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ENTERED
Office of Proceedings
November 21, 2013
Part of the Public Record

November 22, 2013

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

RE: Abandonment Exemption and Discontinuance of Operations over the Weber Industrial Lead from M.P. 5.8 near Wilson Avenue to M.P. 9.5 near Touhy Avenue, a distance of 3.7 miles in Cook County, Illinois; STB Docket No. AB-33 (Sub-No. 263X)

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the Village of Lincolnwood, an Illinois municipal corporation, (the "Village"), seeking to extend the negotiation period covering the issuance of a Certificate or 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 Weber Industrial Lead located in the Village of Lincolnwood between approximately Milepost 8.4 at Devon Avenue to the border with the Village of Skokie, Illinois, to approximately Milepost 9.45 near Touhy Avenue, a distance of approximately 1.0 mile in Cook County, Illinois.

The Union Pacific is willing to extend the negotiation period with the Village concerning the acquisition of the subject property for trail use and supports the Village's request to extend the negotiation period for an additional 180 days from November 20, 2013 to May 11, 2014. A copy of the Village's request for extension is attached hereto as Exhibit A and hereby made a part hereof.

Sincerely,



Attachment

cc: Village of Lincolnwood

2013_11_22 STB 180-Days - Lincolnwood.doc

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November 20, 2013

Via Electronic Filing

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

**Re: *Union Pacific Railroad Company
Abandonment of Weber Industrial Lead, Lincolnwood, Illinois
STB Docket No. AB-33 (Sub-No. 263X)
Petition for Public Use Condition and Interim Trail Use***

Dear Chief Brown:

The Village of Lincolnwood, Illinois (the "**Village**"), a political subdivision, hereby petitions the Surface Transportation Board for an order extending its Decision and Notice of Interim Trail Use or Abandonment in the above-referenced matter ("**Decision**") for an additional 180 days, through and including May 21, 2014.

On November 25, 2008, the Village filed its Petition for a Public Use Condition as well as an Interim Trail Use Condition ("**Petition**"), rather than an outright abandonment authorization, for that portion of the Weber Industrial Lead located within the corporate boundaries of the Village, extending from approximately Milepost 8.4 near Devon Avenue to approximately Milepost 9.45 near Touhy Avenue. As part of the Petition, the Village filed its Statement of Willingness to Assume Financial Responsibility pursuant to 49 CFR §1152.29.

On December 17, 2008, the Board issued its Decision, providing for a 180-day period for negotiations between the Village, the City of Chicago, and Union Pacific Railroad Company ("**UP**"). The Board has granted nine extensions of the time period for negotiations, most recently on June 4, 2013, when the Board issued an order further extending the time period for negotiations through and including November 22, 2013.

Since May 2013, the Village has continued its development of plans for the use of the right-of-way for trail and/or other public purposes, all in accordance with the Petition. As noted in the Village's previous extension requests, the Village has been approved for two grants from the Congestion Mitigation and Air Quality Improvement Program ("**CMAQ**") to support the proposed purchase, and trail use, of the right-of-way.

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LAW DEPARTMENT
UNION PACIFIC RR CO.

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The CMAQ grants are administered by the Illinois Department of Transportation ("**IDOT**"), which requires that grantees follow a specified procedure in order to receive grant funding. In furtherance of that procedure, the Village has accomplished the following since May 2013:

1. The project's consulting engineer, Gewalt-Hamilton and Associates, Inc., has commenced work on the Phase II Engineering Report (which will consist of the preparation of construction documents, project specifications, and bid plans);
2. IDOT has granted preliminary approval for the proposed plat of the right-of-way;
3. The IDOT-approved appraiser has performed its study and review of the right-of-way, and is currently preparing the initial appraisal of the right-of-way; and
4. The Village has secured the services of an IDOT-approved negotiator for the right-of-way purchase negotiations.

The Village continues to work with IDOT and the Federal Highway Administration, and with UP, to produce all necessary plans, obtain all necessary approvals, and complete all required engineering and preparations for the proposed purchase and trail use of the right-of-way. The Village anticipates that the pre-final Phase II Engineering Report will be submitted to IDOT in December 2013, and that, after review and revision, the final Report will be completed in the second quarter of 2014. The Village further anticipates that the appraiser's initial report will be complete by December 2013, and that IDOT will approve a final appraisal and the plat of the right-of-way by April 2014. However, until the appraisal and survey are complete, the Village cannot formally commence the land acquisition procedures with UP. Thus, the Village is unlikely to complete all pre-acquisition work and plans until after the expiration of the current negotiation period. Accordingly, in order to complete its trail plan to satisfy CMAQ and IDOT requirements, and to continue negotiations with UP to a successful conclusion, the Village requests additional time.

Therefore, the Village respectfully requests that the Board issue an order extending the negotiation period for an additional 180 days, through and including May 21, 2014. In support of its request, the Village renews its Petition and its Statement of Willingness to Assume Financial Responsibility.

By my signature below, I certify service upon Union Pacific Railroad Company, c/o Mack H. Shumate, 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606; and upon the City of Chicago, c/o Mr. Gabe Klein, 30 North LaSalle Street, Suite 1100,

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Chicago, IL 60602-2570, by U.S. Mail, postage pre-paid, first class, this 20th day of
November, 2013.

Respectfully submitted,



Hart M. Passman
Assistant Village Attorney
Village of Lincolnwood

#26437432_v1

cc: Village President and Board of Trustees
Tim Wiberg, Village Administrator
Janice Hincapie, Village Director of Parks & Recreation