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

233661

January 9, 2013

ENTERED  
Office of Proceedings  
January 9, 2013  
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 -- Hartland Subdivision, from approximately M.P. 119.65 at Curtis, to the point of connection with the Albert Lea Subdivision, to the end of Union Pacific ownership at M.P. 107.0 near Hartland, a distance of 12.65 miles in Freeborn County, Minnesota; STB Docket No. AB-33 (Sub-No. 298X)**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from Freeborn County Minnesota dated December 28, 2012 seeking a 180 day extension of the negotiation period for interim trail use and rail banking under the provisions of 16 U.S.C. §1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Hartland Subdivision, as defined above, a distance of 12.65 miles in Freeborn County, Minnesota. The request also seeks extension of the negotiating period for a permit for public use.

The Union Pacific is of the opinion that jurisdiction regarding public use under 49 C.F.R. § 1152.28 expired after the initial 180-day period and does not agree to an extension of the period for imposition of public use conditions. However, Union Pacific is willing to extend the negotiation period with Freeborn County Minnesota concerning the acquisition of the subject property for trail use and supports the County's request for an 180-day extension commencing on January 12, 2013 of the negotiation period under 49 C.F.R. § 1152.29. A copy of Freeborn County's request is attached hereto as **Exhibit A** and hereby made a part hereof.

Sincerely yours,



Mack H. Shumate, Jr.

Attachment  
cc: Freeborn County Minnesota  
837782/180 Extension





County Administration - Government Center  
411 So. Broadway, P.O. Box 1147, Albert Lea, Minnesota 56007-1147

507/377-5116  
Fax 507/377-5109

December 28, 2012

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

**RE: Decision and Notice of Interim Trail Use or Abandonment Union Pacific  
Railroad Company – Abandonment Exemption – In Freeborn County,  
Minnesota Docket No. AB 33 (Sub-No. 298X) Service Date – June 20, 2012.**

Dear Ms. Brown:

Under the above described Decision and Notice, Interim Trail Use (NITU) for purposes of negotiation were granted until January 11, 2013.

At this time, Freeborn County is formally requesting extension of (NITU) for purposes of negotiation and permit for public use negotiations for an additional 180 days from January 11, 2013. This additional time is being requested in anticipation of fully completing this negotiation process during this period.

On behalf of the Freeborn County Board of Commissioner I appreciate your consideration of this request. Please contact me at your earliest convenience if you should have any questions.

Sincerely,

John W. Kluever  
County Administrator

cc: Mack H. Shumate, Jr. – Union Pacific Senior General Attorney ✓  
Jim Harrel, Union Pacific Senior Manager – Real Estate

**RECEIVED**

JAN 02 2013

LAW DEPARTMENT  
UNION PACIFIC RR CO.

**EXHIBIT A**