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241644

October 3, 2016

ENTERED  
Office of Proceedings  
October 3, 2016  
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**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: STB Docket No. AB-33 (Sub No. 262X) - Abandonment and Discontinuance of the Elm Industrial Lead in Fulton and Peoria Counties, IL**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the Illinois Department of Natural Resource ("IDNR") requesting an extension of an Interim Trail Use Condition for UP's Elm Industrial Lead (the "Line"). The Line extends from Milepost 461.5 near Middle Grove, Fulton County to Milepost 486.2 at Molitor Jet, Peoria County, a distance of 24.7 miles in the State of Illinois.

UP is willing to continue negotiating with IDNR concerning the acquisition of the subject property for trail use and supports the IDNR's request for an additional 180-day extension in which to negotiate. Based on UP's calculations, the 180 day extension would expire on October 18, 2016. Based on the previous order in this matter, the 180-day extension expires on October 17, 2016. A copy of IDNR's request is attached hereto as Exhibit A and hereby made a part hereof. The negotiation period for an additional 180 days is from October 17, 2016 to April 15, 2017. A copy of the Local Agencies' request for extension is attached hereto as **Exhibit A** and hereby made a part hereof.

Sincerely,



Attachment

cc: Illinois Department of Natural Resources



## Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
www.dnr.illinois.gov

Bruce Rauner, Governor  
Wayne A. Rosenthal, Director

September 19, 2016

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

RECEIVED  
SEP 26 2016  
LAW DEPARTMENT  
UNION PACIFIC

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, 2009 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, 2010 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. The Department filed a request for an additional 180 day extension, and by Order dated November 2, 2012, was so granted, thus extending the negotiating period from November 7, 2012 until May 6, 2013. The Department filed a request for an additional 180 day extension, and by Order dated April 26, 2013, was so granted, thus extending the negotiating period from May 6, 2013 until November 6, 2013. The Department filed a request for an additional 180 day extension, and by Order dated October 17, 2013, was so granted, thus extending the negotiating period from November 6, 2013 until May 1, 2014. The Department filed a request for an additional 180 day extension, and by Order dated April 16, 2014, was so granted, thus extending the negotiating period

EXHIBIT A

from May 1, 2014 to October 28, 2014. The Department filed a request for an additional 180 day extension, and by Order dated August 19, 2014, was so granted, thus extending the negotiating period from October 28, 2014 to April 26, 2015. The Department filed a request for an additional 180 day extension, and by Order dated April 16, 2015, was so granted, thus extending the negotiating period from April 26, 2015 to October 23, 2015. The Department filed a request for an additional 180 day extension, and by Order dated October 30, 2015, was so granted, thus extending the negotiation period from October 23, 2015 to April 20, 2016. The Department filed a request for an additional 180 day extension, and by Order dated April 21, 2016, was so granted, thus extending the negotiation period from April 20, 2016 to October 17, 2016.

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. The local coalition received the grant funds to acquire the property. However, Union Pacific's staff will require additional time to review the matter and coordinate with the coalition on specific issues. 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 a 180 day extension until April 15, 2017, or such time so indicated by the Board.

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 to the IDNR.

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

Very Truly Yours,



Shelly L. Knuppel  
Deputy General Counsel

cc: Mack Shumate, Jr., Union Pacific Railroad  
Jason Sokolewicz, Union Pacific Railroad  
George Bellovics, IDNR