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Senior General Attorney, Law Department

April 11, 2012

232175

**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

ENTERED  
Office of Proceedings  
April 11, 2012  
Part of  
Public Record

**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 from May 11, 2012 to November 13, 2012 in which to negotiate. A copy of IDNR's request is attached hereto as **Exhibit A** and hereby made a part hereof.

Sincerely,



Attachment

cc: Illinois Department of Natural Resources

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## Illinois Department of Natural Resources

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

*Tim Harold*  
*April 10, 2012*  
*mtb*

Pat Quinn, Governor  
 Marc Miller, Director

April 2, 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 (NITU) 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.

**RECEIVED**

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LAW DEPARTMENT  
 UNION PACIFIC RR CO.

Surface Transportation Board  
April 2, 2012  
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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 November 13, 2012, 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,



Mitchell Cohen  
General Counsel

MC:SK:bjf  
enclosures

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