally-listed threatened or endangered species or adversely modify designated critical habitat. Section 7 of the Endangered Species Act of 1973, as amended (ESA), directs Federal agencies to consult with the Service on such matters. The Service would respond as to whether we concur with the determination of your agency or that of your designated agent. If the proposed project may adversely affect federally-listed threatened or endangered species or adversely modify designated critical habitat, the STB should initiate formal consultation with the Service in accordance with section 7 of the ESA. Information on the section 7 consultation process can be obtained by contacting the staff person identified at the end of this letter.

We appreciate the opportunity to respond. Questions pertaining to these comments can be directed to Ms. Leakhena Au at 920-866-1734.

Sincerely,



Janet M. Smith
Field Supervisor

cc: Leonard, Street and Deinard, Minneapolis, MN Attn: Annie Littlefield



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V
77 West Jackson Boulevard
Chicago, IL 60604

Date: October 7, 2004

David Navecky
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

**Regarding: Proposed Line Abandonment of a 5.0 Mile Line Between Mileposts 88.2 and 93.2
in Milwaukee County, Wisconsin**

Dear Mr. Navecky:

The Environmental Planning and Evaluation Branch has received the document listed above. Under the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations, and Section 309 of the Clean Air Act; U.S. EPA reviews and comments on major federal actions. Typically, these reviews focus on Environmental Impact Statements, but we also have the discretion to review and comment on other environmental documents prepared under NEPA if interest and resources permit.

We did not undertake a detailed review of the document you sent to this office, and will not be generating comments because of the reason selected below.

- ☐ The document was not prepared under NEPA.
- ☐ The document was given a cursory review, but other workload priorities precluded us from detailed review and comment.
- ☒ The document was given a cursory review, and we determined that there were no significant concerns meriting comment.
- ☐ We opted to wait for the next level of documentation on this project before deciding whether or not to comment.

We reserve the right to reconsider undertaking a review at future planning stages, or if significant new data on the project is made available by the sponsoring agency or other interested parties. Thank you for providing information on the project.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kenneth A. Westlake".

Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch

cc: Annie Littlefield, counsel for Canadian Pacific Railway



Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle
Governor

Frank J. Busalacchi
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

October 14, 2004

Section of Environmental Analysis
Surface Transportation Board
1925 K St., N.W., Suite 500
Washington, DC 20423.

Re: Comments on Potential Environmental Impacts of Proposed Line Abandonment of a 5.0+/- Mile Line of Railroad That Extends Between Milepost 88.2 +/- (near State Highway 41) and Milepost 93.2 +/- (near North 123rd Street) and Which Traverses Through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin - STB Docket No. AB-57 (Sub-No. 55X)

Dear Gentilepersons:

At the request of the Soo Line Railroad Company, we have reviewed the environmental effects of the proposed abandonment of the rail line of the Soo Line Railroad Company, d/b/a Canadian Pacific Railroad Company ("Soo Line") over an approximately 5.0 +/- mile line of railroad that extends between milepost 88.2 +/- (near State Highway 41) and milepost 93.2 +/- (near 123rd Street) and traverses through United States Postal Service Zip Codes 53214 (in West Allis), 53295 (in West Milwaukee), and 53215, 53233, and 53204 (in Milwaukee) in Milwaukee County, Wisconsin (the "Rail Line").

As a multimodal agency, WisDOT would encourage the preservation of this transportation corridor consistent with existing land use plans and essential for efficient use of natural resources for future transportation needs if the Rail Line is abandoned. If the corridor is abandoned, there is interest in the corridor for trail use.

If the Rail Line is abandoned, the greatest potential for environmental damage is because of the failure to properly clean up debris, which is often left on former rail lines after items of value are removed. Because of this, the Soo Line must comply with the WisDOT Abandoned Railroad Line Salvage and Clean-up Policy/Standards/Procedures when they do the abandonment and related activities.

DOT3 2903

2542319v1

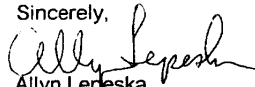
If the Rail Line is abandoned, the railroad needs to protect surveying benchmarks, monumentation and mapping information for the segment.

