

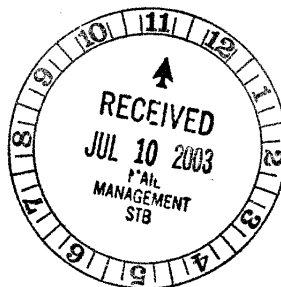
208334

LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

July 7, 2003

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



Diane P. Gerth
612-335-1463
diane.gerth@leonard.com

**Re: Soo Line Railroad Company – Notice of Exempt Abandonment of Trackage located in Racine County, Wisconsin
S.T.B. Docket No. AB-57 (Sub. No. 53X)**

Dear Secretary Williams:

Please find enclosed for filing the original and 10 copies of the Soo Line Railroad Company's Notice of Class Exemption from the Requirements of 49 U.S.C. Sections 10903 for the above-referenced rail line abandonment. We have enclosed a check in the amount of \$2,700 pursuant to 49 C.F.R. Part 1002.2 as the filing fee, along with an IBM compatible floppy disc. I have enclosed a duplicate copy of this letter and a self-addressed, stamped envelope to be stamped with the filing date and returned to the undersigned.

If you have any questions regarding the above-referenced matter, please feel free to contact me.

Very truly yours,

LEONARD, STREET AND DEINARD

Diane P. Gerth
DPG:km

cc: Steve Fisk
Judy Mitchell
Bill Tuttle

FEE RECEIVED

JUN 10 2003

**SURFACE
TRANSPORTATION BOARD**

FILED

JUN 10 2003

**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.

WWW.LEONARD.COM

208334

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.**

SOO LINE RAILROAD COMPANY	)	
- ABANDONMENT OF TRACKAGE,	)	DOCKET NO. AB-57
LOCATED IN RACINE COUNTY,	)	(SUB-NO 53X)
WISCONSIN	)	

NOTICE OF EXEMPT ABANDONMENT OF TRACKAGE LOCATED
BETWEEN MILE POST 18.43 +/- NEAR KANSASVILLE AND MILE POST 25.93 +/- IN
BURLINGTON, RACINE COUNTY, WISCONSIN, WHICH TRAVERSES THROUGH
UNITED STATES POSTAL ZIP CODES 53139 AND 53105

NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. SECTION 10502 AND 49 C.F.R. PART 1152.50

CLASS EXEMPTION FROM THE REQUIREMENTS
OF 49 U.S.C. SECTIONS 10903

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

FILED
JUN 10 2003
SURFACE
TRANSPORTATION BOARD

Diane P. Gerth, Esq.
LEONARD, STREET AND DEINARD
PROFESSIONAL ASSOCIATION
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Tel: (612) 335-1463
Fax: (612) 335-1657

Date of Filing: July 7, 2003

FEE RECEIVED

JUN 10 2003

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.

SOO LINE RAILROAD COMPANY	)	
– ABANDONMENT OF TRACKAGE,	)	DOCKET NO. AB-57
LOCATED IN RACINE COUNTY,	)	(SUB-NO 53X)
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NOTICE OF EXEMPTION
PURSUANT TO 49 U.S.C. SECTION 10502 AND 49 C.F.R. PART 1152.50

CLASS EXEMPTION FROM THE REQUIREMENTS
OF 49 U.S.C. SECTIONS 10903

The Soo Line Railroad Company, Inc., d/b/a Canadian Pacific Railway Company (“Soo”) files this Notice of Exemption pursuant to 49 U.S.C. § 10502 and the Commission’s regulations at 49 C.F.R. Part 1152.50. This Notice of Exemption is for Soo’s abandonment of a 7.5 +/- mile portion of its line of railroad between Mile Post 18.43 +/- (near Kansasville) and Milepost 25.93 +/- (in Burlington) in Racine County, Wisconsin, which traverses through United States Postal Zip Codes 53139 and 53105.

No local traffic has moved over the line for at least two years and all overhead traffic has been routed over other lines. A map showing the line to be abandoned is attached as Exhibit No. 1.

