

# Holland & Knight

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November 26, 2012

## ***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 April 26, 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 seven extensions of the time period for negotiations, most recently on July 11, 2012, when the Board issued an order further extending the time period for negotiations an additional 180 days, through and including November 27, 2012.

Since May 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.

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 May 2012:

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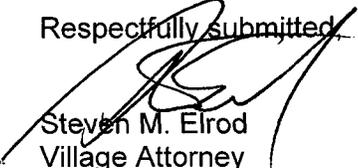
1. IDOT has approved both the Phase I Preliminary Engineering Report and the design for the project;
2. The Village has submitted draft engineering and local agency agreements to IDOT for the Phase II Engineering Report (which will consist of the preparation of construction documents, project specifications, and bid plans);
3. The Village hosted a public meeting for June 12, 2012, with neighboring property owners and Village residents to discuss the proposed trail use of the right-of-way; and
4. The Village has met with IDOT to begin the process for land appraisal and acquisition, and has obtained proposals from approved appraisers;

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 engineering and local agency agreements for the Phase II Engineering Report will be approved and signed by the end of calendar year 2012, after which the Village can commence preparation of construction documents and continue cooperative efforts with IDOT toward land acquisition. However, until the appraisal and Phase II Report 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 April 26, 2013. 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. Gabe Klein, 30 North LaSalle Street, Suite 1100, Chicago, IL 60602-2570, by U.S. Mail, postage pre-paid, first class, this 26th day of November, 2012.

Respectfully submitted,

  
Steven M. Elrod  
Village Attorney  
Village of Lincolnwood

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