Upon abandonment, the railroad must remove the rail, ties and ballast at the crossings of the state highways. The railroad is required to obtain a permit from the District Maintenance section to work on highway right-of-way. The railroad will need to handle traffic while the crossing is being removed. The roadway should be restored in like kind.

Before crossings are removed across other streets and roadways, the railroad must contact the maintaining authority to coordinate work with them.

If you have any questions, feel free to contact me.

Sincerely,


Allyn Lepeska
Attorney

pc: Donna Brown
Vicki Schaefer
Michael Thompson
Annie Littlefield



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

OCT 6 2004

Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Dear Ms. Rutson:

The area in question on the map with the Environmental and Historic Reports for the proposed rail line abandonment of Soo Line Railroad Company, the West Allis Line, for approximately 5.0 +/- miles of rail line between Milepost 88.2 +/- (near the State Highway 41 crossing in Milwaukee) and Milepost 93.2 +/- (near North 123rd Street in Wauwatosa) Milwaukee County, Wisconsin STB Docket No. AB-57 (Sub-No. 55X), has been reviewed within the areas of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, 1 geodetic station marker have been identified that may be affected by the proposed abandonment; a listing of this marker is enclosed. Additional information about station markers can be obtained via the Internet or NGS CD-ROM. A fact sheet for the internet data retrieval methods is enclosed. If there are any planned activities which will disturb or destroy this marker, NGS requires not less than 90 days notification in advance of such activities in order to plan for it's relocation.

If further information is needed for this geodetic marker, contact Mr. Frank C. Maida. His address is NOAA, N/NGS2, Room 8736, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3198, fax: 301-713-4324, e-mail: Frank.Maida@noaa.gov.

Sincerely,

Richard A. Snay
Chief, Spatial Reference System Division

Enclosures

cc: N/NGS1 - G. Mitchell
N/NGS1x1 - D. David Moyer
Annie Littlefield, Esq., Leonard, Street and Deinard

RECEIVED



Printed on Recycled Paper

OCT 14 2004



SOO LINE RAILROAD COMPANY

THE WEST ALLIS LINE

IN MILWAUKEE COUNTY, WISCONSIN

STB DOCKET NO. - AB-57 (SUB-NO. 55X)

1 GEODETIC CONTROL MARK IN THE PROPOSED ABANDONMENT AREA

PIDS	DESIGNATION	LATITUDE	LONGITUDE
DF9877	2K17	N430206	W0880249



National Geodetic Survey - News Flash!



GEODETTIC DATA AVAILABLE FREE ON THE INTERNET

Are you interested in getting the most current position, height, and descriptive information for all the geodetic control points in the National Spatial Reference System? Are you interested in getting this information immediately, free of cost, and whenever you want it? With an Internet connection, this information is yours to download.

The National Geodetic Survey's (NGS) data sheet contains position, height, and descriptive information for approximately 750,000 control points throughout the United States. The data sheet provides:

- ▶ The geodetic coordinates and the orthometric height for each point
- ▶ The horizontal and vertical datums on which the information is based
- ▶ State plane coordinates and Universal Transverse Mercator coordinates
- ▶ Modeled geoid height, ellipsoidal height, modeled gravity, and Laplace correction
- ▶ A description of the station's location and how to reach it

To obtain this information, set your Web browser to
http://www.ngs.noaa.gov/products_services.html

For more information contact:
NOAA, National Geodetic Survey, N/NGS12
1315 East-West Highway, Station 09202
Silver Spring, MD 20910
Telephone: (301) 713-3242; Fax: (301) 713-4172
Monday through Friday, 7:00 a.m. - 4:30 p.m., Eastern Time
<http://www.ngs.noaa.gov>



NGS: Tying America Together

Exhibit No. 5

Certification and Copy of Newspaper Publication

NOTICE

Soo Line Railroad Company (d/b/a Canadian Pacific Railway Co., Inc.) gives notice that on or about October 18, 2004, it intends to file with the Surface Transportation Board, Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the abandonment of a 5.0+/- mile line of railroad between railroad milepost 88.2+/- (near State Highway 41) and railroad milepost 93.2+/- (near North 123rd Street), which traverses through United States Postal Service ZIP Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa) all in Milwaukee County, Wisconsin. The proceeding has been docketed as No. AB-57 (Sub No. 55X). The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street NW, Washington, DC, 20423-0001, or by calling SEA at 202-565-1538.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street NW, Washington, DC 20423-0001 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicants' representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative, Jean M. Hamm at Leonard, Street and Deinard, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402, 612-335-1500.