In accordance with the requirements of 49 C.F.R. Part 1152.50, Soo submits the following:

1. WRITTEN NOTIFICATION OF FILING FOR ABANDONMENT EXEMPTION - 49 C.F.R. PART 1152.50(d)(1).

Said notification was served on the appropriate parties on June 26, 2003, at least ten (10) days prior to the filing date of this exemption. See Exhibit No. 2.

2. PROPOSED CONSUMMATION DATE - 49 C.F.R. PART 1152.50(d)(2).

Soo intends to consummate the proposed abandonment of its trackage on or after September 15, 2003.

3. CARRIER CERTIFICATION RE LOCAL AND OVERHEAD TRAFFIC AND STATUS OF NO COMPLAINTS - BY 49 C.F.R. PART 1152.50(b) and (d)(2).

The required Certification is annexed hereto as Exhibit No. 3.

4. INFORMATION REQUIRED BY 49 C.F.R. PARTS 1152.22(a)(1)-(4), (7) and (8) and (e)(4) (INCORPORATED BY REFERENCE IN 49 C.F.R. PART 1152.50(d)(2)):

(a) PART 1152.22(a)(1) EXACT NAME OF APPLICANT.

Soo Line Railroad Company, Inc., d/b/a Canadian Pacific Railway.

(b) PART 1152.22(a)(2) WHETHER THE APPLICANT IS A COMMON CARRIER BY RAILROAD SUBJECT TO THE INTERSTATE COMMERCE ACT.

Soo is a common carrier by railroad subject to the Interstate Commerce Act and the Interstate Commerce Commission Termination Act of 1995 (Title 49 U.S.C.).

(c) PART 1152.22(a)(3) RELIEF SOUGHT (ABANDONMENT OF LINE OR DISCONTINUANCE OF SERVICE).

Soo seeks authority to abandon a 7.5 +/- mile portion of its trackage between Kansasville and Burlington, Wisconsin.

(d) PART 1152.22(a)(4) DETAILED MAP

See Exhibit No. 1.

(e) PART 1152.22(a)(7) NAME, TITLE AND ADDRESS OF REPRESENTATIVE OF APPLICANT TO WHOM CORRESPONDENCE SHOULD BE SENT.

Diane P. Gerth, Esq.
LEONARD, STREET AND DEINARD
PROFESSIONAL ASSOCIATION
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402
Tel: (612) 335-1463
Fax: (612) 335-1657

(f) PART 1152.22(a)(8) LIST OF ALL UNITED STATES POSTAL ZIP CODES THAT THE LINE PROPOSED FOR ABANDONMENT TRAVERSES:

United States Postal Zip codes 53139 and 53105.

(g) PART 1152.22(e)(4) STATEMENT OF WHETHER THE PROPERTIES PROPOSED TO BE ABANDONED ARE SUITABLE FOR USE FOR OTHER PUBLIC PURPOSES, INCLUDING ROADS OR HIGHWAYS, OTHER FORMS OF MASS TRANSPORTATION, CONSERVATION, ENERGY PRODUCTION OR TRANSMISSION, OR RECREATION. IF THE APPLICANT IS AWARE OF ANY RESTRICTION ON TITLE TO THE PROPERTY, INCLUDING ANY REVERSIONARY INTEREST, WHICH WOULD AFFECT THE TRANSFER OF TITLE OR THE USE OF THE PROPERTY FOR OTHER THAN RAIL PURPOSES, THIS SHALL BE DISCLOSED.

The properties proposed to be abandoned are likely suitable for use as transportation infrastructure.

5. PART 1152.50(d)(2) THE LEVEL OF LABOR PROTECTION.

Soo understands that in granting an exemption for the proposed abandonment, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. Accordingly, while Soo anticipates that no adverse effect to its employees will occur as the result of this abandonment, it understands that the Board will likely impose the conditions set forth in Oregon Short Line Railroad Company - Abandonment - Goshen - 360 I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

6. PART 1105.7(c) CERTIFICATE OF SERVICE OF ENVIRONMENTAL REPORT AND HISTORIC REPORT.

An Environmental Report and Historic Report has been prepared in accordance with 49 C.F.R. Parts 1105.7 and 1105.8 and was served on the Board and all relevant parties on May 30, 2003, pursuant to 49 C.F.R. Part 1105.7(b).

