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July 12, 2019

VIA US Mail

TO: See Attached Service List

**RE: Proposed Abandonment from Milepost 148.2 to Milepost 149.5 in Sheboygan County,
Wisconsin
STB Docket No. AB-33 (Sub-No. 321X)**

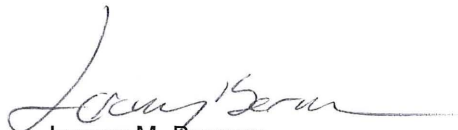
To whom it may concern:

On or after August 1, 2019, Union Pacific Railroad Company ("UP") expects to file with the Surface Transportation Board ("STB" or "Board") a Notice of Exemption seeking authority to abandon a portion of the Sheboygan Old Main Line from Milepost 148.2 to Milepost 149.5, a distance of 1.36 miles in the City of Sheboygan, Sheboygan County, Wisconsin (the "Line"). Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Union Pacific is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, Telephone (202) 245-0291 and refer to the above Docket No. AB-33 (Sub-No. 321X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Jeremy M. Berman who may be contacted by telephone at 402-544-4735 or by mail at 1400 Douglas St., Stop 1580, Omaha, NE 68179.

Sincerely,



Jeremy M. Berman

Attachment

Docket No. AB-33 (Sub-No. 321X)

Service List

State Clearinghouse (or Alternate):

Wisconsin Department of Transportation
4802 Sheboygan Avenue 115B
Madison, Wisconsin 53705

State Environmental Protection Agency:

Environmental Protection Unit
Wisconsin Department of Justice
17 W. Main Street
Madison, Wisconsin 53707

Environmental Protection Agency (Regional Office):

U.S. Environmental Protection Agency - Region 5
77 W. Jackson Road
Chicago, Illinois 60604

State of Wisconsin Historic Preservation Office:

Wisconsin Historical Society
816 State Street
Madison Wisconsin 53706

U.S. Fish and Wildlife Service:

U.S. Fish and Wildlife Service
Midwest Office
5600 American Boulevard West, Suite 990
Bloomington, Minnesota 55437

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Detroit District
477 Michigan Avenue
Detroit, Michigan 48226

National Park Service (Regional Office):

National Park Service – Midwest Region
626 E. Wisconsin Avenue, Suite 100
Milwaukee, Wisconsin 53202

U.S. Natural Resources Conservation Service:

U.S. Natural Resources Conservation Service
Sheboygan Falls Service Center
650 Forest Avenue
Sheboygan Falls, Wisconsin 53085

National Geodetic Survey:

Geodetic Services Division
SMCC-3 #9209
NOAA N/NGS2
1315 E-W Highway
Silver Spring, Maryland 20910

Head of Sheboygan County:

Sheboygan County Clerk
Administration Building, Room 129
508 New York Avenue
Sheboygan, Wisconsin 53081

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 321X)

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

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY
Jeremy M. Berman
General Attorney
1400 Douglas St, #1580
Omaha, NE 68179
402-544-4735 (Tel.)
402-501-0129 (FAX)
jmberman@up.com

Dated: July 12, 2019

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-33 (Sub-No. 321X)

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

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of a portion of the Sheboygan Old Main Line from Milepost 148.2 to Milepost 149.5, a distance of 1.36 miles in the City of Sheboygan, Sheboygan County, Wisconsin (the "Line"). The Line traverses U.S. Postal Service Zip Code 53081. UP anticipates that it will file a Notice of Exemption to abandon the Line on or after August 1, 2019. There are no bridge structures on the Line. Responses received thus far to UP's notice of intent to abandon the Line are also attached.

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves an exempt abandonment of a portion of the Sheboygan Old Main Line from Milepost 148.2 to Milepost 149.5, a distance of 1.3 miles

in the City of Sheboygan, Sheboygan County, Wisconsin. A map of the Line is attached as **Attachment No. 1**.

The Line was constructed around 1872 by the Milwaukee, Lake Shore and Western Railway. The Line was the primary freight line through Sheboygan until around 1907 when a freight bypass was constructed around the city. After construction of the bypass, the Line was used as a secondary freight route through Sheboygan and for passenger service. The last shipper on the Line stopped shipping via rail sometime before 2013. There are no bridges on the Line.

UP's real property interest in the Line consist of a combination of fee and reversionary interests. Based upon information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession with regard to ownership of the Line will be made available to those requesting it.

It is UP's intention to salvage the track material on the Line. The salvage process will include the unbolting of the trackage and removal of all rails, ties and other track material from the Line as follows: With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) will be removed. Next the wooden ties will be raised from among the ballast with a tool designed for minimum disruption of the ground material. The ties will then be separated into three groups as follows: (1) good quality ties that would be re-used in rail service, (2) landscape-quality ties that would be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into truck trailers or containers and shipped by UP's salvage contractor to an EPA approved disposal site or to a cogeneration facility.

Culverts and right-of-way grading will remain intact so as not to alter the prevailing drainage and water flows along the Line. Ballast will typically be left in place, but may be removed if it is of exceptional quality - thus suitable for resale - or to make the right of way more suitable for a planned future use. Finally, all grade road crossings will be removed and remediated, then resurfaced with gravel, asphalt or concrete, as required by governing road authority. Any railroad signals will also be dismantled and removed.

UP's salvage work for abandonments is performed by experienced rail material salvagers. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Board. Completed work is independently inspected by a UP roadmaster or other maintenance official to ensure compliance with UP standards of quality and all contractual obligations, including Board imposed conditions, if applicable.

After the proposed abandonment, the Sheboygan area will continue to receive rail service from Union Pacific via the UP Haven Industrial Lead, located west of the Line. The area reached by the Line is well served by highways and local roads, being paralleled by Wisconsin Highway 28 and crossed by several local roads.

No local traffic has moved to or from the Line in the past two years and there is no overhead traffic. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant in at least two years.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: Given that no traffic uses the Line, the proposed abandonment will have

no impact on area transportation systems and patterns.

(3) Land Use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response:

(i) UP is unaware of any adverse effects on local and existing land use plans. The Sheboygan County Clerk has been contacted. To date, UP has not received a response.

(ii) The Natural Resources Conservation Service ("NRCS") has been contacted. To date, UP has not received a response.

(iii) Not Applicable.

(iv) The property proposed for abandonment is suitable for a public purpose in the form of a multi-use hike/bike trail. UP has an agreement to convey the Line to the City of Sheboygan for such use.

(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: (i) There are no effects on the transportation of energy resources.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no change in energy consumption from the proposed action.

(iv)(A)(B) UP does not anticipate that there will be any rail-to-motor diversion.

(5) Air. (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

Response: UP does not anticipate any such effects.

(5) Air. (ii) If the proposed action affects a class 1 or nonattainment area under the

Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) Air. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) Biological resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) and (ii). The U.S. Fish and Wildlife Service and the National Park

Service were contacted. To date, no response has been received. Also,

the Line does not appear to enter any national or state parks or forests, wildlife sanctuaries, or refuges.

(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response: (i) The U.S. Environmental Protection Agency Region 5 office and the Environmental Protection Unit of the Wisconsin Department of Natural Resources have been contacted. To date, there has been no response.

(ii) The U. S. Army Corps of Engineers (Corps) has been contacted. To date, there has been no response

(iii) UP does not anticipate that there will be any requirements for Section 402 permits.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts. All other responses received from agencies are attached as **Attachment No. 2**.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See **Attachment No. 1.**

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: The right of way commences at Union Avenue and ends at Pennsylvania Avenue in Sheboygan. The Line runs parallel to Wisconsin Highway 28 from Union Avenue to Alabama Avenue. The Line continues north through a residential and commercial area. The right of way is generally 50 to 100 feet wide. The topography is flat.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Response: There are no such structures on the Line.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: There are no such structures on the Line.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See UP's response to question 1 in the Environmental Report for a brief history and description.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: Attachment No. 3 contains correspondence between UP and the Wisconsin Historical Society in which the Wisconsin Historical Society determined the proposed abandonment will have no adverse effect on historic properties.