**Soo Line Railroad
Company**
(d/b/a Canadian Pacific
Railway)

Certification of Newspaper Publication

The undersigned certifies that a notice of the abandonment was published one time in the Milwaukee Journal Sentinel.

The Milwaukee Journal Sentinel newspaper is generally circulated in the county where the rail line is located (Milwaukee County). The Notice was published pursuant to 49 C.F.R. § 1105.12.

Dated this 20 day of October, 2004.

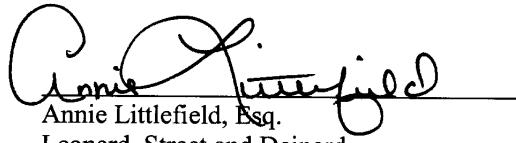

Annie Littlefield, Esq.
Leonard, Street and Deinard

EXHIBIT NO. 6

Federal Register Notice and Certificate of Service

Pursuant to 49 C.F.R. Part 1152.60 (c)

**STB No. AB-57 (Sub-No. 55X)
Notice of Petition for Exemption
to Abandon or to Discontinue Service**

On *[Date]*, 2004, Soo Line Railroad Company (operated under the trade name “Canadian Pacific Railway”) filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a 6.9 +/- mile line of railroad between milepost 88.2 +/- (on the west end at Elm Grove) and milepost 95.1 +/- (near the airline and Muskego yards) which traverses through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin. The line includes no active stations.

The line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by Oregon Short Line Railroad and The Union Pacific Railroad Company --Abandonment Portion, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the *Federal Register*.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 C.F.R part 1152. Questions concerning environmental issues may be directed to the Board’s Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EA in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

EXHIBIT NO. 7

***JULY 21, 2003 NOTIFICATION LETTERS
SENT TO SHIPPERS AND TO THE WHITNALL SUMMIT COMPANY***

July 31, 2003

Tenants of the 6600 Washington LLC Property
Attn: Mr. Rudy Borchardt
RB Management LLC
1126 South 70th Street
West Allis, WI 53214

Re: Petition to Abandon Canadian Pacific Railway's West Allis Line

Tenants:

The purpose of this letter is to inform you that the Canadian Pacific Railway line that serves your property will soon be the subject of a petition to the Surface Transportation Board for authority to abandon the line. On July 16th the line was taken out of service due to track conditions. Due to declining rail shipments combined with the cost of repairing and maintaining the track CPR is forced to reconsider its presence in this area and has determined that a cessation of rail service would be appropriate.

Avalon Rail, which currently ships via rail, has recently been receiving service via the Union Pacific Railroad. Tenants who desire to be rail served can make arrangements with the UP via their Mitchell Yard. This should not materially interfere with your operations. These arrangements will remain in place throughout the abandonment process or until a permanent arrangement can be made.

The abandonment of rail lines is a highly regulated process, and takes place at the United States Surface Transportation Board. Following appropriate environmental and historic investigation and the submission of an environmental and historic report to the STB, Canadian Pacific will file a petition with the Board seeking authority to abandon rail service over the line. Under the regulations promulgated by the STB, shippers on the line do have an opportunity to participate in the abandonment process. In addition to receiving notice, shippers have the right to help retain rail service over a particular route by either making an offer of financial assistance, a situation where the shipper essentially helps bear the cost of rail service over a line, or the shipper may choose to actually purchase the rail line to retain service. Because of Avalon's ability to utilize rail service over the Union Pacific, I am not sure if either of these options is attractive. The regulations outlining the rights of a shipper to continue rail service are set forth at 49 C.F.R. Part 1180, with additional information available on the Surface Transportation Board's website at www.stb.dot.gov.