Applicant's certification pursuant to 49 C.F.R. Part 1105.7(c) is attached as Exhibit No. 4.

7. PART 1105.12 PUBLICATION OF NEWSPAPER NOTICE.

A Notice in accordance with Part 1105.12 has been published in a newspaper of general circulation in Racine County, Wisconsin. A copy of said notice is attached hereto with the requisite Certification. See Exhibit No. 5.

8. VERIFICATION.

The required Verification is attached as Exhibit 6 and made a part of this Notice of Exemption.

Date of Filing: July 7, 2003



Diane P. Gerth, Esq. (Lic. #180786)

**LEONARD, STREET AND DEINARD
PROFESSIONAL ASSOCIATION**

150 South Fifth Street, Suite 2300

Minneapolis, Minnesota 55402

Tel: (612) 335-1463

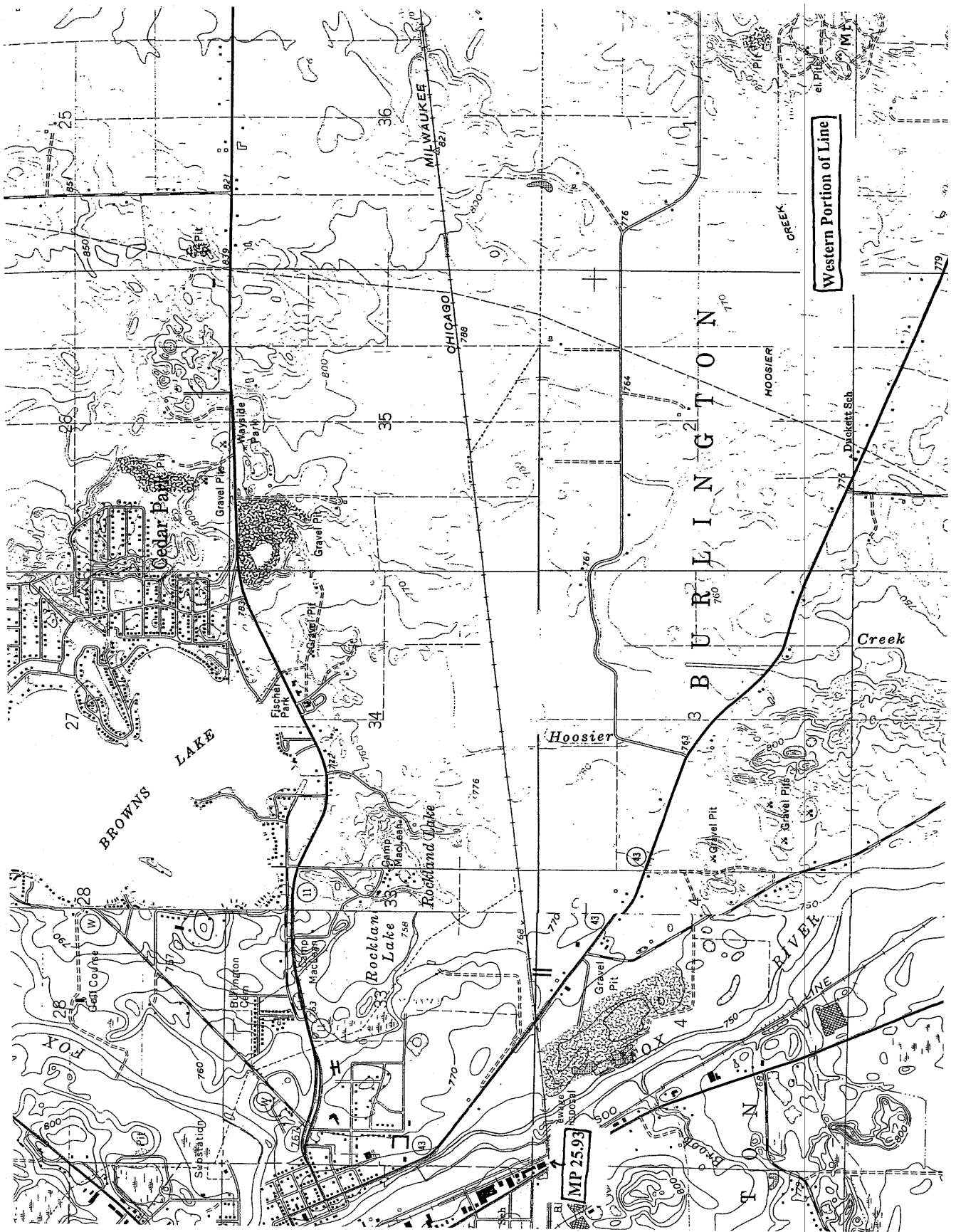
Fax: (612) 335-1657

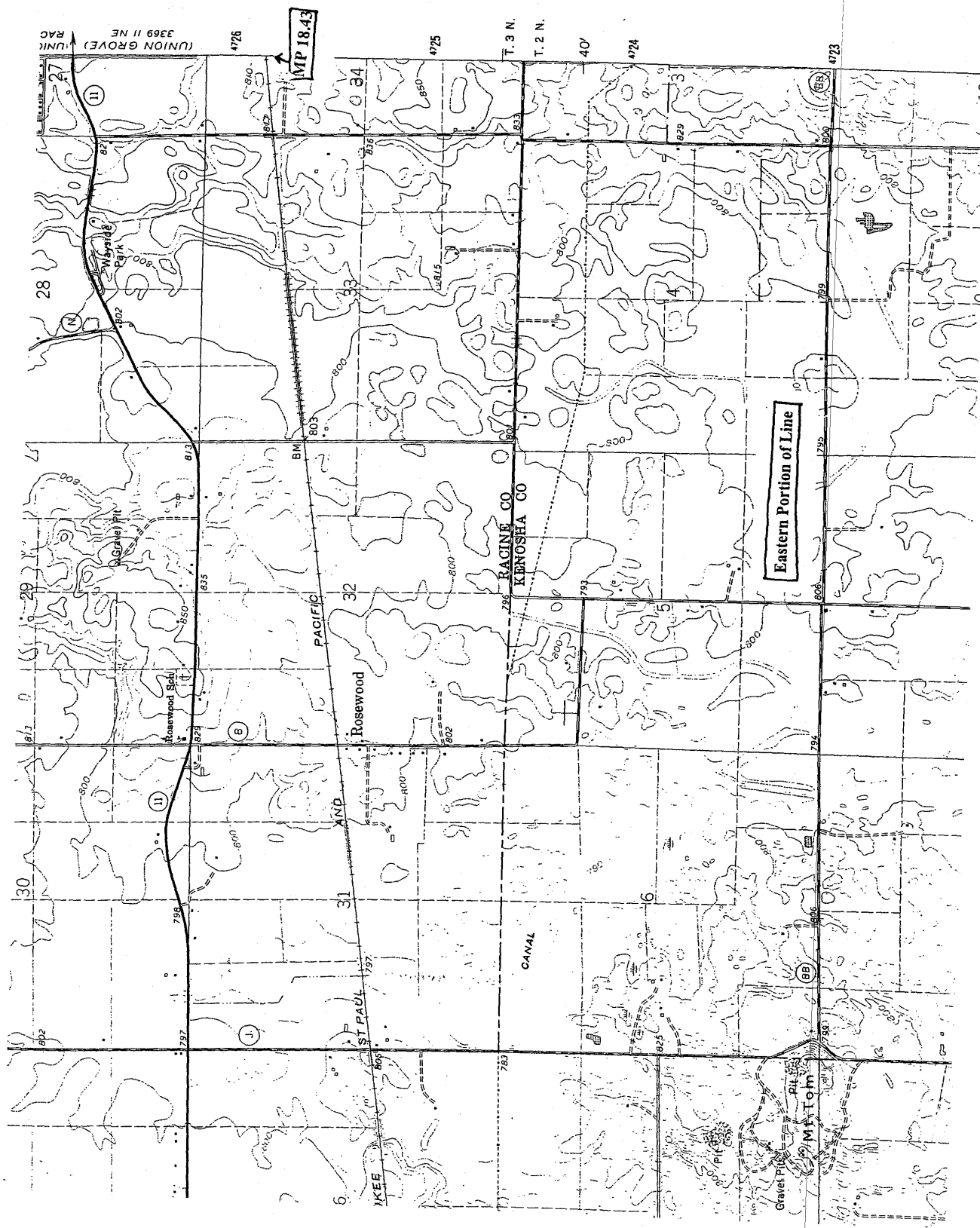
Counsel for the Soo Line Railroad Company

