



# Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>



September 21, 2012

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

233213

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. The Department filed a request for an additional 180 day extension, and by Order dated April 11, 2012, was so granted, thus extending the negotiating period from May 11, 2012 until November 13, 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 May 13, 2013, 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,

A handwritten signature in black ink, appearing to read "Mitchell L. Cohen", with a long horizontal flourish extending to the right.

Mitchell Cohen  
General Counsel

MC:SK:bjf  
enclosures

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

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