

UNION PACIFIC RAILROAD  
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Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

240533

April 20, 2016

**ENTERED**  
**Office of Proceedings**  
**April 20, 2016**  
**Part of**  
**Public Record**

**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:

In accordance with 49 C.F.R.1152.29(h), Union Pacific Railroad Company ("Union Pacific") hereby submits for filing, the attached fully executed Joint Notice of Interim Trail Use / Rail Banking Agreement Between Union Pacific and the Village of Lincolnwood covering that portion of the Weber Industrial Lead from Milepost 8.4 near Devon Avenue to Milepost 9.45 near Touhy Avenue in the Village of Lincolnwood, Cook County, Illinois.

Sincerely yours,



Mack H. Shumate, Jr.  
Senior General Attorney

Attachment

cc: Timothy Wiberg  
Village of Lincolnwood, IL.  
6900 N. Lincoln Avenue  
Lincolnwood, IL. 60712

Hart M. Passman  
Holland & Knight LLP  
131 S. Dearborn Street, 30<sup>th</sup> Fl  
Chicago, IL. 60603



April  
February 18 2016

VIA E-FILE

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

**JOINT NOTICE OF INTERIM TRAIL USE / RAIL BANKING AGREEMENT  
BETWEEN UNION PACIFIC RAILROAD COMPANY AND  
VILLAGE OF LINCOLNWOOD IN ACCORDANCE WITH 49 C.F.R. 1152.29(h)**

**Re: Abandonment of and Discontinuance of Service on the Weber Industrial Lead from  
M.P. 8.4 near Devon Avenue to M.P. 9.45 near Touhy Avenue, in Cook County,  
Illinois; STB Docket No. AB-33 (Sub-No. 263X)**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") and Village of Lincolnwood (the "Village") have entered into a trail use/rail banking agreement (the "Trail Use Agreement") covering the rail line from milepost 8.4 near Devon Avenue to milepost 9.45 near Touhy Avenue in Cook County, Illinois, on the Weber Industrial Lead (the "Line"). Attached to this Joint Notice as **Exhibit A** and made a part hereof is a map depicting an accurate description of the Line, including mileposts, that is the subject of said Trail Use Agreement. In accordance with the requirements of 49 C.F.R. 1152.29(h), Union Pacific and the Village hereby certify that the Trail Use Agreement includes provisions requiring the trail sponsor, the Village, to fulfill the responsibilities described at 49 C.F.R. 1152.29(a)(3). A copy of the Village's Statement of Willingness to Assume Financial Responsibility under the Trail Use Agreement is attached hereto as **Exhibit B** and is hereby made a part hereof.

Sincerely,

UNION PACIFIC RAILROAD COMPANY

  
Senior General Attorney

Sincerely,

VILLAGE OF LINCOLNWOOD

By: *J. W. [Signature]*  
Title: VILLAGE MANAGER

Enclosure



**EXHIBIT B TO**  
**JOINT NOTICE**

**Village of Lincolnwood Statement of Willingness To Assume Financial Responsibility**

The Village of Lincolnwood (the "Village"), an Illinois municipal corporation, acquired the Line as defined below on ~~February~~ <sup>April</sup> 18, 2016 under a Purchase and Sale Agreement between Union Pacific Railroad Company and the Village dated December 23, 2015.

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned by Union Pacific Railroad Company [(see Discontinuance of Service AB-33 (Sub-No. 263X)], the Village hereby represents to the Surface Transportation Board and Union Pacific Railroad Company that the Village assumes responsibility for (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify Union Pacific Railroad Company against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right of way. The right of way is known as the Weber Industrial Lead from milepost 8.4 near Devon Avenue to milepost 9.45 near Touhy Avenue in Cook County, Illinois (the "Line"). The right-of-way is part of a line of railroad proposed for abandonment by Union Pacific Railroad Company in Docket No. STB AB-33 (Sub No. 263X). A map of the property depicting the right-of-way is attached hereto as **Exhibit A** and is hereby made a part hereof.

The Village acknowledges that use of the right-of-way is subject to the Village continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Surface Transportation Board.

VILLAGE OF LINCOLNWOOD

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Agreed to and Acknowledged by Union Pacific Railroad Company this 18 day of  
February, 2016.

*April*

By: *Tony K. Love*  
Print Name: TONY K. LOVE  
Title: Assistant Vice President - Real Estate

**EXHIBIT B TO**  
**JOINT NOTICE**

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VILLAGE OF LINCOLNWOOD

By: *T. Wiberg*  
Print Name: TIMOTHY C. WIBERG  
Title: VILLAGE MANAGER

Agreed to and Acknowledged by Union Pacific Railroad Company this 18 day of ~~February~~ April, 2016.

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_