EXHIBIT NO. 1

Detailed Exhibit Maps for Notice of Exemption

(49 C.F.R. Parts 1152.50(d)(2) and 1152.22 (a)(5))



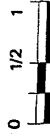


CP Kansasville

- ▲ Listed Sites
- Earthquake Epicenters (Richter 5 or greater)
- Search Boundary
- Roads
- Major Roads
- Waterways
- Railroads
- Contour Lines
- Pipelines
- Powerlines
- Fault Lines
- Water
- Superfund Sites
- 100-Yr Flood Zones



Burlington, WI



Scale in Miles

ESR

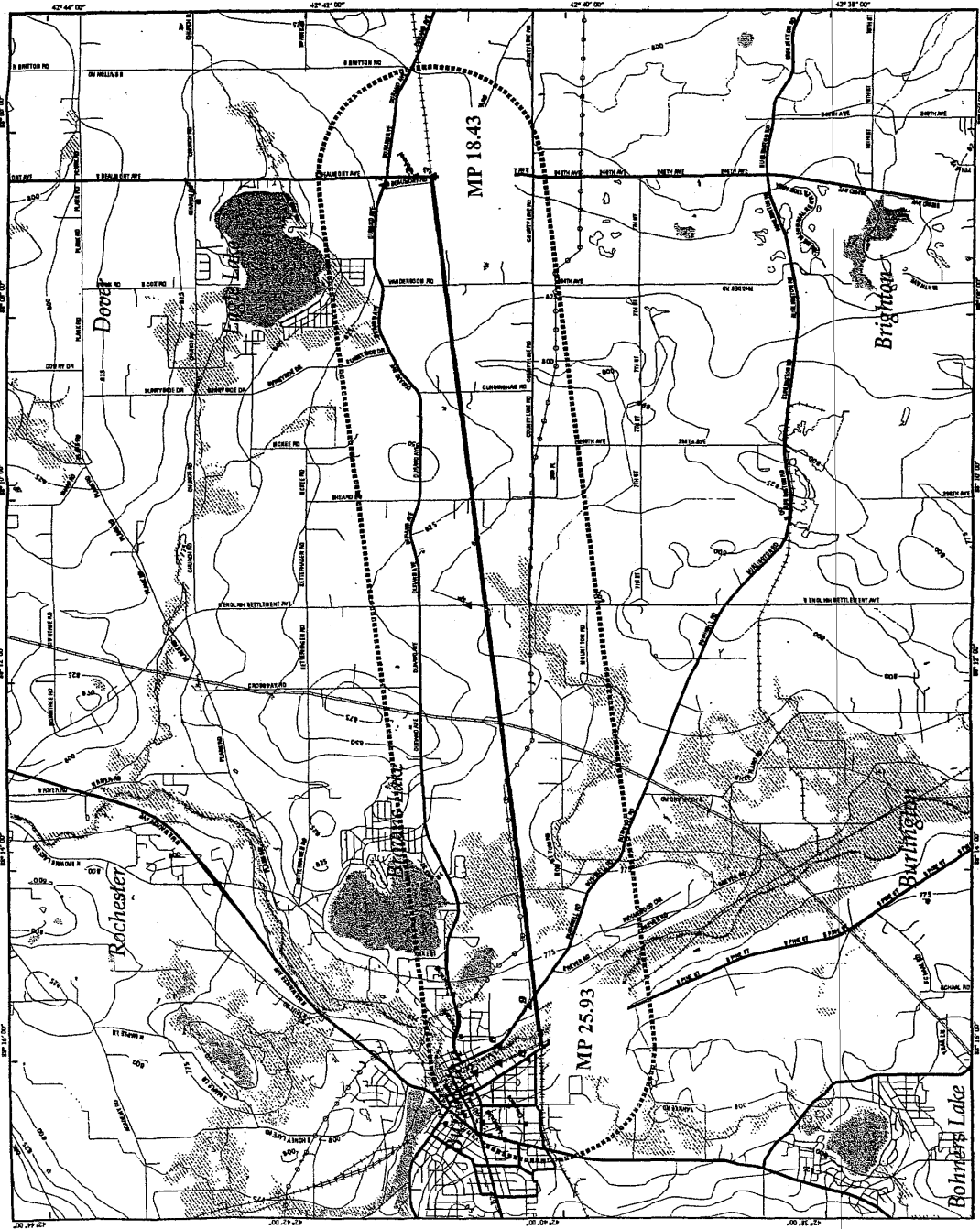


EXHIBIT NO. 2

**Certification of Proper Service of Written
Notice of Intent to Abandon under the Exemption Process**

(49 C.F.R. Part 1152.50(d)(1))

CERTIFICATE OF COMPLIANCE WITH SERVICE REQUIREMENT FOR
NOTIFICATION OF INTENT TO FILE EXEMPTION ABANDONMENT

The undersigned hereby certifies that she served the Notice of Intent to File Notice of Exemption for the proposed abandonment in Docket No. AB-57 (Sub. No. 53X) via first class U.S. Mail, on June 26, 2003 as required by 49 C.F.R. Section 1152.50(d)(1), to the parties listed on the attached Service List. (See attached List).

Dated: July 7, 2003



Diane P. Gerth, Esq. (Lic. #180786)
LEONARD, STREET AND DEINARD
PROFESSIONAL ASSOCIATION
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Tel: (612) 335-1463
Fax: (612) 335-1657

SERVICE LIST