The abandonment process in this instance will take many months, and there will be ample opportunity for existing and potential shippers to comment upon the petition. As an active shipper on the line, you will be added to the list of parties and will receive those mailings and filings put out by CPR.

I have enclosed detailed maps of the subject line for your reference. If you have any questions please do not hesitate to call me at 518-383-7242.

Very truly yours,

Stephen Fisk
Senior Manager Business Development - US
Canadian Pacific Railway
200 Clifton Corporate Park
Clifton Park, New York 12065

cc: Patrick Schloss
Acting Economic Development Manager
City of West Allis
7525 West Greenfield Avenue
West Allis, WI 53214

Rick Tessman - Canadian Pacific Railway
Judy Mitchell - Canadian Pacific Railway

July 31, 2003

June L.S. Garland
Avalon Rail
6600 W. Washington St. Suite 800
West Allis, WI 53214

Re: Petition to Abandon Canadian Pacific Railway's West Allis Line

Dear Ms. Garland:

The purpose of this letter is to inform you that the Canadian Pacific Railway line that serves your property will soon be the subject of a petition to the Surface Transportation Board for authority to abandon the line. On July 16th the line was taken out of service due to track conditions. Due to declining rail shipments combined with the cost of repairing and maintaining the track CPR is forced to reconsider its presence in this area and has determined that a cessation of rail service would be appropriate.

I understand that Avalon Rail has recently been receiving rail service from the Union Pacific Railroad. Avalon's cars will be delivered over UP tracks via Mitchell Yard, so this should not materially interfere with your operations. These arrangements will remain in place throughout the abandonment process or until a permanent arrangement can be made.

The abandonment of rail lines is a highly regulated process, and takes place at the United States Surface Transportation Board. Following appropriate environmental and historic investigation and the submission of an environmental and historic report to the STB, Canadian Pacific will file a petition with the Board seeking authority to abandon rail service over the line. Under the regulations promulgated by the STB, shippers on the line do have an opportunity to participate in the abandonment process. In addition to receiving notice, shippers have the right to help retain rail service over a particular route by either making an offer of financial assistance, a situation where the shipper essentially helps bear the cost of rail service over a line, or the shipper may choose to actually purchase the rail line to retain service. Because of Avalon's ability to utilize rail service over the Union Pacific, I am not sure if either of these options is attractive. The regulations outlining the rights of a shipper to continue rail service are set forth at 49 C.F.R. Part 1180, with additional information available on the Surface Transportation Board's website at www.stb.dot.gov.

The abandonment process in this instance will take many months, and there will be ample opportunity for existing and potential shippers to comment upon the petition. As an active shipper on the line, you will be added to the list of parties and will receive those mailings and filings put out by CPR.

I have enclosed detailed maps of the subject line for your reference. If you have any questions please do not hesitate to call me at 518-383-7242.

Very truly yours,

Stephen Fisk
Senior Manager Business Development - US
Canadian Pacific Railway
200 Clifton Corporate Park
Clifton Park, New York 12065

cc: Patrick Schloss
Acting Economic Development Manager
City of West Allis
7525 West Greenfield Avenue
West Allis, WI 53214

Rick Tessman - Canadian Pacific Railway
Judy Mitchell - Canadian Pacific Railway

Certificate of Service of the Petition for Exemption

This Petition for Exemption was served on the following parties in accordance with 49 C.F.R. 1152.60(d) on October 19, 2004.

**Public Service Commission of Wisconsin
610 North Whitney Way
P. O. Box 7854
Madison, WI 53707-7854**

**Military Traffic Management Command (MTMC TEA)
Railroads for National Defense Program
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574**

**U. S. Department of the Interior
National Park Service
Recreational Resources Assistance Division
P. O. Box 37127
Washington, DC 20013-7127**

**National Park Service
William W. Schenk
Regional Director, Midwest Region
1709 Jackson Street
Omaha, NE 68102**

**U. S. Department of Agriculture
Chief of the Forest Service
4th Floor NW, Auditors Bldg.
14th Street & Independence Avenue SW
Washington DC 20250**