

UNION PACIFIC RAILROAD COMPANY

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

RONALD J. CUCHNA
GENERAL SOLICITOR
312-777-2040

ENTERED
Office of Proceedings

FEB 03 2003

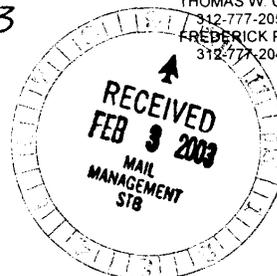
Part of
Public Record



January 31, 2003

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

207153



VIA U.P.S OVERNIGHT

The Honorable Vernon A. 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)

RESPONSE TO FILING OF REQUEST FOR EXTENSION OF PUBLIC USE CONDITION AND REQUEST FOR INTERIM TRAIL USE BY THE CITY OF DES MOINES, POLK COUNTY, IA

Dear Mr. Williams:

Pursuant to 49 U.S.C. § 1152.9 Perspective Use of Rights of Way for Interim Trail Use and Rail Banking, the Union Pacific Railroad Company ("UP") received via facsimile a request for an Extension of the time period to negotiate for interim trail use from the City of Des Moines ("City") dated January 22, 2003, a copy of which is attached hereto as Exhibit "A" and hereby made a part hereof. In the Statement of Willingness to Assume Financial Responsibility, the City indicated that it was interested in obtaining a Notice of Interim Trail Use for the entire Bell Avenue Industrial Lead (the "Lead") which extends from milepost 221.1 near S.E. 18th and Vine Streets to 217.38 near S.W. 30th Street, all in the City of Des Moines, Polk County, Iowa.

With respect to the Lead for which the City seeks interim trail use, the UP is agreeable to negotiating with the City for the disposition of the Lead. Therefore, the UP has no objection to the City's request that the STB issue a Notice of Interim Trail Use with regard to the Lead extending from milepost 221.1 through and including milepost 217.38.

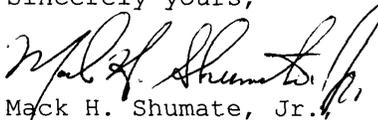
With regard to the City's request for an Extension of the Public Use Condition for that portion of the Lead from milepost 219.32 to milepost 217.38 pursuant to 49 CFR § 1152.28, the UP respectfully reiterates its position that the original request be

Vernon Williams, Secretary
January 31, 2003
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denied in light of the fact that the City's request for a public use condition was not timely filed within 45 days after the UP's application to abandon the Lead was filed with the Board. (See 49 CFR § 1152.28(a)(3).) UP and the City have been in productive negotiations and desire to continue such negotiations concerning the public use of the Lead under the interim trail use provisions referenced above.

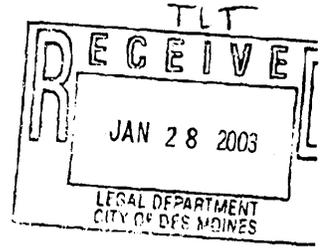
Enclosed for the Board's use are ten (10) additional copies.

Sincerely yours,



Mack H. Shumate, Jr.
Senior General Attorney

cc: All Parties of Record



January 22, 2003

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

RE: 111-Day Interim Trail Use/Railbanking Agreement Extension Request,
 180-Day Public Use/Purchase Agreement Extension Request, STB Docket
 No. AB-33 (Sub-No. 170), Union Pacific Railroad Company--
 Abandonment--in Polk County, IA
Action Requested by January 31, 2003



OFFICE OF THE CITY MANAGER
 CITY HALL
 400 EAST FIRST STREET
 DES MOINES, IOWA 50309 - 1981
 (515) 281-4141

ALAMERICA CITY 1949, 1976, 1981

Dear Mr. Williams:

This letter is to request an extension of the deadline for an interim trail use/railbanking agreement and of the deadline for a public use condition/purchase agreement between the City of Des Moines, Iowa (City) and the Union Pacific Railroad Company (UPRR) in the matter of STB Docket No. AB-33 (Sub-No. 170). The present deadline for the interim trail use/rail banking agreement is March 15, 2003, and the deadline for the public use condition/purchase agreement is January 5, 2003. The City hereby requests that the deadlines for the interim trail use/railbanking agreement be extended until July 4, 2003 (111 days), and that the deadline for the public use condition/purchase agreement also be extended until July 4, 2003 (180 days).

With the UPRR's cooperation, the City is now engaged in an engineering investigation of the feasibility of utilizing the railroad bridge over the Raccoon River for a bike trail, as well as investigating ownership and environmental issues with respect to the remainder of the railroad right-of-way subject to this abandonment proceeding. While the parties expect to complete these investigations expeditiously, we were not able to conclude those investigations prior to the expiration of the existing public use condition on January 5, 2003, and are not likely to complete them prior to the March 15 expiration of the interim trail use/rail banking agreement.

Please forward your decision regarding this extension to the following parties:

Mr. Don Tripp
 Director of Parks and Recreation
 3226 University Avenue
 Des Moines, Iowa 50311
 Tel. (515) 237-1452

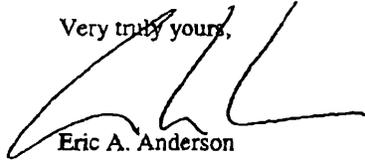
Mr. Mack H. Shumate, Jr.
 Sr. General Attorney, Union Pacific Railroad Company
 101 North Wacker Drive, Suite 1920
 Chicago, Illinois 60606
 Tel. (312) 777-2055



We have discussed this request with the UPRR and they are supportive of this extension request. The UPRR will forward a support letter to you under separate cover.

Please direct questions regarding this request to Mr. Don Tripp, (515) 237-1452. Thank you in advance for your consideration of this request.

Very truly yours,



Eric A. Anderson
City Manager, City of Des Moines, Iowa

cc: Mr. Mack H. Shumate, Jr., Union Pacific Railroad Company
Mr. John Herdzina, Union Pacific Railroad Company
Mr. Don Tripp, Director of Parks and Recreation
Mr. John McKee, Acting City Engineer
Mr. Phil Wageman, Director, City Real Estate Division

xc: Terry Timmins ✓

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