

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

June 1, 2011

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

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Office of Proceedings

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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, at approximately Milepost 9.4 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 to December 3, 2011. A copy of the Village's request for extension is attached hereto as Exhibit "A" and hereby made a part hereof.

Sincerely,



Attachment

cc: Village of Lincolnwood

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May 26, 2011

Via Electronic Filing

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

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 December 3, 2011.

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 three extensions of the time period for negotiations, most recently on June 21, 2010, when the Board issued an order further extending the time period for negotiations an additional 180 days, through and including December 8, 2010. On December 2, 2010, the Village filed a request for an additional 180-day extension of the time period for negotiations, which request remains pending before the Board.

Since December 2010, 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 an 80% matching grant from the Congestion Mitigation and Air Quality Improvement Program ("*CMAQ*") to support the proposed purchase, and trail use, of the right-of-way. The CMAQ grant is administered by the Illinois Department of Transportation ("*IDOT*"), which requires that grantees

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**LAW DEPARTMENT
UNION PACIFIC RR CO.**

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
May 26, 2011
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follow a specified procedure in order to receive grant funding. In furtherance of that procedure, the Village has accomplished the following since December 2010:

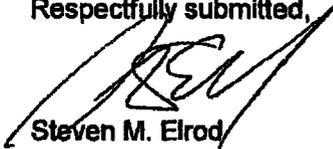
1. The Village has completed an existing conditions land survey of the entire right-of-way;
2. The Village has completed, and submitted to IDOT for review, a complete Environmental Survey Request; and
3. The Village has completed both a conceptual routing plan and a conceptual grading plan for the bicycle path that is proposed for 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. Over the next two to three months, the Village anticipates completion of a full Phase I Preliminary Engineering Report for submission to IDOT. However, the Village does not expect IDOT to complete its review of that Report until the end of 2011 or early 2012, and thus the Village is unlikely to complete all pre-acquisition work and plans until after the expiration of the current negotiation period. Thus, 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.

Thus, the Village respectfully requests that the Board issue an order extending the negotiation period for an additional 180 days, through and including December 3, 2011. 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 Mr. Thomas Byrne, 30 North LaSalle Street, Suite 500, Chicago, IL 60602-2570, by U.S. Mail, postage pre-paid, first class, this 26th day of May, 2011.

Respectfully submitted,



Steven M. Elrod
Village Attorney
Village of Lincolnwood

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