

UNION PACIFIC RAILROAD COMPANY

205585

LAW DEPARTMENT  
101 NORTH WACKER DRIVE, SUITE 1920  
CHICAGO, ILLINOIS 60606  
FAX NO. 312-777-2065

RONALD J. CUCHNA  
GENERAL SOLICITOR  
312-777-2040



GEORGE H. BRANT  
312-777-2051  
MACK H. SHUMATE, JR.  
312-777-2055  
DANIEL R. LA FAVE  
312-777-2046  
LINDA J. COYLE  
312-777-2056  
THOMAS W. CUSHING  
312-777-2053  
FREDERICK P. JOHNSTON, JR.  
312-777-2047

June 10, 2002

**VIA FACSIMILE #202/565-9002 and UPS OVERNIGHT DELIVERY**

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

**RE: Docket No. AB-33 (Sub-No. 181X), Union Pacific Railroad Company -  
Abandonment Exemption - in Lancaster County, Nebraska  
(Jamaica Industrial Lead) - Second Request**

Dear Mr. Williams:

This is to advise the Surface Transportation Board (the "Board") that the Union Pacific Railroad Company ("UPRR") received a copy of a request to extend the negotiating period for a Certificate of Interim Trail Use for the railroad right-of-way which is the subject of the above referenced abandonment from the City of Lincoln (the "City"). The UPRR has been in contact with the City concerning the City's request for a Certificate of Interim Trail Use. The UPRR is agreeable to the Board's imposition of a trail use condition in this proceeding and in accordance with 49 C.F.R. § 1152.29(2) does hereby respectfully request that this letter be considered the UPRR's reply to the Board indicating that the UPRR is agreeable to an extension of the negotiation period for the imposition of a trail use condition as requested by the City.

Ten (10) copies of this letter are enclosed for the Board's use and distribution. In addition, copies of the City's filing as provided to UPRR on June 7, 2002, are attached as an Exhibit A hereto.

Sincerely yours,

Mack H. Shumate, Jr., Senior General Attorney  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
312/777-2055  
312/777-2065 FAX

MHS/taf  
Enclosures  
cc: All parties of record

O:\ABANDON\133-180X33SUB181.4WM

ENTERED  
Office of the Secretary

JUN 11 2002

Part of  
Public Record



June 7, 2002

Mr. Vernon Williams, Secretary  
Surface Transportation Board  
Office of the Secretary  
Case Control Unit  
1925 "K" Street N.W.  
Washington, D.C. 20423-001

RE: Docket AB-33 (Sub-No. 181X)  
Union Pacific Railroad Company -- Abandonment Exemption  
in Lancaster County, Nebraska (Jamaica Industrial Lead)

Dear Mr. Williams:

Enclosed please find the original and ten copies of the City's Second Request for Enlargement of Time to Negotiate Trail Use in the above-captioned abandonment proceedings.

Sincerely,

Dana W. Roper  
City Attorney, Representing the  
City of Lincoln, Nebraska

DWR/jdp/ce

cc: Mack H. Shumate, Jr.  
Sr. General Attorney  
Union Pacific Railroad Company  
101 N. Wacker Drive, Suite 1920  
Chicago, IL 60606

Lynn Johnson, City of Lincoln Parks Director

Law Department / Dana W. Roper, City Attorney / 575 South 10th Street / Suite 4201 / Lincoln, Nebraska 68508  
Phone: 402-441-7281, Civil Fax: 402-441-8812, Pros. Fax: 402-441-8813 / Website: [www.ci.lincoln.ne.us](http://www.ci.lincoln.ne.us)

Ernest R. (Rick) Poo III, Chief Assistant / John C. McQuinn II, Chief Prosecutor / Richard C. Anderson, Police Legal Advisor  
Civil: James D. Faimon / Don W. Taute / Steven J. Huggenberger / Joel D. Pedersen / Connor L. Reuter / Margaret M. Blatchford / Tonya L. Skimmer  
Prosecution: Patrick C. Campbell / Christine A. Loseko / Rob E. Caples / Marcee A. Shell

Before the  
SURFACE TRANSPORTATION BOARD

---

DOCKET NO. AB-33 (Sub-No. 181X)

UNION PACIFIC RAILROAD COMPANY  
- ABANDONMENT EXEMPTION -  
IN LANCASTER COUNTY, NE  
(JAMAICA INDUSTRIAL LEAD NEAR LINCOLN, NE)

---

**SECOND REQUEST FOR ENLARGEMENT OF TIME  
TO NEGOTIATE TRAIL USE**

CITY OF LINCOLN, NEBRASKA,  
A Municipal Corporation

Dana W. Roper, City Attorney  
575 South 10th Street, Rm. 4201  
Lincoln, NE 68508  
(402) 441-7290

Before the  
SURFACE TRANSPORTATION BOARD

---

DOCKET NO. AB-33 (Sub-No. 181X)

UNION PACIFIC RAILROAD COMPANY  
- ABANDONMENT EXEMPTION -  
IN LANCASTER COUNTY, NE  
(JAMAICA INDUSTRIAL LEAD NEAR LINCOLN, NE)

---

**SECOND REQUEST FOR ENLARGEMENT OF TIME  
TO NEGOTIATE TRAIL USE**

On October 16, 2001, the Surface Transportation Board issued a "Decision and Notice of Interim Trail Use or Abandonment" in the above-captioned matter. The City of Lincoln, Nebraska had submitted a letter requesting issuance of a public use condition as well as a request for an interim trail use for the rail line. The October 16, 2001 Order of the Surface Transportation Board accepted the trail use request and UP's response and issued a NITU for the entire line and granted the parties 180 days from the effective date of the Decision to reach an agreement for interim trail use/rail banking and to enable any state or local governmental agency or any other interested person to negotiate the acquisition of the line for public use. A Request for Enlargement of Time to Negotiate Trail Use was granted by the Surface Transportation

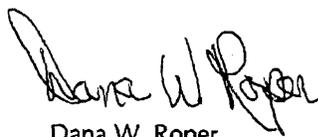
Board on April 10, 2002, which extended the NITU negotiation period for an additional 90 days or until June 14, 2002.

Unfortunately, the Union Pacific Railroad Company and the City of Lincoln have been unable to complete their negotiations on an agreement for the implementation of the proposed public and interim trail use. The City of Lincoln and the Union Pacific Railroad Company are both still desirous of completing such discussions and entering into the appropriate agreements to allow for such interim trail use by the City of Lincoln. The discussions have been delayed awaiting accurate descriptions and appraisals of the property.

The City hereby requests an additional 180-day time period within which to reach agreement for interim trail use/rail banking or until December 14, 2002. Based on contacts with the Union Pacific Railroad, it is the understanding of the undersigned that the Railroad will consent and agree to this request for the extension of such deadline. I understand that the Railroad will be filing a response to this extension request and would join in such request for an extension.

By my signature below, I certify service upon Union Pacific Railroad Company by U.S. mail, postage prepaid, first class, this 7<sup>th</sup> day of JUNE, 2002.

Respectfully submitted,



Dana W. Roper  
City Attorney, Representing the  
City of Lincoln, Nebraska  
575 South 10th Street, Room 4201  
Lincoln, NE 68508  
(402) 441-7290