NOTICE OF INTENT TO FILE EXEMPT ABANDONMENT
Soo Line Railroad Company – Abandonment of
Trackage Located in Racine, County, Wisconsin
Docket No.: AB-57 (Sub No. 53X)

WISCONSIN PUBLIC SERVICE COMMISSION (OR EQUIVALENT AGENCY)

Burneatta Bridge, Chair
Wisconsin Public Service Commission
610 Whitney Way
Madison, WI 53707-7854

U.S. DEPARTMENT OF DEFENSE

(A) MILITARY TRAFFIC MANAGEMENT COMMAND

Military Traffic Management Command
Earl E. Washington, Jr.
Deputy Chief Information Management
200 Stovall Stt.
Alexandria, VA 22332

(B) TRANSPORTATION ENGINEERING AGENCY

Transportation Engineering Agency
Attn: M.T.T.E. - S.A.
720 Thimble Shoals Boulevard, Suite 130
Newport News, VA 23606-2574

NATIONAL PARK SERVICE, RECREATION RESOURCES ASSISTANCE DIVISION

National Center for Recreation and Conservation
U.S. Department of the Interior
National Park Service
1849 C Street NW, Room 3606
Washington, DC 20240

U.S. DEPARTMENT OF AGRICULTURE, CHIEF OF THE FOREST SERVICE

U.S.D.A. Forest Service
Attn: Mike Dombeck, Chief of the Forest Service
Auditors Building
201 14th Street, S.W.
Washington, D.C. 20250

EXHIBIT NO. 3

**Carrier Certification of Out-of-Service Status/Local
Traffic/Overhead Traffic/No Complaints**

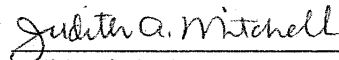
(49 C.F.R. Part 1152.50(b))

CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)

I, Judith Mitchell, Director-Business Development for the Soo Line Railroad Company, hereby certify that with respect to the trackage which is the subject of this Notice of Exemption in Docket AB-57 (Sub-No. 53X), Soo Line Railroad Company has had no movements over the subject trackage in at least two years. No local traffic has been handled to or from any customer for at least two years prior to the date hereof and any overhead traffic routed over this line can be and has been rerouted over other lines. Further, I certify that no formal complaint has been filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line segment and that no such complaint is either pending with the Commission or any U.S. District Court or has been decided in favor of a complainant within the two-year period immediately preceding the filing of this Notice.

The foregoing Certification is made on behalf of Soo Line Railroad Company and Canadian Pacific Railway by the undersigned after due and careful investigation of the matters herein certified. I verify under penalty of perjury under the laws of the United States of America, that I have been authorized by Soo Line Railroad Company to verify and file with the Surface Transportation Board the foregoing statement; that I know the contents thereof and the facts asserted therein; that I declare that the foregoing is true and correct.

Dated: July 7, 2003



Judith Mitchell

Director-Business Development

EXHIBIT NO. 4

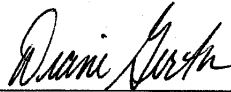
**Certification of Proper Service of
Environmental and Historic Reports**

(49C.F.R. Part 1105.7(c))

CERTIFICATE OF COMPLIANCE WITH SERVICE REQUIREMENT FOR
ENVIRONMENTAL AND HISTORIC REPORTS

The undersigned hereby certifies that she served the Environmental and Historic Reports for the proposed abandonment in Docket No. AB-57 (Sub. No. 53X) via first class U.S. Mail, on May 30, 2003, as required by C.F.R. Section 1105.7(c), to the parties listed on the attached List of Parties Consulted. (See attached List).

Dated: July 7, 2003



Diane P. Gerth, Esq. (MN Lic. # 180786)
LEONARD, STREET AND DEINARD
PROFESSIONAL ASSOCIATION
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Tel: (612) 335-1463
Fax: (612) 335-1657

SERVICE LIST FOR
ENVIRONMENTAL & HISTORICAL REPORT
STB DOCKET NO. AB-57 (SUB. NO. 53X)

FEDERAL AGENCIES

Appropriate Regional Office(s) of the
U.S. Environmental Protection Agency

U.S. Environmental Protection Agency
Region 5
Attn: Sherry Kamke
77 W. Jackson Blvd.
Chicago, IL 60604

U.S. Environmental Protection Agency State Official

Wisconsin Department of Natural Resources
101 South Webster Street
PO Box 7921
Madison, WI 53707-7921

U.S. Fish and Wildlife Service

U.S. Fish and Wildlife Service
Region 3
1 Federal Drive
BHW Building
Fort Snelling, MN 55111

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers
St. Paul District
190 5th Street East
St. Paul, MN 55101

National Park Service

National Park Service
Office of the Director
1849 C Street
Washington DC 20240

U.S. Soil and Conservation Service

U.S. Soil Conservation Service
c/o Wisconsin Natural Resources Conservation Service
6515 Watts Road
Madison, WI 53719-2726

National Geodetic Survey

National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282
Tel. (301) 713-3425

Headquarters
U.S. Geological Survey
12201 Sunrise Valley Drive
Reston, VA 20192

STATE AGENCIES

State Clearinghouse

The State of Wisconsin has no designated clearinghouse

State Department of Transportation

Wisconsin Department of Transportation
4802 Sheboygen Avenue
Madison, WI 53707-7910

State Environmental Protection Agency

Wisconsin Department of Natural Resources
101 South Webster Street
PO Box 7921
Madison, WI 53707-7921

State Historic Preservation Office

Wisconsin Historical Society
State Historic Preservation Office
816 State Street
Madison, WI 53706