(7) An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: Attachment No. 3 contains correspondence between UP and the Wisconsin Historical Society in which the Wisconsin Historical Society determined the proposed abandonment will have no adverse effect on historic properties.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

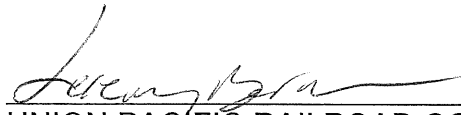
Response: UP does not have any such readily available information.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified non-railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 12th day of July, 2019.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jeremy Berman", is positioned above a horizontal line.

UNION PACIFIC RAILROAD COMPANY

Jeremy M. Berman

General Attorney

1400 Douglas St, #1580

Omaha, NE 68179

402-544-4735 (Tel.)

402-501-0129 (FAX)

jmbberman@up.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 321X), was served by First Class U.S. Mail, postage prepaid, on the 12th day of July, 2019, on the following parties:

State Clearinghouse (or Alternate):

Wisconsin Department of Transportation
4802 Sheboygan Avenue 115B
Madison, Wisconsin 53705

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Detroit District
477 Michigan Avenue
Detroit, Michigan 48226

State Environmental Protection Agency:

Environmental Protection Unit
Wisconsin Department of Justice
17 W. Main Street
Madison, Wisconsin 53707

National Park Service (Regional Office):

National Park Service – Midwest Region
626 E. Wisconsin Avenue, Suite 100
Milwaukee, Wisconsin 53202

Environmental Protection Agency (Regional Office):

U.S. Environmental Protection Agency - Region 5
77 W. Jackson Road
Chicago, Illinois 60604

U.S. Natural Resources Conservation Service:

U.S. Natural Resources Conservation Service
Sheboygan Falls Service Center
650 Forest Avenue
Sheboygan Falls, Wisconsin 53085

State of Wisconsin Historic Preservation Office:

Wisconsin Historical Society
816 State Street
Madison Wisconsin 53706

National Geodetic Survey:

Geodetic Services Division
SMCC-3 #9209
NOAA N/NGS2
1315 E-W Highway
Silver Spring, Maryland 20910

U.S. Fish and Wildlife Service:

U.S. Fish and Wildlife Service
Midwest Office
5600 American Boulevard West, Suite 990
Bloomington, Minnesota 55437

Head of Sheboygan County:

Sheboygan County Clerk
Administration Building, Room 129
508 New York Avenue
Sheboygan, Wisconsin 53081

Dated this 12th day of July, 2019.



Jeremy M. Berman



Legend

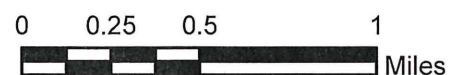
- ABANDONMENT
- OTHER TRACKS
- PRINCIPAL HIGHWAYS
- OTHER ROADS

SHEBOYGAN OLD MAIN LINE

MP 148.2 TO MP 149.5
TOTAL OF 1.3 MILES
IN SHEBOYGAN COUNTY, WISCONSIN

UNION PACIFIC RAILROAD CO.
SHEBOYGAN OLD MAIN LINE
WISCONSIN

INCLUDING 50+ YEAR OLD STRUCTURES





Wisconsin Department of Transportation

www.dot.wisconsin.gov

Scott Walker
Governor

Mark Gottlieb, P.E.
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.wi.gov

April 23, 2014

Kristine K Nelson
Paralegal - Law Department
Union Pacific Railroad Company
1400 Douglas Street, MS 1580
Omaha, Nebraska 68179

Re: Union Pacific Proposed Abandonment in Sheboygan County

Dear Ms. Nelson:

This letter is a response to your letter dated March 25, 2014, notifying the Wisconsin Department of Transportation about proposed abandonment Docket No. AB-33 (Sub. No. 321X). At your request, the Docket was reviewed for potential effects of the proposed abandonment of approximately 1.3 miles of railroad line of the Old Main Line starting at MP 148.2 and ending at MP 149.5, in the City of Sheboygan, Sheboygan County, Wisconsin. Below are WisDOT's findings and recommendations:

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 line is abandoned. If the proposed section of line is abandoned, there is interest by Sheboygan County for trail use.

If the line is abandoned, Wisconsin Central Ltd. must comply with the *WisDOT Abandoned Railroad Line Salvage and Clean-up Policy/Standards/Procedures* when performing abandonment and related activities. Please see Attachment 1 for a copy of this document. Additionally, surveying benchmarks, monumentation and mapping information for the segment need to be protected.

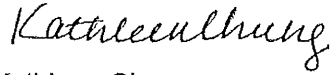
Upon abandonment, the railroad must remove any rail, ties and ballast at the crossings of the state highways. The railroad is required to obtain a permit from the WisDOT Regional Maintenance Section to work on highway right-of-way. The railroad will be responsible for traffic management during abandonment activities. The roadway shall 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.

Please see Attachment 2 for a summary of other WisDOT identified potential environmental effects of the proposed action.

Kristine K. Nelson
April 23, 2014
Page 2

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

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Chung".

Kathleen Chung
Attorney

cc: Frank Huntington
Bridget Brown
Jared Kinziger

ORIGINATOR
DIRECTOR, BUREAU OF RAILROADS AND HARBORS

Wisconsin Department of Transportation Abandoned Railroad Line Salvage and Clean-up Policy

PART ONE - GENERAL

SECTION I - PURPOSE AND OBJECTIVE

These procedures are for use by the Wisconsin Department of Transportation (WisDOT) and local roadway authorities in working with railroads owning rail lines which have been authorized for abandonment or service discontinuation. These procedures are intended to accomplish the following:

1. Guide the preparation and development of site specific performance standards to be used in the salvage and clean-up of abandoned railroad lines.
2. Provide a process for railroads to consult with WisDOT during the preparation of a salvage/clean-up plan for a specific rail line, and the establishment of a time schedule for accomplishment and administration of the specific salvage/clean-up plan.
3. Direct the coordination of site reviews and inspections to facilitate the implementation of the salvage/clean-up operation and roadway/street/highway restoration, commencing with the pre-planning development stage through to post salvage/clean-up review.
4. Specify the terms for the issuance of written department documentation approving the salvage/clean-up plan and the final post-project acceptance.

SECTION II - BACKGROUND

Since the late 1970's more than 3000 miles of railroad lines have been abandoned in Wisconsin and the tracks removed. It is not unusual to find areas on these former rail

lines where material relating to the railroad has been left in-place. Most often this material consists of railroad ties, culverts, and bridge piers, pilings and abutments.

Experience has shown that without an agreed upon plan for salvage and clean-up, quite often the work does not meet the expectations of WisDOT, local officials and the general public with regards to the proper method of clean-up and disposal of debris and other discarded materials.

Likewise, poor quality, in both the workmanship and in the materials used in restoration of streets and roadways, has been experienced much too often.

The failure to properly remove debris which is often left behind on these former rail lines after items of value have been removed contributes to a potential for environmental damage and hazards to safety and the general welfare of the public. Efforts to have these deficiencies corrected at a later time often result in substantial costs being passed to the public sector.

