



GRANTED
 Office of
 Proceedings

DECISION ID NO.: 42778
 DECIDED DATE: 11/20/12
 SERVICE DATE: 11-2-12
 APPROVED: Ronald Campbell
 Director

☒ extended to
5/15/13.

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

233348

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

ENTERED
 Office of Proceedings
 November 15, 2012
 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.

The funding request submitted by the County to the Congestion Mitigation and Air Quality Improvement Program, administered by Federal Highways Administration and WisDOT, was granted and the award will be sufficient to allow the consummation of this project.

Land acquisition through the CMAQ Program is a lengthy and complex process. The first step is the completion of an Environmental Report and a Design Study Report. These reports, which must be submitted before formal negotiations with the UP Railroad can commence, ensure that potential issues/problems (environmental, structural, historical) that might necessitate modifications to the preliminary trail alignment are identified before an agreement for transfer of ownership of the land is reached.

In April 2012, the Wisconsin Department of Transportation issued a work authorization allowing Milwaukee County to proceed to execute contracts with consultants to undertake activities associated with completion of the Environmental Report and the Design Study Report.

Pursuant to that work authorization, Milwaukee County has been working diligently on required environmental and historic preservation documentation. Although this is a complex process that could take several months, Milwaukee County's objective remains the acquisition of the subject corridor.

Milwaukee County respectfully requests an extension to the interim trail use/rail banking agreement negotiation period for the rail corridor between milepost 92.21 to milepost 89.13.

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,



Kathleen Chung, State Bar No. 1032802
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November 14, 2012

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing cover letter in regards to AB33
(Sub-No. 268X), by electronic mail or regular mail, pursuant to 49 C.F.R. §1104.12, this
15th day of November, 2012, on all parties of record on the service list.

A handwritten signature in cursive script, reading "Kathleen Chung", is written over a horizontal line.

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