State Coastal Zone Management Agency

Wisconsin Coastal Zone Management Program
101 East Wilson Street – 4th Floor
PO Box 8944
Madison, WI 53708-8944

Other Political Entities and/or Indian Reservations through which the line runs

Racine County

Chairman Wendell F. Anderson
Racine County Board
733 Wisconsin Avenue
Racine, WI 53177

City of Burlington

Mayor Claude Lois
300 North Pine Street
Burlington, WI 53105

Local and Regional Planning Agencies

Racine County
Planning and Development Division
Ives Grove Complex
14200 Washington Avenue
Sturdevant, WI 53177

EXHIBIT NO. 5

**Certificate of Publication of
Newspaper Notice**

(49 C.F.R. Part 1105.12)

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that Notice of the Proposed abandonment in Docket No. AB-57 (Sub No. 53X) (copy of Affidavit of Publication and Notice appended) was advertised in a newspaper of general circulation in all Counties through which the Line which is the subject of this Notice runs, as required by 49 C.F.R. Section 1105.12.

Dated: July 7, 2003



Diane P. Gerth, Esq.

**LEONARD, STREET AND DEINARD
PROFESSIONAL ASSOCIATION**

150 South Fifth Street, Suite 2300
Minneapolis, MN 55402

Tel.: (612) 335-1463

Fax: (612) 335-1657

1st Pub. May 11
NOTICE

Soo Line Railroad Company (d/b/a Canadian Pacific Railway) gives notice that on or about June 15, 2003, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10903 et seq., permitting the abandonment of a 7.5 +/- mile line of railroad between milepost 18.43 +/- (near Kansasville) and milepost 25.93 +/- (near Burlington) which traverses through United States Postal Service Zip Codes 53139 and 53105, Racine County, Wisconsin. The proceeding will be docketed as No. AB-57 (Sub No. 53X).

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 notice of 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 SEA, Surface Transportation Board, 1925 K Street NW, Washington, DC, 20423-0001, or by calling SEE at 202-565-1526.

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 1004.3(a)), and one copy must be served on applicant's 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 Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative, Diane P. Gerth at Leonard, Street and Dehnard, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402 612-335-1500.

Soo Line Railroad
Company
(d/b/a Canadian
Pacific Railway)
Minneapolis, Minnesota

STATE OF WISCONSIN)
COUNTY OF RACINE) SS.

Ruth Ann Spinelli being first duly sworn, on oath says she is one of the chief clerks of Lee Enterprises, Incorporated, a foreign corporation, licensed to do business in Wisconsin, and which corporation is the publisher, printer, and owner of the Journal Times, a daily newspaper printed and published in the City of Racine, Racine County, Wisconsin; affiant further states that this affidavit on behalf of said corporation is made in compliance with Sec. 985.12 of the Wisconsin Statutes, and that the notice (or other legal publication), a true copy of which is hereto attached, was printed and published in the Journal Times one day, the publication having been made on May 1, 2003.

Subscribed and sworn to before me this 5 day of May, 2003.

Notary Public, Racine Co., Wisconsin
My Commission Expires 10-20-03

EXHIBIT NO. 6
Verification Regarding
Facts of Notice of Exemption

VERIFICATION

I, Judith Mitchell, Director-Business Development, for the Soo Line Railroad Company, hereby verify that I have carefully examined all of the statements concerning the operations over Soo Line's trackage between MP 18.43 +/- (near Kansasville) and MP 25.93 +/- (in Burlington) in the Notice of Exemption, including the map attached as Exhibit No. 1 to the Notice; that I have 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 my knowledge, information, and belief.

The foregoing is made on behalf of Soo Line Railroad Company by the undersigned after due and careful investigation of the matters herein certified. I verify under penalty of perjury under the laws of the United States of America, that I have been authorized by Soo Line Railroad Company to verify and file with the Surface Transportation Board the foregoing statement; that I know the contents thereof and the facts asserted therein; that I declare that the foregoing is true and correct.

Dated: July 1,
~~June~~ _____, 2003

Judith A. Mitchell
Judith Mitchell
Director-Business Development