PART TWO - CRITERIA, STANDARDS AND SCHEDULE

SECTION I - PERFORMANCE STANDARDS FOR SALVAGE AND CLEAN-UP OPERATIONS

The following standards are to be applied to each abandoned rail line throughout its entire length unless alternative standards are agreed to in writing by WisDOT and the railroad for specific sites:

1. All rail, spikes, tie plates, joint bars, anchors and other metal track material shall be removed from the corridor. In cases of side track either owned by an industry or where the ownership of the track is unclear, the railroad shall contact the industry and work out an agreeable arrangement for the removal of all materials.

2. All ties shall be removed from the corridor. This includes ties which have been previously removed from use in the track and discarded alongside of the track zone.

3. All track material (rail, ties, other track materials and ballast) shall be removed from the full width of every road/street/highway right of way. The roadway shall be restored through the former crossing zone for such distance as necessary on each approach to the crossing zone that the restored portion of the roadway meets design standards appropriate to the type of roadway being restored. The traveled roadway surface shall be restored to the same standards of design, material and workmanship as exists on the adjacent roadway surface, subgrade, drainage and slope. This restoration

shall also include the addition or replacement of sidewalk, curb and gutter if present on the approaching roadway.

4. All railroad warning devices (flashing lights, advance warning signs, cross-arm gates, cross-bucks, etc) shall be removed, including posts, footings, foundations and related electrical equipment associated with any warning device.

5. Bridges not associated with water:

a. All railroad bridges over roadways shall be removed, including footings, foundations, backwalls, abutments.

b. If a roadway bridge over the railroad is owned and maintained by the railroad, it shall be removed as per 5a unless the road authority having jurisdiction for the roadway agrees in writing to accept ownership and maintenance of the structure.

c. If a roadway bridge over a railroad is owned by the railroad and maintained by the roadway authority, it shall be removed as per 5a at the joint expense of the railroad and roadway authority unless the roadway authority agrees to accept ownership of the structure.

d. Unless refuted by documentary evidence to the contrary, bridges ordered installed by a public regulatory body at railroad expense, but where the maintenance of the structure is unclear yet the structure has been included by the roadway authority in its mileage calculations for receipt of state road maintenance aids, shall be removed at the expense of the roadway authority unless the roadway authority accepts in writing ownership of the structure.

In cases where ownership is undocumented, acceptance of state road maintenance aids by the roadway authority, which included the bridge and the approaches to the mileage aids calculations, shall be defacto evidence of the roadway authority's ownership of the structure.

6. All bridges over water shall be removed to the level of the stream bed or lake floor. This removal shall include all footings, foundations, backwalls, abutments and piers.

7. All buildings and other structures shall be removed from the railroad property, including footings, foundations, retaining walls and piers.

8. All telegraph or signal communications poles and wire shall be removed from the corridor. Poles may be cut flush with the ground.

9. All waste products and debris from the salvage and clean-up activities, articles such as pieces of concrete, asphalt, wood, wire, glass and the like shall be removed from the corridor.

10. A traffic control methodology shall be developed for the control and direction of vehicular traffic at each roadway crossing restoration site.

11. All earth cuts and areas where the soil has been disturbed in the removal of bridge components shall be covered with topsoil and seeded with both a quick growing annual, and a perennial vegetation, to prevent erosion. Back slopes shall be cut at an angle no greater than 2:1 to prevent erosion. In addition to the covering with topsoil and seeding, the early re-establishment of vegetation on the areas denuded by the salvage/clean-up operation may require one or more of the following methods to control sedimentation and erosion:

- a. silt fencing
- b. polyethylene sheeting
- c. sedimentation basins
- d. erosion bales and mulching

SECTION II - SCHEDULING THE SALVAGE AND CLEAN-UP EFFORTS

The railroad abandonment salvage and clean-up work may be divided into three categories. The first is the planning and design function. The second is the implementation activities. The third is the approval and close-out role.

1. The development of a railroad abandonment salvage and clean-up plan, including the preparation of the "railroad abandonment salvage and clean-up disposition form", may begin any time after the abandonment or service discontinuation authority has been granted by a regulatory or judicial body having jurisdiction for such action. In circumstances where such authority is not required by either a regulatory or judicial body, development of the railroad abandonment salvage and clean-up plan may begin at the request of the railroad. The railroad shall provide WisDOT with the necessary evidence that proper authority to abandon the rail line or discontinue service has been received, or that such authority is not required, whichever is appropriate.

2. Neither the removal of improved property (track and structures) nor the sale of either personalty or realty may commence until WisDOT has declared that there is no state interest in acquiring any of the property and has issued in recordable form a written release document of the state's first right of acquisition to the abandoned railroad property.

WisDOT is not obligated to make a determination of the state's interest in abandoned railroad property, nor issue a release statement, unless the abandoning railroad or other eligible entities file a qualified request in writing for such release. (See s.85.09(4), Wis. Stats.,)

3. The agreed upon salvage and clean-up plan may be altered or modified by mutual written agreement to handle unforeseen circumstances such as extreme weather conditions which could affect the implementation or operation activities of the salvage and clean-up work

PART THREE - IMPLEMENTATION

SECTION I - PLANNING AND DESIGN

A. ROLE COORDINATION

Three groups have a major role in the salvage/clean-up of an abandoned railroad line, the railroad abandoning the rail line, the Wisconsin Department of Transportation and the local road authorities.

The salvage of the rail lines is usually performed by a individual/company under contract with the owning railroad. This contractor often subcontracts with others to perform specific portions of the salvage and clean-up work. It is the responsibility of the railroad to contract for and monitor its agents, contractors and assigns, to ascertain that the standards of performance set forth in these guidelines or as agreed to in writing between the parties in the specific salvage/clean-up plan, are adhered to, and fulfilled.

The role of each group is as follows:

1. The railroad and its agents, contractors and assigns, shall:

a. Participate in an on-site inspection of the abandoned railroad property as arranged by WisDOT for the purpose of developing a site specific salvage and clean-up plan, including but not limited to, the scope of work and specifications.

b. Provide map(s) of the abandoned property which adequately locate the railroad property, roadway crossings, bridges, buildings, etc., by reference points, identification numbers or other familiar methods of identification.

c. Participate in the preparation of the "railroad abandonment salvage and clean-up disposition form" with WisDOT and the local roadway authority. This form will set forth the project method, process, work scope and project timing as agreed to by

the various parties in the salvage and clean-up of the individual elements of the abandoned railroad property.

d. Monitor the work of its agents, contractors and assigns to assure all work is accomplished according to the standards agreed to and delineated in the salvage and clean-up plan.

e. Correct any defect or deficiency in the work performed by its agents, contractors and assigns when notified of a defect or deficiency in writing by either WisDOT or the local roadway authority, and upon completion of the corrective action required, shall request in writing from the appropriate party an acknowledgment that the corrective action was satisfactorily performed.

f. Notify WisDOT in writing when the salvage and clean-up project is completed.

2. The Wisconsin Department of Transportation and its agents shall:

a. Upon its own initiative or upon written request from a railroad, arrange a meeting of the affected local road authorities, the railroad and appropriate units of WisDOT staff to conduct the on-site inspection of the abandoned railroad property for the purpose of establishing the project method, process, work scope, project timing and any special conditions, together with preparing the "railroad abandonment salvage and clean-up disposition form".

b. If authorized in writing, represent the interests of local road authorities.

c. Conduct progress inspections of the removal, clean-up and restoration work activities.

d. Provide written notice to the railroad, its agents, contractors and assigns of defective and deficient work, and shall provide timely written acknowledgment to the railroad, et al, when the corrective action has been satisfactorily performed.

e. Provide written notification to the railroad, et al, if the work is acceptable upon the completion of the railroad abandonment salvage and clean-up project.

f. Provide the railroad, et al., with written notification delivered by certified mail, if the final work for completion of the railroad abandonment salvage and clean-up project is unacceptable. The notification that the final project is unacceptable shall contain a detailed list of all defective and deficient work remaining. A copy of this notification shall be forwarded to WisDOT's Office of General Counsel.

