

UNION PACIFIC RAILROAD
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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

March 19, 2013

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Office of Proceedings
March 19, 2013
Part of
Public Record

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

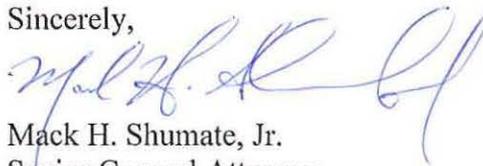
RE: Petition for Exemption to Abandon of a portion of the St. Charles Industrial Lead from M.P. 35.13 to the end of the Line at M.P. 38.3 near St. Charles, a total distance of 3.17 miles in Kane County, Illinois (the "Line"); STB Docket No. AB-33 (Sub-No. 284X)

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 September 16, 2013. 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_03_19 STB 180-Days.doc





ST. CHARLES
SINCE 1834

#1 City for Families
by FamilyCircle® magazine

March 11, 2013

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

RECEIVED

MAR 19 2013

LAW DEPARTMENT
UNION PACIFIC RR CO.

**RE: Union Pacific Railroad Company
Abandonment of St Charles, IL Lead
STB Docket No. AB-33 (Sub-No. 284X)
Petition for Interim Trail Use**

Dear Chief Brown:

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. The Board has subsequently extended this timeframe to March 31, 2013.

The City of St Charles, IL wishes to continue to work with local partner jurisdictions to compile specific information in efforts 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. For your information, our Mayor has a meeting scheduled later this month with UPRR to advance this discussion. Therefore, the City respectfully requests the Board to grant a 180 day extension until September 30, 2013, or such time so indicated by the Board.

Enclosed please find the original and ten (10) copies of this letter. Also, it is my understanding that the filing fee of \$450.00 is waived for Government Agencies requesting extension of NITU negotiations as to STB Docket No. AB-33 (Sub-No. 284X) Union Pacific Railroad Company. Please time and date stamp a copy of this letter and return it with the self-addressed stamped envelope.

DONALD P. DEWITTE *Mayor*

BRIAN TOWNSEND *City Administrator*

EXHIBIT "A"

We are also sending a copy to Union Pacific Railroad Company, by US Mail, postage prepaid, first class, on this 11th day of March 2013.

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 that reads "Mark Koenen". The signature is written in a cursive style.

Mark Koenen
Director of Public Works, City of St Charles, IL

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