

# 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

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May 21, 2014

***Via Electronic Filing***

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

ENTERED  
Office of Proceedings  
May 21, 2014  
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 12, 2014.

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 ten extensions of the time period for negotiations, most recently on November 26, 2013, when the Board issued an order further extending the time period for negotiations through and including May 21, 2014.

Since November 2013, 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.

The CMAQ grants are administered by the Illinois Department of Transportation ("***IDOT***"), which requires that grantees follow a specified procedure in order to receive

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grant funding. In furtherance of that procedure, the Village has accomplished the following since November 2013:

1. IDOT has approved the construction drawings and specifications for the proposed trail use of the right-of-way;
2. IDOT has approved the appraisal of the right-of-way, as completed by the IDOT-approved appraiser, and has approved the commencement of negotiations with UP acquisition by the Village of the right-of-way;
3. 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.

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 are only in their initial phases, 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, 2014. 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 21<sup>st</sup> day of May, 2014.

Respectfully submitted,



Hart M. Passman  
Assistant Village Attorney  
Village of Lincolnwood

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