3. The local roadway authorities, their agents and assigns, shall have sole jurisdiction over matters pertaining to salvage and clean-up of roadway crossings under its jurisdiction, unless such authority has been delegated in writing to WisDOT. The local roadway authority shall:

a. Discuss with a WisDOT representative, prior to on-site inspections of the abandoned salvage and clean-up operation, the specifications for restoration work or vehicular traffic control desired by the roadway authority.

b. Determine if it will delegate its authority regarding the restoration work on the salvage and clean-up operations to WisDOT.

c. If authority regarding the restoration work on the salvage and clean-up operations is not delegated to WisDOT, meet with the railroad, its agents, contractors and assigns, and with WisDOT at each roadway crossing under its jurisdiction to prepare the project method, process, work scope, timing and special conditions, together with preparing the "railroad abandonment salvage and clean-up disposition form".

d. At its option, conduct progress inspections of the removal, clean-up and restoration work.

e. Provide written notice to the railroad, its agents, contractors and assigns of defective and deficient work, and shall provide timely written acknowledgment to the railroad, et al, when the corrective action has been satisfactorily performed.

f. Provide written notification to the railroad, et al, if the work is acceptable upon the completion of the railroad abandonment salvage and clean-up project.

g. Provide the railroad, et al, with written notification delivered by certified mail, if the final work for completion of the railroad abandonment salvage and clean-up project is unacceptable. The notification that the final project is unacceptable shall contain a detailed list of all defective and deficient work remaining. A copy of this notification should be forwarded to the local roadway authority's legal counsel.

B. SALE OF PROPERTY BY RAILROAD AFTER ABANDONMENT

Before clean-up and removal of track can commence, railroads shall inform WisDOT of any property it proposes to sell to others. "No person owning abandoned rail property, including any person to whom ownership reverts upon abandonment, may convey or dispose of any abandoned rail property without first obtaining a written release from the

department of transportation indicating that the first right of acquisition under this subsection will not be exercised or assigned.....Any conveyance made without obtaining such release is void" (s.85.09, stats.)(Emphasis Added).

A railroad may only sell its abandoned property after receiving a written release statement in recordable form from WisDOT of the state's first right of acquisition. The railroad shall have the release statement recorded within 90 days by register of deeds for each county in which the rail property is located. It shall be the responsibility of the individual or entity that acquires the abandoned railroad property to conform with local, state, and federal laws, ordinances, rules and regulations.

Railroad property which is not abandoned and which is being conveyed to others for continuing railroad purposes may be conveyed without any release document from WisDOT.

C. SALVAGE AND CLEAN-UP PLAN DEVELOPMENT

1. At the request of a railroad or upon its own initiative, WisDOT shall in accordance with Part Three - Section I (A) Role Coordination, arrange for an on-site inspection of the abandoned rail line for the purpose of determining the scope of work and materials and performance standards for the work which will constitute the salvage and clean-up of the abandoned rail line.

2. The on-site inspection shall be conducted by the groups set forth in Part Three - Section I (A) 1, 2, and 3.

3. The groups identified in Part Three - Section I (A) 1, 2, and 3 shall identify in the plan the person or persons (together with addresses and telephone numbers) who will be the official representative for the plan and any subsequent notifications relating to the same.

4. The representatives of the respective group shall on the basis of the site inspection develop an agreed upon general statement of work for the salvage and clean-up plan and for specific activities for inclusion in the "railroad abandonment salvage and clean-up disposition form" which includes the following:

- a. Removal of track materials from roadway crossings;
- b. Restoration of roadway crossings;
- c. Removal of bridges (if applicable);
- d. Removal of culverts (if applicable);
- e. Removal of track material from remainder of railroad corridor;

- f. Disposition of signal and railroad warning devices;
- g. Removal of buildings and other structures;
- h. Removal of telegraph or signal communication facilities;
- i. Removal of all other waste or debris on the railroad corridor;
- j. Traffic control methodology developed for control at each crossing;
- k. Erosion control steps for appropriate sites;
- l. The time schedule for accomplishing the salvage and clean-up operation;
- m. Any specific environmental challenges and considerations;
- n. First right releases as appropriate.

5. A separate "railroad abandonment salvage and clean-up disposition form" shall be completed for each roadway crossing and signed by representatives from the railroad, local roadway authority as appropriate, and WisDOT. WisDOT will prepare the subject form for all state and federal highways, and if requested, will assist the local roadway authorities with the preparation of the subject forms for roadway crossing within the appropriate local roadway jurisdictions.

6. The railroad shall provide plat(s), map(s), track chart(s) or other appropriate documentation, which adequately locates the various components set forth in Part Three-Section I (C) above. Such documentation shall become a part of the salvage and clean-up plan.

SECTION II - IMPLEMENTATION

A. PLAN APPROVAL, MODIFICATION AND NOTICES

1. Upon completion of the plan and the appropriate "railroad abandonment salvage and clean-up disposition forms", together with the plats, maps and other documents used to accurately locate the various components and specific sites on the project, WisDOT will execute a letter of approval of the salvage and clean-up plan. (This letter of approval will not cover local roadway items unless the local roadway authority(s) has delegated its authority to WisDOT or has notified WisDOT in writing of its approval of those items under its jurisdiction.) WisDOT will deliver a copy of this approval letter, together with a copy of the plan, forms and plats/maps to the railroad and the local roadway authorities as appropriate.

2. No term or provision of the final approved salvage and clean-up plan, including attached documents, may be changed, waived, discharged or terminated orally, but require a written letter from WisDOT. Consents and approvals required, and interpretations of the plan may be made or granted by letter, or by an exchange of letters between the parties.

3. Any notice required or permitted relating to the approved salvage and clean-up plan shall be mailed by certified United States Mail, return receipt requested, postage prepaid, to the person or persons at addresses as indicated in the plan.

B. WORK PERFORMANCE AND PROGRESS

MONITORING

1. The railroad may commence the operational phase of the salvage and clean-up of the abandoned rail line upon receipt from WisDOT (and local roadway authority(s) as appropriate) of the approved plan.

2. WisDOT (and local roadway authority(s) as appropriate) may conduct progress inspections during the salvage and clean-up operation. If, as a result of an inspection, a defect or deficiency in workmanship or material is discovered, written notice shall be given by WisDOT (or local roadway authority) to the railroad to correct the situation.

3. When the defect or deficiency has been remedied, the railroad shall notify WisDOT (and local roadway authority if applicable) in writing that the corrective action has been taken. WisDOT (or local roadway authority as appropriate) shall promptly reinspect the property, and if the corrective action is sufficient, issue a written acknowledgment to the railroad that the corrective action was satisfactorily performed.

4. In the event that agreement cannot be reached on resolution of an alleged defect or deficiency, a brief written report on the situation shall be exchanged between WisDOT (and local roadway authority as appropriate) and the railroad. If, in the judgment of WisDOT, immediate resolution of the disagreement over the alleged defect or deficiency does not greatly or materially impact the remaining salvage and clean-up items, work may continue on the salvage and clean-up project. If however, in the judgment of WisDOT, the disagreement over an alleged defect or deficiency does substantially impact and materially affect the remaining salvage and clean-up project, then an immediate remedy under law may be pursued by WisDOT (or the local roadway authority(s) as appropriate) to resolve the disagreement.

C. SPECIFIC ENVIRONMENTAL

CONSIDERATIONS

The start-up, continuation or completion of the salvage/clean-up operation may be restricted to certain time periods to prevent biological disruption or damage to various species, habitat, or water and air quality. Such time restrictions shall be made a part of the salvage/clean-up plan and specifically addressed in the planning and design function of the clean-up plan in scheduling the salvage and clean-up efforts.

