

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB-57 (SUB-NO. 55X)

SOO LINE RAILROAD COMPANY -
ABANDONMENT OF TRACKAGE LOCATED
NEAR WEST ALLIS, MILWAUKEE COUNTY, WISCONSIN



ENTERED
Office of Proceedings

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Public Record

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
PETITION FOR NOTICE OF INTERIM TRAIL USE

BACKGROUND

On October 21, 2002, the Soo Line Railroad Company, doing business as Canadian Pacific Railway, a Class I common carrier (SOO) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. § 10502 for exemption from the requirements of 49 U.S.C. § 10903 for the abandonment of a 5-mile section of the West Allis Line, extending between milepost 88.2+/- (near State Highway 41 crossing in Milwaukee) and milepost 93.2+/- (near North 123rd Street in Wauwatosa) and traversing through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin (Rail Line). The Rail Line is located within Sections 30, 31, 32, 33, 34 and 35, Township 7 North, Range 21 East, in Milwaukee County.

On November 3, 2004, the Wisconsin Department of Natural Resources (WisDNR) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the segment of SOO railroad from West Milwaukee Milepost 88.2 to West Allis Milepost 99.2, a distance of 5 miles located in the Milwaukee County, Wisconsin.

The Board issued a NITU under 49 CFR 1152.29, which was served on February 8, 2005, allowing the SOO until August 8, 2005, to negotiate a rail banking agreement with WisDNR.

The Board issued a NITU under 49 CFR 1152.29, which was served on September 2, 2005, allowing the SOO until November 5, 2005, to negotiate a rail banking agreement with WisDNR.

On October 20, 2005, WisDOT on behalf of WisDNR, filed a request for an additional 90 day extension of the NITU negotiating period. Under service date of October 28, 2005, the Board extended the NITU negotiating period until February 3, 2006.

On January 27, 2006, WisDOT on behalf of WisDNR, filed a request for an additional 90 day extension of the NITU negotiating period. Under service date of February 2, 2006, the Board extended the NITU negotiating period until May 4, 2006.

On April 21, 2006, WisDOT on behalf of WisDNR, filed a request for an additional 90 day extension of the NITU negotiating period. Under service date of April 28, 2006, the Board extended the NITU negotiating period until August 2, 2006.

Negotiations are currently continuing in good faith between SOO and WisDNR. However, more time is needed to finalize negotiations.

MOTION

Therefore, WisDNR moves that the period prescribed to negotiate an interim trail use/rail banking agreement be extended for 90 days for a segment of SOO railroad from West Milwaukee Milepost 88.2 to West Allis Milepost 99.2, a distance of 5 miles located in Milwaukee County, Wisconsin for interim trail use and rail banking, pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 to the WisDNR. This will allow all forms of transportation to be provided in a unified, interconnected, economically efficient, and environmentally sound manner.

Respectfully submitted,



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