

**UNION PACIFIC RAILROAD COMPANY**

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GENERAL SOLICITOR  
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April 18, 2002



GEORGE H. BRANT  
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MACK H. SHUMATE, JR.  
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FREDERICK P. JOHNSTON, JR.  
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**VIA UPS OVERNIGHT DELIVERY**

Mr. Vernon Williams, Secretary  
Surface Transportation Board  
1925 "K" Street, N.W.  
Washington, D.C. 20423-0001

**RE: Docket No. AB33- (Sub-No. 170), Union Pacific Railroad Company  
--Abandonment and Discontinuance of Operation--in Polk County, IA  
(Bell Avenue Industrial Lead in Des Moines, IA)  
REQUEST FOR EXTENSION OF TIME TO NEGOTIATE PRICE**

Dear Mr. Williams:

The Union Pacific Railroad Company ("UP") has received the request (the "Request") on behalf of Mid-America Railroad, L.L.C. ("MAR") seeking additional time to complete negotiations to establish a price for that portion of the Bell Avenue Industrial Lead (the "Line") MAR seeks to acquire under its Offer of Financial Assistance. A copy of the Request is attached hereto as Exhibit "A" and hereby made a part hereof. As represented in Mid-America's filing, the UP has no objection to MAR's Request and is willing to continue negotiating with MAR to establish a mutually acceptable price for that portion of the Line MAR seeks to acquire within the time frame outlined in MAR's Request.

Enclosed with this original are ten (10) copies of this filing for use by the Board.

Sincerely yours,

Mack H. Shumate, Jr.,  
Senior General Attorney

MHS/taf  
Enclosures

**CERTIFICATE OF SERVICE**

I certify that I have this date served a copy of the foregoing document by First  
Class United States Mail with postage prepaid on:

Steven E. Zumbach  
William D. Bartine  
Holly M. Logan  
Christopher M. Miller  
BELIN LAMSON McCORMICK ZUMBACH FLYNN, P.C.  
606 Walnut Street, Suite 2000  
Des Moines, Iowa 50309

Dated this 18th day of April, 2002.

  
Mack H. Shumate, Jr.



**BELIN LAMSON McCORMICK  
ZUMBACH FLYNN**

A PROFESSIONAL CORPORATION - ATTORNEYS AT LAW

The Financial Center  
666 Walnut Suits 2000  
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William D. Bartine

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April 16, 2002

VIA FEDERAL EXPRESS

Donald G. Avery, Esq.  
Slover & Loftus  
1224 Seventeenth Street, N.W.  
Washington, D.C. 20036-3003

Re: *MidAmerica / Union Pacific - Offer of Financial Assistance*

Dear Don:

As we discussed, please find enclosed here a number of items:

- (1) An original and 11 copies of our Request For Extension of Time to Negotiate Price;
- (2) Two disks which contain electronic copies of the Request; and
- (3) Two original cover letters to the Surface Transportation Board.

As I understand it, you will file with the Board on our behalf the original Protest and 10 of the copies, one copy of the original cover letters, and one of the CDs (which we have presumed are needed even for this Request). The second copy of the original cover letters will be time-stamped by the Board's clerk and returned to us. One of the 11 copies of the Request will also be time-stamped and returned to us. You may retain the other disk for your records.

We have served non-time-stamped copies on the Union Pacific via facsimile and first class mail. It is our understanding that it is not necessary to serve copies on the other necessary parties.

Donald G. Avery, Esq.  
April 16, 2002  
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One of us (I may be on jury duty for the rest of the week) will telephone you late Wednesday morning to verify receipt of these documents. Again, thank you for all of your assistance. I look forward to speaking with you.

Sincerely yours,

A handwritten signature in black ink that reads "Bill".

William D. Bartine  
For the Firm

WDB:ej  
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cc: Holly Logan, Esq.  
Chris M. Miller, Esq.

Enclosure

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 170)

UNION PACIFIC RAILROAD COMPANY

—ABANDONMENT AND DISCONTINUATION OF OPERATION—

IN POLK COUNTY, IOWA

(BELL AVENUE INDUSTRIAL LEAD IN DES MOINES, IOWA)

---

**REQUEST FOR EXTENSION OF TIME**  
**TO NEGOTIATE PRICE**

MID-AMERICA DEVELOPMENT COMPANY

MID-AMERICA RAILROAD COMPANY, L.L.C.