D. OBLIGATION OF RAILROAD RELATIVE TO IMPLEMENTATION DELAYS

It is the public objective that the salvage and clean-up of abandoned rail lines commence as soon as possible after the decision or authority to abandon a rail line has been determined. This policy is intended to minimize safety, transportation and environmental challenges which could arise by delay. Nevertheless, there may exist reasonable corporate reasons for delaying the start-up and implementation of the salvage and clean-up operations.

After notification has been received from either regulatory or judicial authority authorizing abandonment or discontinuance of service over a rail line, a railroad shall be required to continue to properly maintain all roadway crossings for the safety of the traveling public. Within 90 days after receiving said notification of abandonment, if the railroad has not commenced a WisDOT approved salvage and clean-up operation, the railroad shall erect signs at all public road crossings notifying the public that the rail line is "abandoned".

It is the public objective that the salvage and clean-up operation be completed within 12 months of the approval of the final plan.

SECTION III -CLOSEOUT

SALVAGE AND CLEAN-UP PROJECT CLOSE OUT

1. At the time the railroad determines that the salvage and clean-up operation on the entire line is completed (except for elements that may still be in dispute), the railroad shall in accordance with Part Three - Section II, (A) Notices, notify WisDOT (and the local roadway authority(s) as appropriate) that it is requesting a final inspection of the project.

2. WisDOT (and the local roadway authority(s) as appropriate), shall within 30 days of receipt of the foregoing final inspection request:

- a. conduct a final inspection of the work performed, and
- b. provide the railroad with a written acceptance (or denial of acceptance) report.

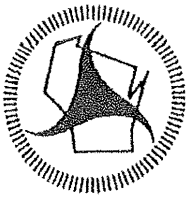
Unless snow cover or flooding makes a final inspection impossible, failure to conduct a final inspection or failure to provide written acceptance (or denial of acceptance) within

the said 30 day period shall constitute acceptance and close out of the salvage and clean-up project.

3. For each element denied, or for each defect or deficiency noted, WisDOT (or local roadway authority(s) as appropriate) shall describe in writing the corrective action required or the work remaining to be done to obtain final acceptance.

4. Railroad shall have 30 days to correct the defects and deficiencies noted by WisDOT (or local roadway authority) in the final inspection report. Railroad may request in writing additional time to accomplish the corrective action. Upon notification by railroad that corrective action has been accomplished, WisDOT (or local roadway authority(s) as appropriate) shall reinspect the work performed, if found to be acceptable, prior written notification to railroad as earlier set forth.

In the event that railroad does not request an extension of time to make corrective actions and 30 days passes without notification from the railroad that corrective action has been taken to remedy the defects and deficiencies earlier noted, WisDOT (or local roadway authority as appropriate) may pursue judicial relief to accomplish the public objective of satisfactory salvage and clean-up of the abandoned railroad corridor to minimize safety, transportation and environmental issues.



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary



January 1, 1998

SAMPLE LETTER

Division of Transportation
Infrastructure Development
Bureau of Railroads and Harbors
4802 Sheboygan Avenue, 155B
P O Box 7914
Madison, WI 53707-7914

Mr. Railroad Official, (Appropriate Title)
(Name of Railroad Company)
(Street Address or PO Box)
(City, State and Mailing Zip Code)

Telephone: (608) 267-7348
Facsimile (FAX): (608) 267-3567

Dear (Railroad Official):

On behalf of the Wisconsin Department of Transportation (and local roadway authority if applicable), we hereby acknowledge receipt and acceptance of your salvage and clean-up plan which was presented on (insert appropriate date) for the railroad line between (insert appropriate termini point) and (insert appropriate termini point) in the County(s) of (insert the names of the appropriate counties).

All of the standards, conditions and methods incorporated in the plan are found to be acceptable, or if appropriate use the following sentence

All of the standards, conditions and methods incorporated in your plan are found to be acceptable except for item(s) (insert appropriate specific items that are not acceptable). (Insert name of individual) from this department will be in contact with you shortly to work out a mutually acceptable solution.

We look forward to working cooperatively with you and your company. We hope that the clean-up, salvage and restoration operation will be commenced and completed in a timely, efficient fashion.

Sincerely,

(Name of appropriate WisDOT Official)

cc: (Local officials as appropriate)
(Appropriate DOT staff)
(Others as appropriate)

Encl: Approved Salvage/Clean-Up Plan

RAILROAD ABANDONMENT SALVAGE AND CLEAN-UP DISPOSITION FORM

Regulatory Control Number (if any): _____

RAILROAD NAME: _____

RAIL LINE IDENTIFICATION: _____

CONTACT PERSON: _____

Name of Major Termini Points _____

MAILING ADDRESS: _____

to _____

Mile Posts _____ to _____

TELEPHONE NUMBER: () _____

Element(s) Involved in Salvage Operation - (Check all that apply)

Roadway Crossing	Railroad Bridge over Roadway	Buildings
Crossing Signals	Roadway Bridge over Railroad	Poles/Wire
Track - Steel	Railroad Bridge over Water	Culvert
Track - Ties	Residual Waste and Debris	Other

ELEMENT LOCATION: Describe the specific location of the element involved. If more than one location under consideration for the work plan, describe each in a separate description. (Attach additional sheets as needed.)

WORK PLAN: Describe action to be taken, by whom and when. Include appropriate measurements, starting and ending points. Describe materials, type of process or workmanship for work to be done as appropriate. List specific environmental considerations if any. (Attach additional sheets as needed)

Date: _____

Page _____ of _____ Pages

Attachment No. 2

CONTINUATION SHEET
RAILROAD ABANDONMENT
SALVAGE AND CLEAN-UP

ELEMENT LOCATION: Describe the specific location of the element involved. If more than one location under consideration for the work plan, describe each in a separate description. (Attach additional sheets as needed)

Work Plan: Describe action to be taken, by whom and when. Include appropriate measurements, starting and ending points. Describe materials, type of process or workmanship for work to be done as appropriate. List specific environmental considerations, if any. (Attach additional sheets as needed)

CONTINUATION SHEET
RAILROAD ABANDONMENT
SALVAGE AND CLEAN-UP

ELEMENT LOCATION: Describe the specific location of the element involved. If more than one location under consideration for the work plan, describe each in a separate description. (Attach additional sheets as needed)

Work Plan: Describe action to be taken, by whom and when. Include appropriate measurements, starting and ending points. Describe materials, type of process or workmanship for work to be done as appropriate. List specific environmental considerations, if any. (Attach additional sheets as needed)

**WORK PLAN
APPROVED**

	DEPARTMENT	RAILROAD	LOCAL ROAD AUTHORITY
NAME			
ADDRESS			
TELEPHONE NUMBER			

SIGNATURE AND DATE			
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CONTINUATION SHEET
RAILROAD ABANDONMENT
SALVAGE AND CLEAN-UP

NAME OF INSPECTOR _____

REPRESENTING _____

SITE CLEAN-UP INSPECTION DATES:

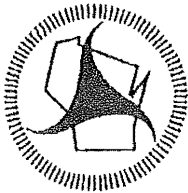
Location	Approved	Rejected	Follow-up Action

NOTES

Date: _____

Page _____ of _____ Pages

Attachment No. 3



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary



January 1, 1998

SAMPLE LETTER

Division of Transportation
Infrastructure Development
Bureau of Railroads and Harbors
4802 Sheboygan Avenue, 155B
P O Box 7914
Madison, WI 53707-7914

Telephone: (608) 267-7348
Facsimile (FAX): (608) 267-3567

Mr. Railroad Official, (Appropriate Title)
(Name of Railroad Company)
(Street Address or PO Box)
(City, State and Mailing Zip Code)

Dear (Railroad Official):

Your request for final approval of the salvage, clean-up and restoration work on the (name of appropriate railroad line) has been received.

