

240456

UNION PACIFIC RAILROAD  
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Chicago, Illinois 60606-1718

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Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

ENTERED  
Office of Proceedings  
April 11, 2016  
Part of  
Public Record

April 11, 2016

**VIA E-FILING**

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

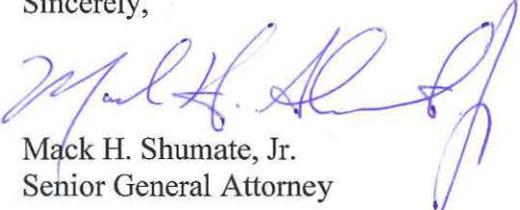
**RE: Petition for Exemption to Abandon of a portion of the St. Charles Industrial Lead from M.P. 35.13 to the end of the Line at M.P. 38.3 near St. Charles, a total distance of 3.17 miles in Kane County, Illinois (the "Line"); STB Docket No. AB-33 (Sub-No. 284X)**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the City of St. Charles, Illinois on behalf of the Local Agencies (collectively, "Local Agencies"), seeking to extend the negotiation period covering the issuance of a Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 for the portion of the Union Pacific's St. Charles Industrial Lead located in the City from Milepost 35.13 to Milepost 38.3, a distance of 3.17 miles in Kane County, Illinois.

The Union Pacific is willing to extend the negotiation period with the Local Agencies concerning the acquisition of the subject property for trail use and supports the Local Agencies' request to extend the negotiation period for an additional 180 days to September 27, 2016. A copy of the Local Agencies' request for extension is attached hereto as **Exhibit A** and hereby made a part hereof.

Sincerely,



Mack H. Shumate, Jr.  
Senior General Attorney

Attachment

cc: City of St. Charles

33-284X\2016\_04\_11 STB 180-Days.doc



ST. CHARLES  
SINCE 1834

March 30, 2016

Ms. Cynthia Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20024

**RE: Union Pacific Railroad Company  
Abandonment of St Charles, IL Lead  
STB Docket No. AB-33 (Sub-No. 284X)  
Petition for Interim Trail Use**

Dear Chief Brown:

On July 9<sup>th</sup>, 2010, the City of St Charles, IL, the County of Kane, Forest Preserve District of Kane County, and the St Charles Park District jointly filed a request for Public Use Condition and a request for Interim Trail Use Condition (NITU) for approximately 3.17 miles of railroad between milepost 35.13 and milepost 38.3 near St Charles, IL. By order dated September 21, 2011, the Board granted the request to implement interim trail use negotiations as specifically set forth in the order, for a period of 180 days commencing from September 21, 2011, and ending on March 21, 2012. This request has been extended and updated from time to time since 2012.

The City of St Charles, IL wishes to continue to work with local partner jurisdictions to compile specific information in efforts to satisfy our negotiating needs, and has been in direct contact with Union Pacific; however, we do not believe that the parties will be able to finalize negotiations by the end date of the order. Therefore, the City respectfully requests the Board to grant a 180 day extension until September 30, 2016, or such time so indicated by the Board.

Enclosed please find the original and ten (10) copies of this letter. Also, it is my understanding that the filing fee of \$450.00 is waived for Government Agencies requesting extension of NITU negotiations as to STB Docket No. AB-33 (Sub-No. 284X) Union Pacific Railroad Company. Please time and date stamp a copy of this letter and return it with the self-addressed stamped envelope.

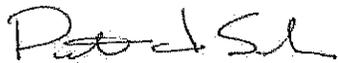
RAYMOND P. ROGINA *Mayor*

MARK KOENEN, P.E. *City Administrator*

We are also sending a copy to Union Pacific Railroad Company, by US Mail, postage prepaid, first class, on this 30th day of March, 2016.

Thank you for your consideration of this request, and please contact me should you have any questions or concerns.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Peter Suhr". The signature is written in a cursive style with a large initial "P" and "S".

Peter Suhr  
Director of Public Works, City of St Charles, IL

CC: Mack Shumate, General Attorney  
Union Pacific Railroad  
101 North Wacker Drive, Suite 1920  
Chicago, IL 60606

Holly Cabel, Director- St Charles Park District  
Monica Meyers, Director- Kane County Forest Preserve  
Carl Schoedel, Director- Kane County Division of Transportation

Jason Sokolewicz, Union Pacific Railroad  
1400 Douglas Street, Stop 1690  
Omaha, NE 68179



ST. CHARLES  
SINCE 1834

March 30, 2016

Mr. Jason Sokolewicz  
Senior Manager-Real Estate  
Union Pacific Railroad Company  
1400 Douglas St., Mail Stop 1690  
Omaha, NE 68179-1690

**RE: Union Pacific Railroad Company  
Abandonment of St Charles, IL Lead  
STB Docket No. AB-33 (Sub-No. 284X)  
Letter of Intent**

Dear Mr. Sokolewicz:

On July 9<sup>th</sup>, 2010, the City of St Charles, IL, the County of Kane, Forest Preserve District of Kane County, and the St Charles Park District jointly filed a request for Public Use Condition and a request for Interim Trail Use Condition (NITU) for approximately 3.17 miles of railroad between milepost 35.13 and milepost 38.3 near St Charles, IL. By order dated September 21, 2011, the Board granted the request to implement interim trail use negotiations as specifically set forth in the order, for a period of 180 days commencing from September 21, 2011, and ending on March 21, 2012. This extension has been granted again since 2012.

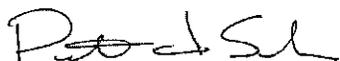
The City of St Charles, IL wishes to continue to work with our local partners and Union Pacific Railroad in an effort to satisfy our negotiating needs, and has sent an extension request to the STB. As discussed, the City and its partners have a sincere desire to work towards acquiring this property for future trail use. The City and its partners will be pursuing grant opportunities to assist in making the acquisition. That pursuit will take time. Therefore, the City respectfully requests the Union Pacific Railroad Company consider a 180-day extension until September 30, 2016, or such time as indicated by the Surface Transportation Board.

RAYMOND P. ROGINA *Mayor*

MARK KOENEN, P.E. *City Administrator*

Thank you for your consideration of this request, and please contact me should you have any questions or concerns.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Peter Suhr". The signature is written in a cursive style with a large initial "P" and a long horizontal stroke.

Peter Suhr  
Public Works Director, City of St Charles, IL

CC: Mack Shumate, General Attorney  
Union Pacific Railroad  
101 North Wacker Drive, Suite 1920  
Chicago, IL 60606