Steven E. Zumbach  
William D. Bartine  
Holly M. Logan  
Christopher M. Miller  
BELIN LAMSON McCORMICK  
ZUMBACH FLYNN, P.C.  
666 Walnut Street, Suite 2000  
Des Moines, IA 50309  
515-243-7100 (Telephone)  
515-243-1408 (Facsimile)

ATTORNEYS FOR MID-AMERICA  
DEVELOPMENT COMPANY AND  
MID-AMERICA RAILROAD COMPANY, L.L.C.

Dated: April 16, 2002  
Filed: April 16, 2002

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Belin Law Firm

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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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Docket No. AB-33 (Sub-No. 170)  
UNION PACIFIC RAILROAD COMPANY  
—ABANDONMENT AND DISCONTINUATION OF OPERATION—  
IN POLK COUNTY, IOWA  
(BELL AVENUE INDUSTRIAL LEAD IN DES MOINES, IOWA)

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**REQUEST FOR EXTENSION OF TIME  
TO NEGOTIATE PRICE**

On March 21, 2002, the Surface Transportation Board issued a decision in the above-captioned matter. In its decision, the Surface Transportation Board found Mid-America Railroad Company, L.L.C. ("MAR") to be a financially responsible party and further found MAR's offer of financial assistance to be reasonable. The Board held that Union Pacific ("UP") and MAR may negotiate a price up until April 22, 2002, when either party may request that the Board establish the terms and conditions of the purchase price.

Unfortunately, it appears UP and MAR will be unable to complete their negotiations by April 22, 2002. Both parties are still desirous of completing such discussions. However, the discussions have been delayed awaiting accurate descriptions and appraisals of the property.

In addition, just today, it came to MAR's attention that Iowa Interstate Railroad Company ("IAIS"), the short-line railroad that has agreed to service the line in question should MAR acquire it, is involved in major litigation which may place the short-line's future viability in jeopardy. MAR's initial inquiries indicate that IAIS will remain viable despite this litigation. However, a two-week extension is necessary to confirm this information.

MAR hereby requests a two-week extension of the time within which to negotiate a purchase price with UP. Therefore, MAR requests that if MAR and UP cannot agree on the

purchase price, either party may petition the Board to establish the terms and conditions of the purchase price by May 6, 2002. Based on MAR's contacts with Mr. Mack Shumate, Senior General Counsel for UP, it is the understanding of the undersigned that the railroad consents and agrees to this request for an extension of time.

By my signature below, I certify service upon Union Pacific by U.S. mail, postage prepaid, first class, this 16 day of April, 2002.

Respectfully submitted,



Steven E. Zumbach  
William D. Bartine  
Holly M. Logan  
Christopher M. Miller  
BELIN LAMSON McCORMICK  
ZUMBACH FLYNN, P.C.  
666 Walnut Street, Suite 2000  
Des Moines, IA 50309  
515-243-7100 (Telephone)  
515-243-1408 (Facsimile)

ATTORNEYS FOR MID-AMERICA  
DEVELOPMENT COMPANY AND MID-  
AMERICA RAILROAD COMPANY,  
L.L.C.

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S. Christian Nelson  
Christopher M. Miller  
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**William D. Bartine**

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April 16, 2002

Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
Office of the Secretary  
Case Control Unit  
1925 K St., NW  
Washington, DC 20423-001

Re: Docket AB-33 (Sub-No. 170)  
Abandonment by Union Pacific Railroad Company  
Offer of Financial Assistance by Mid-America Railroad, LLC  
Bell Avenue Industrial Lead, Des Moines, Iowa

Dear Mr. Williams:

Enclosed please find the original and ten (10) copies of a Request for Extension of Time to Negotiate Price in the above-captioned abandonment proceedings.

By my signature below, I certify service upon applicant's representative, at the address set forth below, by facsimile and by U. S. Mail, postage prepaid, first class, this 16th day of April, 2002

Sincerely yours,



William D. Bartine  
For the Firm

WDB/lej  
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Belin Law Firm

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Mr. Vernon A. Williams, Secretary  
April 16, 2002  
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cc: Mack H. Shumate, Jr., Esq.  
Senior General Attorney  
Union Pacific Railroad Company  
Law Department  
101 North Wacker Dr.  
Suite 1920  
Chicago, IL 60606

Enclosures  
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Belin Law Firm

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