



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
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DECISION ID NO.: 42340

DECIDED DATE: 4/23/12

SERVICE DATE: 4-23-12

APPROVED: Marc Miller
Director

extended to 11/7/12

ENTERED
Office of Proceedings

APR 10 2012

April 2, 2012

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

COILING FILE WAIVER

RE: STB Docket No. AB-33 (Sub-No. 262X) – Union Pacific Railroad Company
Abandonment and Discontinuance of the Elm Industrial Lead in Fulton and
Peoria Counties, Illinois

Dear Ms. Brown:

On July 21, 2008, the Illinois Department of Natural Resources filed a request for Public Use Condition and a request for Interim Trail Use Condition (NITU) for approximately 24.7 miles of railroad between milepost 461.5 near Middle Grove and milepost 486.2 at Molitor Junction, in Fulton and Peoria Counties. By Order dated November 13, 2008, the Board granted the request to implement interim trail use and to permit public use negotiations as specifically set forth in the Order, for a period of 180 days commencing from November 13, 2008, and ending on May 12, 2009. On May 9, 2009, the Department filed a request for a 180 day extension, and by Order dated May 11, 2009, request was so granted, extending the negotiating period from May 12, 2009 to November 8, 2009. On November 2, 2009, The Department filed a request for an additional 180 day extension, and by Order dated November 24, 2009, request was so granted, thus extending the negotiating period from November 8 to May 10, 2010. The Department filed a request for an additional 180 day extension, and by Order dated May 17, 2010, request was so granted, thus extending the negotiating period from May 10 to November 12, 2010. The Department filed a request for an additional 180 day extension, and by late Order dated December 14, 2010, request was so granted, thus extending the negotiating period from November 12, 2010 until May 13, 2011. The Department filed a request for an additional 180 day extension, and by late Order dated June 17, 2011, was so granted, thus extending the negotiating period from May 13, 2011 until November 13, 2011. The Department filed a request for an additional 180 day extension, and by Order dated November 9, 2011, was so granted, thus extending the negotiating period from November 13, 2011 until May 11, 2012.

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The Department continues to work with local partner jurisdictions in an effort 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 Department respectfully requests the Board grant an 180 day extension until November 13, 2012, or such time so indicated by the Board.

Enclosed please find the original and 10 copies of this letter. Also, it is my understanding that the filing fee of \$450.00 is waived for State Agencies requesting extension of NITU negotiations as to STB Docket No. AB-33 (Sub-No. 262X), Union Pacific Railroad Company. Please date stamp a copy of this letter and return it in the enclosed envelope.

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

Very Truly Yours,



Mitchell Cohen
General Counsel

MC:SK:bjf
enclosures

cc: Mack Shumate, Sr., Union Pacific Railroad
Jim Harrell, Union Pacific Railroad
Dick Westfall, IDNR
George Bellovics, IDNR