On (date) (name of appropriate WisDOT Official) conducted a joint final inspection of the property with (put in appropriate names and organization) and found that everything set forth in the initial salvage/clean-up plan has been accomplished.

or alternatively insert the following sentence

On (date) (name of appropriate WisDOT Official) conducted a final inspection of the property and found that everything set forth in the salvage/clean-up plan has been accomplished.

or alternatively insert the following sentence

On (date) (name of appropriate WisDOT Official) conducted a (joint) final inspection of the property with (put in appropriate names and organization) and found that everything set forth in the initial salvage/clean-up plan has been accomplished with the exception of the following (put in number) items which need correction:

- a. (insert appropriate item)
- b. (insert appropriate item)
- c. etc.

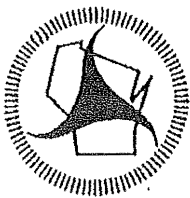
You have thirty (30) days in which to correct the defects and deficiencies noted above. We will inspect the property as soon as you notify us that the necessary corrections have been completed.

Sincerely,

(Name of appropriate WisDOT Official)

cc: (Local officials as appropriate)
(Appropriate DOT staff)
Others as Appropriate)

Encl: Worksheet of Deficiencies



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary



January 1, 1998

SAMPLE LETTER

Division of Transportation
Infrastructure Development
Bureau of Railroads and Harbors
4802 Sheboygan Avenue, 155B
P O Box 7914
Madison, WI 53707-7914

Telephone: (608) 267-7348
Facsimile (FAX): (608) 267-3567

Mr. Railroad Official, (Appropriate Title)
(Name of Railroad Company)
(Street Address or PO Box)
(City, State and Mailing Zip Code)

Dear (Railroad Official):

Your request for final approval of the salvage, clean-up and restoration work on the (name of appropriate railroad line) was been received by this office on (insert date)

On (date) (name of appropriate WisDOT Official) conducted a (joint) final inspection of the property with (put in appropriate names and organization) and found that everything set forth in the initial salvage/clean-up plan has been accomplished with the exception of the following (put in number) items which need correction:

- a. (insert appropriate item)
- b. (insert appropriate item)
- c. etc.

You were notified on (date) that you had thirty (30) days in which to correct the defects and deficiencies noted. On (date), (put in appropriate name) of this office reinspected the property and found that the defects and deficiencies had not yet been corrected. Will you please advise me when you expect to have the needed corrections completed so that this project may be closed out in a timely fashion.

or if appropriate use the following sentence

You were notified on (date) that you had 30 days in which to correct the defects and deficiencies noted. On (date), (put in appropriate name) of this office reinspected the property and found that the defects and deficiencies still remained to be corrected. Two follow-up letters were sent to your office and there has been no response. Several telephone messages were also left with your office, but no messages returned. We would like to have this matter resolved in a mutually cooperative and timely manner. Please contact (put in name of individual) within the next three days.

Sincerely,

(Name of appropriate WisDOT Official)

cc: (Local officials as appropriate)
(Appropriate DOT staff)
Others as Appropriate)

Encl: Worksheet of Deficiencies

Attachment 2

Summary of WisDOT identified potential environmental effects;

- **Potential need for continued rail service – new industry;**
None identified.
- **Need for the railroad right of way for road, airport or other transportation improvements;**
None reported.
- **Known hazardous material sites;**
There are 15 known sites near the proposed abandonment.
- **Known sensitive areas (streams, wetlands, etc.)**
The Sheboygan River is just West, North and East of the proposed abandonment. Lake Michigan is East of the abandonment.
- **The potential for trail usage (based on known local unit or DNR expressions of interest);**
Sheboygan County is interested in the corridor for trail purposes.
- **Regional or local land use plans**
No new business development is currently being planned.
- **Known archaeological or historically significant sites;**
The C & NW RR Depot (AHI # 82541) is located within the project area and it has been evaluated as being potentially eligible for NRHP listing. Two other unevaluated buildings are also located immediately adjacent to the project area: AHI #128948 and #137822. Neither, however, appear to have NRHP potential. The act of rail abandonment would likely have no adverse affect.



April 20, 2016

Ms. Kim Cook
Office of Preservation Planning
Wisconsin Historical Society
816 State Street
Madison, WI 53706

Re: Sheboygan Industrial Lead Abandonment, Sheboygan, Sheboygan County

Dear Ms. Cook:

On behalf of Surface Transportation Board (STB) and Union Pacific Railroad Company (UP), this letter seeks consultation with your office regarding the proposed abandonment of the Sheboygan Industrial Lead (Line), as authorized in a memo from STB dated December 10, 2009 and in 36 CFR 800.2(c)(4).

The proposed abandonment is a segment of the Sheboygan Industrial Lead that commences at Milepost 149.5, which is the current end of the line approximately 300 feet south of Pennsylvania Avenue, and ends at Milepost 148.2 at Union Avenue, a distance of approximately 1.3 miles (Attachment 1, Project Location). No bridges carry the Line within the abandonment area; however, two bridges carry streets over the Line, at S. 14th Street and at Georgia Avenue. The Area of Potential Effects (APE) for the abandonment is also depicted in Attachment 1, and photographs are provided in Attachment 2.

Property Description

The Line is a mostly intact railroad corridor with a minimal grade that is generally level with the surrounding lands (Attachment 2, Photos 1-4). At Milepost 148.2, the Line splits from the UP main line and runs northeast, parallel to South Business Drive (State Trunk Highway 28) until Georgia Avenue. Georgia Avenue and S. 14th Street cross over the Line on bridges. The Line continues northeast to Milepost 149.5, where it ends abruptly, and the grade has been removed. The setting of the Line is generally light industrial and commercial on the north and south ends and residential in the middle.

WHPD Query

On September 2, 2015, staff from Summit Envirosolutions, Inc. (Summit) completed a query of the Wisconsin Historic Preservation Database for the APE. Two archaeological surveys were previously conducted within the APE, and four architectural history

properties were previously inventoried (Attachment 1, Historic Properties in the APE).

- “WDOT Archaeological Survey Field Report: Reconstruct STH 28 (South Business Drive) and replace Broadway Avenue Bridge, City of Sheboygan, Wisconsin” (01-0145). In 2000 a Phase I archaeological survey was conducted along portions of South Business Drive and Broadway Avenue in the City of Sheboygan. The UP Line runs along the west side of South Business Drive. No archaeological materials or features were recovered, and no further field work was recommended (Center for Archaeological Research 2000).
- “WDOT Archaeological Survey Field Report: UP Rail Corridor, from Pennsylvania to Martin Avenue, Sheboygan, WI” (10-0633). In 2009 a Phase I archaeological survey was conducted along the UP Line from Pennsylvania Avenue to Martin Avenue. No archaeological materials or features were identified, and no further field work was recommended (Harvey 2009).
- Chicago and North Western Railroad Station (AHI No. 82541). This depot, located at 1139 Pennsylvania Avenue, was built in 1906 in the Colonial Revival style (Attachment 2, Photo 5). It was identified as potentially eligible for listing in the National Register of Historic Places (NRHP) in 2002 (LJM Architects, Inc. 2002).
- Industrial building (AHI No. 122503). This building, located at 1134 Pennsylvania Avenue, was built circa 1887 and moved to its current location in 1898. It was previously inventoried in 2002 and again in 2009 (Lehrke 2009). Although its NRHP status was not identified at the time of the surveys, due to the large addition on the west elevation, its historic integrity appears to be compromised (Attachment 2, Photo 6).
- Phoenix Chair Company (AHI No. 82543, Razed). This industrial building was located south of the Chicago North Western Depot. It is no longer extant.
- Broadway Avenue Bridge (AHI No. 136842, Razed). This bridge carried Broadway Avenue over the UP Line. It is no longer extant.

