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December 21, 2011

**VIA E-FILING**

The Honorable Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W., Room #100  
Washington, DC 20423-0001

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Office of Proceedings  
DEC 22 2011  
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Public Record

**RE: Abandonment of the McHenry Industrial Lead from Milepost 21.25 to Milepost 26.43 in Modesto, Escalon, San Joaquin and Stanislaus Counties, California; STB Docket AB-33 (Sub-No. 278X)**

Union Pacific Railroad Company ("Union Pacific") has not been able to reach an agreement with the City of Modesto ("City") for the acquisition for trail use under the provisions 16 U.S.C. §1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the McHenry Industrial Lead from Milepost 21.25 to Milepost 26.43 in Modesto, Escalon, San Joaquin and Stanislaus Counties, California. The most recent decision by the Board in this matter with a Service Date of August 10, 2011 extends the negotiation period to October 20, 2011. If all conditions are satisfied the last day, Union Pacific would be able to consummate the abandonment which would be today, December 21, 2011. However, the State Historic Preservation Office for the State of California has not completed the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470(f). Since the Section 106 Condition remains, Union Pacific cannot consummate this abandonment at this time. Upon completion of the Section 106 Condition, Union Pacific will so advise the Board and consummate this abandonment.

Sincerely,



Attachment

cc: City of Modesto

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