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

May 20, 2015

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

238431
ENTERED
Office of Proceedings
May 20, 2015
Part of Public Record

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 May 16, 2015 to November 12, 2015. A copy of the Village's request for extension is attached hereto as Exhibit A and hereby made a part hereof.

Sincerely,



Mack H. Shumate, Jr.

Attachment

cc: Village of Lincolnwood

2015_05_20 STB 180-Days - Lincolnwood.doc

238401

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Office of Proceedings
May 15, 2015
Part of
Public Record

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May 15, 2015

Via Electronic Filing

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

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MAY 18 2015

LAW DEPARTMENT
UNION PACIFIC RR CO.

**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 November 12, 2015.

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 twelve extensions of the time period for negotiations, most recently on November 24, 2014, when the Board issued an order further extending the time period for negotiations through and including May 16, 2015.

Since November 2014, 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.

FILING FEE WAIVED

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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, and as noted in the Village's previous extension requests, the IDOT-approved negotiator has transmitted the Village's initial offer for acquisition of the right-of-way to UP, and has engaged in initial negotiations with UP. To date, the Village and UP have each exchanged several offers, and continue to work cooperatively to identify mutually-acceptable terms for acquisition of the right-of-way.

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. In recognition of the cooperation between the Village and UP to date, the Village is optimistic that it will reach accord with the UP on the acquisition of the right-of-way. However, as those negotiations remain ongoing, the Village requests additional time to continue those negotiations to a successful conclusion.

Therefore, the Village respectfully requests that the Board issue an order extending the negotiation period for an additional 180 days, through and including November 12, 2015. 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 Ms. Rebekah Scheinfeld, 30 North LaSalle Street, Suite 1100, Chicago, IL 60602-2570, by U.S. Mail, postage pre-paid, first class, this 15th day of May, 2015.

Respectfully submitted,



Hart M. Passman
Assistant Village Attorney
Village of Lincolnwood

cc: Tim Wiberg, Village Manager
Janice Hincapie, Village Director of Parks & Recreation