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

234831

September 18, 2013

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Office of Proceedings
September 18, 2013
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VIA E-FILING

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

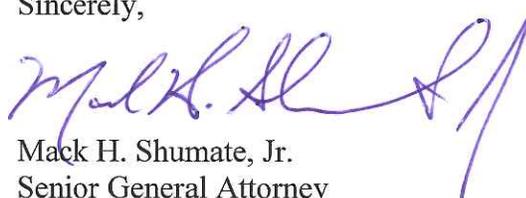
RE: Petition for Exemption to Abandon of a portion of the St. Charles Industrial Lead from M.P. 35.13 to the end of the Line at M.P. 38.3 near St. Charles, a total distance of 3.17 miles in Kane County, Illinois (the "Line"); STB Docket No. AB-33 (Sub-No. 284X)

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the City of St. Charles, Illinois on behalf of the Local Agencies (collectively, "Local Agencies"), 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 St. Charles Industrial Lead located in the City from Milepost 35.13 to Milepost 38.3, a distance of 3.17 miles in Kane County, Illinois.

The Union Pacific is willing to extend the negotiation period with the Local Agencies concerning the acquisition of the subject property for trail use and supports the Local Agencies' request to extend the negotiation period for an additional 180-days to March 31, 2014. A copy of the Local Agencies' request for extension is attached hereto as **Exhibit A** and hereby made a part hereof. The Union Pacific does not concur with that portion of Local Agencies' request seeking extension of public use negotiations in that such request appears to be a clerical error and has no basis under law.

Sincerely,



Mack H. Shumate, Jr.
Senior General Attorney

Attachment

cc: City of St. Charles

O:\Abandonments\33-284X\2013_09_18 STB 180-Days.doc





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LAW DEPARTMENT
UNION PACIFIC RR CO.

Mr. James Harrell
Senior Manager-Real Estate
Union Pacific Railroad Company
1400 Douglas St., Mail Stop 1690
Omaha, NE 68179-1690

**RE: Union Pacific Railroad Company
Abandonment of St Charles, IL Lead
STB Docket No. AB-33 (Sub-No. 284X)
Letter of Intent**

Dear Mr. Harrell:

On July 9th, 2010, the City of St Charles, IL, the County of Kane, Forest Preserve District of Kane County, and the St Charles Park District jointly filed a request for Public Use Condition and a request for Interim Trail Use Condition (NITU) for approximately 3.17 miles of railroad between milepost 35.13 and milepost 38.3 near St Charles, IL. By order dated September 21, 2011, the Board granted the request to implement interim trail use negotiations as specifically set forth in the order, for a period of 180 days commencing from September 21, 2011, and ending on March 21, 2012. This extension has been granted again since 2012.

The City of St Charles, IL wishes to continue to work with our local partners and Union Pacific Railroad in an effort to satisfy our negotiating needs, and has sent an extension request to the STB. As discussed, the City and its partners have a sincere desire to work towards acquiring this property for future trail use. The City and its partners will be pursuing grant opportunities to assist in making the acquisition. That pursuit will take time. Therefore, the City respectfully requests the Union Pacific Railroad Company consider a 180-day extension until March 31, 2014, or such time as indicated by the Surface Transportation Board.

RAYMOND P. ROGINA *Mayor*

MARK KOENEN, P.E. *City Administrator*

Exhibit A

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 "Mark Koenen". The signature is fluid and cursive, with the first name "Mark" and last name "Koenen" clearly distinguishable.

Mark Koenen
City Administrator, City of St Charles, IL

CC: Mack Shumate, General Attorney
Union Pacific Railroad
101 North Wacker Drive, Suite 1920
Chicago, IL 60606

Peter Suhr, Interim Director of Public Works