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

October 15, 2012

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ENTERED

Office of Proceedings

October 15, 2012

Part of

Public Record

Via: E-File

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 (“UP”) has received a request from the Illinois Department of Natural Resources (“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 Jct., 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 the previous order in this matter the 180-day extension would run from November 7, 2012 to May 6, 2013. A copy of IDNR’s request is attached hereto as **Exhibit A** and hereby made a part hereof.

Sincerely,



Mack H. Shumate, Jr.
Senior General Attorney

MHS:dro

Attachment

cc: Illinois Department of Natural Resources
2012_10_15 re continue negotiating with IDNR



STB Docket No. AB-33 (Sub-No. 262X) – Abandonment and Discontinuance of the Elm Industrial Lead in Fulton and Peoria Counties, IL

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2012, I mailed a copy of Union Pacific Railroad Company's Letter regarding continuation of negotiating with IDNR dated October 15, 2012 with regard to the above-captioned matters to all parties of record by First Class U.S. Mail, postage prepaid, on the following parties:

Mitchell Cohen
General Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written in a cursive style.

Mack H. Shumate, Jr.



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor
 Marc Miller, Director

September 21, 2012

Ms. 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) – 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 (NTU) 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 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 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.

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LAW DEPARTMENT
 UNION PACIFIC RR. CO.

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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; however, 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 an 180 day extension until May 13, 2013, or such time so indicated by the Board.

Enclosed please find the original and 10 copies of this letter. Also, 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 in the enclosed envelope.

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

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Mitchell L. Cohen", with a long horizontal flourish extending to the right.

Mitchell Cohen
General Counsel

MC:SK:bjf
enclosures

cc: Mack Shumate, Sr., Union Pacific Railroad
Jim Harrell, Union Pacific Railroad
George Bellovics, IDNR

Mr. Mack Shumate, Sr.
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Chicago IL 60606

Mr. Jim Harrel
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1400 Douglas Street, Stop 1690
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