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December 22, 2003

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Public Record

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
AN 180 DAY EXTENSION OF DEADLINE**

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 to further extend the deadline for interim trail use from the City of Des Moines ("City") dated December 22, 2003, a copy of which is attached hereto as Exhibit "A" and hereby made a part hereof.

The UP is willing to continue the negotiation period for an additional 180 days. The original deadline was January 5, 2003 which was extended by the Board to July 4, 2003, and again to December 30, 2003. The new deadline would be June 27, 2004.

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

Sincerely yours,

cc: All Parties of Record

O:\ABANDONMENTS\33-170\Wms-9.wpd

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065



OFFICE OF THE CITY MANAGER
CITY HALL
400 EAST FIRST STREET
DES MOINES, IOWA 50300 - 1801
(515) 283-4141

ALL-AMERICA CITY 1049, 1076, 1081

December 22, 2003

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

RE: 180-Day Interim Trail Use/Railbanking Agreement Extension Request,
STB Docket No. AB-33 (Sub-No. 170), Union Pacific Railroad Company-
-Abandonment --in Polk County, IA
Action Requested by December 30, 2003

Dear Mr. Williams:

This letter is to request an additional 180-day extension of the deadline for an interim trail use/railbanking agreement between the City of Des Moines, Iowa (City) and the Union Pacific Railroad (UPRR) in the matter of STB Docket No. AB-33 (Sub-No. 170). The original deadline was January 5, 2003, which deadline was first extended by you to July 4, 2003 by Decision dated March 10, 2003, and then extended again until December 30, 2003 by Decision dated July 2, 2003. By this letter, I am requesting an additional extension of the deadline to **July 1, 2004**.

The City has been engaged in an investigation of ownership issues with respect to the railroad right-of-way subject to this abandonment proceeding, and has secured an appraisal of that right-of-way. However, given the intended funding sources for trail development, a review appraisal will be required and that appraisal will not be forthcoming until mid-January of 2004. It is our intention to make an offer for the acquisition of all or part of that right-of-way in late January 2004. We do not anticipate another extension will be necessary.

Please forward your decision regarding this extension request 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 Shumate, Jr.
Sr. General Attorney, Union Pacific Railroad
101 North Wacker Drive, Suite 1920
Chicago, IL 60606
Tel. (312) 777-2055



Vernon A. Williams
December 22, 2003
Page Two

We have discussed this request with the UPRR and they are supportive of an extension. 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.

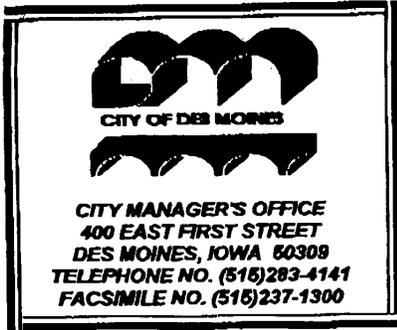
Yours truly,



Eric A. Anderson
City Manager

EAA/rg

Cc: Mr. James P. Gatlin, Union Pacific Railroad
Mr Mack Shumate, Union Pacific Railroad
Mr. John Herdzina, Union Pacific Railroad
Mr. Don Tripp, Director of Parks and Recreation
Mr. Jeb Brewer, City Engineer
Mr. Phil Wageman, Director, City Real Estate Division



FAX COVER LETTER

DATE:

December 22, 2003

TO:

Mack Shumate, Jr.
Union Pacific Railrad

FAX NO.:

(312) 777-2065

FROM:

Eric A. Anderson
City Manager

TOTAL NUMBER OF PAGES
(INCLUDING COVER LETTER):

2

MESSAGE:

IF YOU DO NOT RECEIVE ALL THE PAGES, OR HAVE ANY PROBLEMS WITH THIS TRANSMISSION, PLEASE CALL (515) 283-4141 AS SOON AS POSSIBLE.