Potential Effects to Historic Resources

As described above, there is one known historic property within the APE, the Chicago and North Western Depot (AHI No. 82541). No archaeological sites or burial sites have been previously identified in the APE. Because activities related to the abandonment will be limited to salvage of rails and ties, there will be no ground disturbance below the areas previously disturbed for construction of the railroad. In addition, there will be no new construction that would have a visual effect on adjacent properties. Therefore, additional archaeological or architectural historical survey was not conducted. It should be noted, however, that if additional work involving ground-disturbing activities is undertaken on the former railroad line, archaeological survey may be necessary.

For the reasons stated above, UP finds on behalf of STB that the proposed abandonment of the Sheboygan Industrial Lead will have No Adverse Effect.

Thank you for your assistance in this matter. If you need further information, please do not hesitate to contact me, or you may contact the lead federal agency directly:

Victorian Rutson
Section of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Sincerely,
Summit Envirosolutions, Inc.



Andrew Schmidt
Director of Cultural Resources

C: Mack Shumate, Union Pacific Railroad Co.
Olin Dirks, Union Pacific Railroad Co.

References Cited

Gregory, Michael M.
2000 "WDOT Archaeological Survey Field Report: Reconstruct STH 28 (South Business Drive) and replace Broadway Avenue Bridge, City of Sheboygan, Wisconsin." Prepared by the Center for Archaeological Research, Marquette University.

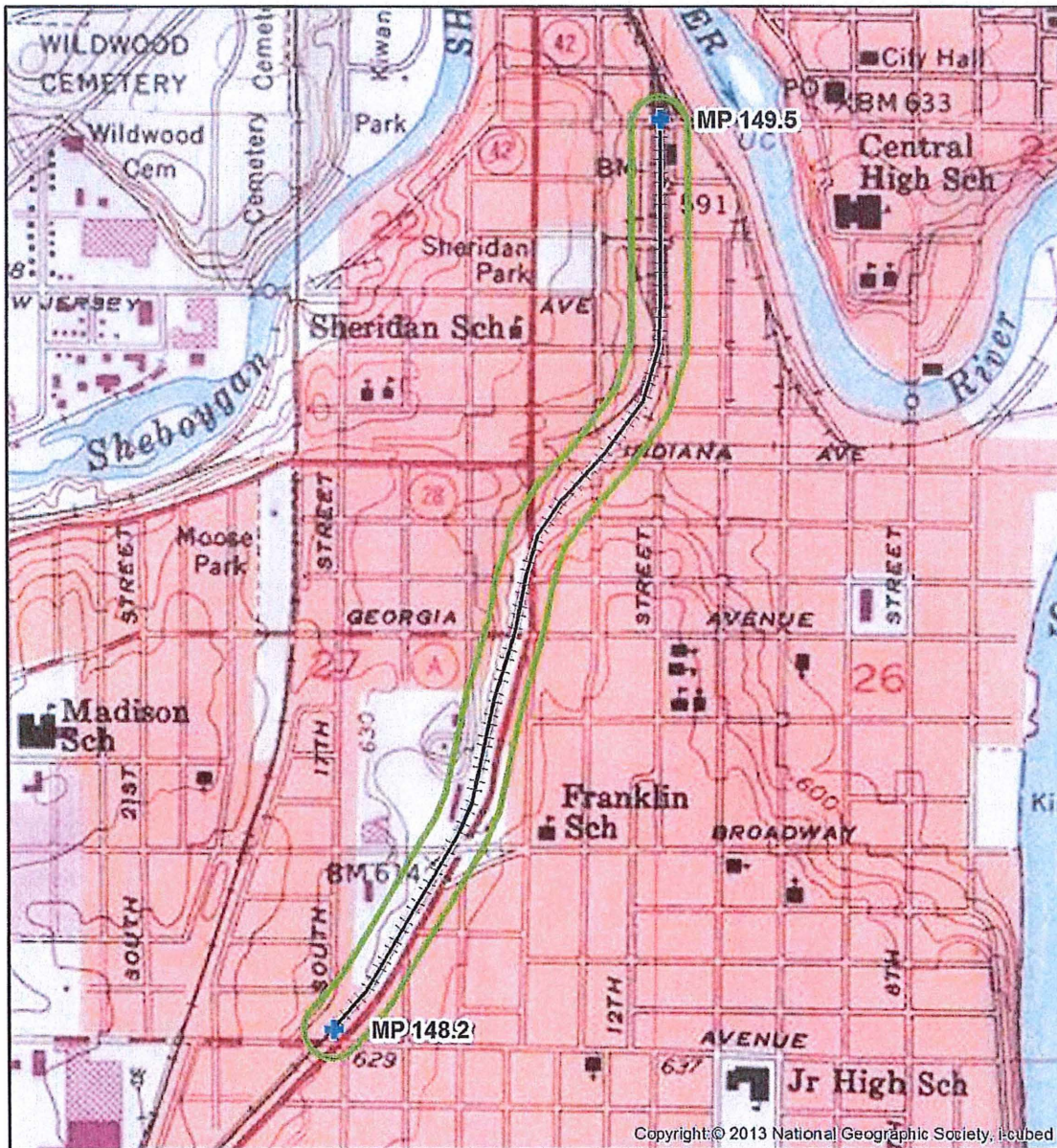
Harvey, Jennifer R.
2009 "WDOT Archaeological Survey Field Report: UP Rail Corridor, from Pennsylvania to Martin Avenue, Sheboygan, WI." Prepared by Great Lakes Archaeological Research Center, Milwaukee.

Lehrke, Jennifer L.
2009 "Architecture and History Survey." Prepared by LJM Architects, Sheboygan.

LJM Architects, Inc.
2002 "City of Sheboygan, Wisconsin: Architectural and Historical Intensive Survey Report." Prepared for the Sheboygan Historic Preservation Commission.

Attachment 1

Maps

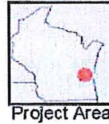


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Map adapted from USGS 7.5 minute topographic map(s): Sheboygan North and Sheboygan South, WI; T15N, R23W, S22, 23, 26, 27, 34

