

# Holland & Knight

131 South Dearborn Street | Chicago, IL 60603 | T 312.263.3600 | F 312.578.6666  
Holland & Knight LLP | www.hklaw.com

Hart M. Passman  
312.578.6634  
hart.passman@hklaw.com

May 23, 2013

***Via Electronic Filing***

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

234297  
ENTERED  
Office of Proceedings  
May 23, 2013  
Part of  
Public Record

**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 22, 2013.

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 eight extensions of the time period for negotiations, most recently on December 10, 2012, when the Board issued an order further extending the time period for negotiations through and including May 26, 2013.

Since November 2012, 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.

Ms. Cynthia Brown  
Chief, Section of Administration  
Surface Transportation Board  
May 23, 2013  
Page 2

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 November 2012:

1. The Village has submitted draft engineering and local agency agreements to IDOT for the Phase II Engineering Report (which will consist of the preparation of construction documents, project specifications, and bid plans);
2. In December 2012, IDOT approved the Phase II agreements (though final executed copies have not yet been received from IDOT);
3. The Village has selected an IDOT-approved appraiser, and has commenced contract negotiations with that appraiser;
4. The Village has initiated the process for developing the legal descriptions, plats of survey, and title commitments necessary for the proposed purchase of the right-of-way; and
5. The Village has initiated the process of identifying an IDOT-approved negotiator for engagement as part of 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 Phase II agreements will be signed by the end of May 2013, and that the appraisal and survey work will be completed by the fourth quarter of 2013, after which the Village can continue cooperative efforts with IDOT toward land acquisition. 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 November 22, 2013. In support of its request, the Village renews its Petition and its Statement of Willingness to Assume Financial Responsibility.

Ms. Cynthia Brown  
Chief, Section of Administration  
Surface Transportation Board  
May 23, 2013  
Page 3

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, Chicago, IL 60602-2570, by U.S. Mail, postage pre-paid, first class, this 23rd day of May, 2013.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Hart M. Passman', with a long horizontal line extending to the right.

Hart M. Passman  
Assistant Village Attorney  
Village of Lincolnwood

SME/ljd  
#23168653\_v1

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