Legend

- +— Line (To Be Abandoned)
- + Mile Post
- Area of Potential Effect



Project Area

0 2,000 Feet

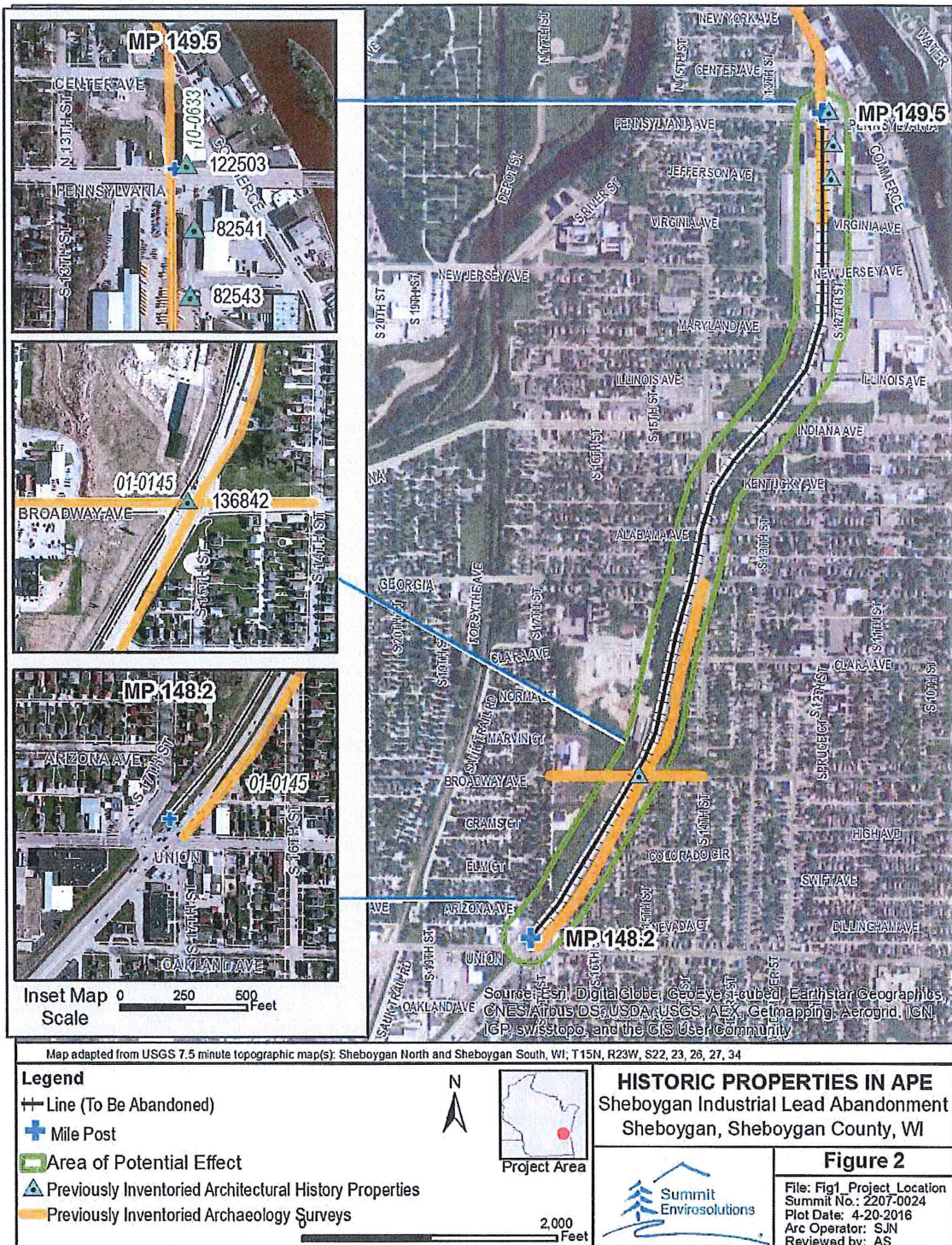
PROJECT LOCATION

Sheboygan Industrial Lead Abandonment
Sheboygan, Sheboygan County, WI



Figure 1

File: Fig1_Project Location
Summit No.: 2207-0024
Plot Date: 4-20-2016
Arc Operator: S.J.N.
Reviewed by: AS



Attachment 2
Photographs

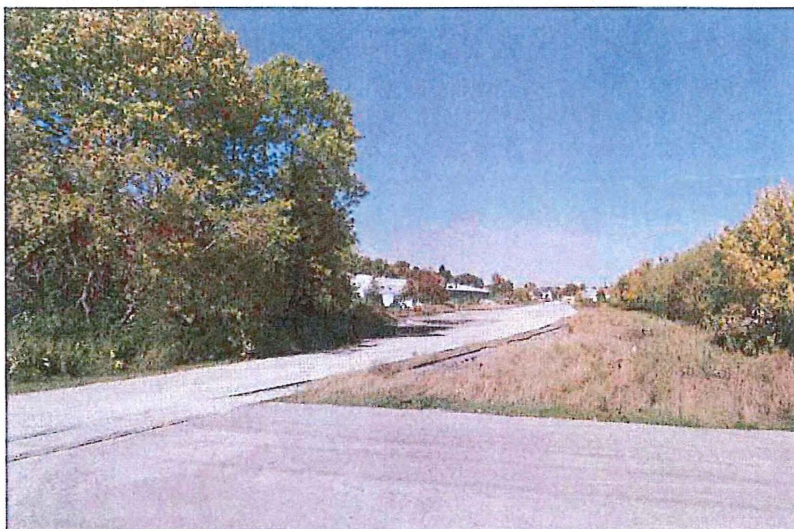


Photo 1. Rail Line at Maryland Avenue, Looking Northeast



Photo 2. Rail Line at Indiana Avenue, Looking Northeast



**Photo 3. Rail Line at Kentucky Avenue, with Bridge Carrying 14th Avenue,
Looking Southwest**



Photo 4. Rail Line at Union Avenue, Looking Northeast



Photo 5. Chicago and North Western Depot (AHI No. 82541), Looking Southeast



Photo 6. Industrial building (AHI No. 122503), Looking West

16-0372/SB

REQUEST FOR SHPO COMMENT AND CONSULTATION ON A FEDERAL UNDERTAKING

Submit one copy with each undertaking for which our comment is requested. Please print or type. Return to:

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

Please Check All Boxes and Include All of the Following Information, as Applicable:

RECEIVED
APR 29 2016

I. GENERAL INFORMATION

- ☒ This is a new submittal.
☐ This is supplemental information relating to Case #: _____ and title: _____ BY: _____
☐ This project is being undertaken pursuant to the terms and conditions of a programmatic or other interagency agreement.
 The title of the agreement is _____

- a. Federal Agency Jurisdiction (Agency providing funds, assistance, license, permit): Surface Transportation Board
 b. Federal Agency Contact Person: see attached Phone: _____
 c. Project Contact Person: Andrew Schmidt Phone: 651-842-4202
 d. Return Address: Summit EnviroSolutions, 1217 Bandana Blvd., St. Paul, MN Zip Code: 55108
 e. Email Address: aschmidt@summite.com
 f. Project Name: Sheboygan Industrial Lead
 g. Project Street Address: Pennsylvania Ave & 12th St to Union Ave & 17th St
 h. County: Sheboygan City: Sheboygan Zip Code: 53081
 i. Project Location: Township 15N, Range 23E, E/W (circle one), Section 27, Quarter Sections E1/2
 j. Project Narrative Description—Attach Information as Necessary.
 k. Area of Potential Effect (APE). Attach Copy of U.S.G.S. 7.5 Minute Topographic Quadrangle Showing APE.

II. IDENTIFICATION OF HISTORIC PROPERTIES

- ☒ Historic Properties are located within the project APE per 36 CFR 800.4. Attach supporting materials.
☐ Historic Properties are not located within the project APE per 36 CFR 800.4. Attach supporting materials.

III. FINDINGS

- ☐ No historic properties will be affected (i.e., none is present or there are historic properties present but the project will have no effect upon them). Attach necessary documentation, as described at 36 CFR 800.11.
☒ The proposed undertaking will have no adverse effect on one or more historic properties located within the project APE under 36 CFR 800.5. Attach necessary documentation, as described at 36 CFR 800.11.
☐ The proposed undertaking will result in an adverse effect to one or more historic properties and the applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect per 36 CFR 800.6. Attach necessary documentation, as described at 36 CFR 800.11, with a proposed plan to resolve adverse effect(s).

Authorized Signature: Andrew Schmidt Date: 4/20/16Type or print name: Andrew Schmidt

IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS

- ☒ Agree with the finding in section III above.
☐ Object to the finding for reasons indicated in attached letter.
☐ Cannot review until information is sent as follows: _____

Authorized Signature: [Signature] Date: May 4 2016