



219381



February 17, 2005

**VIA UPS NEXT DAY AIR**

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

ENTERED  
Office of Proceedings

FEB 22 2005

Part of  
Public Record

**RE: Docket AB-33 (Sub-No. 205X), Union Pacific Railroad Company  
Abandonment Exemption - In Sutter County, CA (Yuba City  
Industrial Lead from M.P. 136.38 near Marysville, California to  
M.P. 139.77, a Distance of 3.39 Miles in Sutter County, California)**

Dear Mr. Williams:

The Union Pacific Railroad Company ("Union Pacific") has received an amended second request from the City of Yuba City ("Yuba") for a Notice of Interim Trail Use pursuant to 16 U.S.C. §1247(d) and 49 C.F.R. §1152.29 regarding that portion of the Union Pacific's right-of-way known as the Yuba City Industrial Lead from M.P. 136.38 near Marysville, California to M.P. 139.177, a distance of 3.39 miles in Sutter County, California.

Union Pacific is willing to continue negotiating with Yuba concerning the acquisition of the subject property for trail use and supports Yuba's request to negotiate for a period of 180 days. A copy of Yuba's request is attached hereto as Exhibit "A" and hereby made a part hereof. By granting this revised request the timeframe in which to negotiate an agreement for interim trail use would run from February 2, 2005 to August 1, 2005 rather than from March 4, 2005 to August 31, 2005 as requested in the original second request dated February 7, 2005. Per decision of the Board, late release August 24, 2004, the effective date of the original Abandonment Exemption was corrected from September 15, 2004 to September 5, 2004.

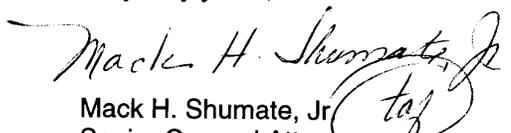
Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

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

February 17, 2005  
Mr. Vernon Williams, Secretary  
Page 2

Ten (10) additional copies of this letter and exhibit are enclosed for the Board's use and distribution.

Very truly yours,

  
Mack H. Shumate, Jr.  
Senior General Attorney

Enclosures

cc (w/enc.): Darlene Evans  
< via facsimile at 202/565-9004 >  
Ted Senstraun, STB  
City of Yuba City



**City  
of  
YUBA CITY** PUBLIC WORKS DEPARTMENT

1201 CIVIC CENTER BOULEVARD, YUBA CITY, CA 95993 · (530) 822-4626 · FAX (530) 822-4694

February 16, 2005

Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street NW  
Washington, D.C. 20423-0001

RE: Docket AB-33 (Sub-No. 205X), Union Pacific Railroad Company (UP) Abandonment –  
Sutter County, CA (Yuba City Industrial Lead from M.P. 136.38 near Marysville,  
California to M.P. 139.77, a Distance of 3.39 miles in Sutter County, California)

Request for Extension – Notice of Interim Trail Use (NITU)

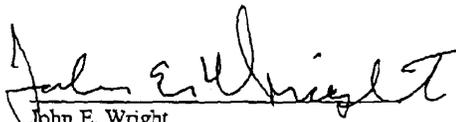
Dear Secretary Williams,

On June 10, 2004, the City of Yuba City, CA, filed a request for the issuance of a notice of interim trail use (NITU) for the subject line under the National Trails System Act, 16 U.S.C. 12479(d) (Trails Act), in order to negotiate with UP for acquisition of the right of way for use as a trail. The City submitted a statement of willingness to assume financial responsibility for the right-of-way, and acknowledged that the use of the right-of-way is subject to possible future reconstruction and reactivation of the right-of-way for rail service as required under 49 CFR 1152.29. In a response submitted on June 15, 2004, UPRC states that it supports the issuance of a NITU.

The Surface Transportation Board exempted the abandonment of the line described above to the extent necessary to implement interim trail use/railbanking, for a period of 180 days commencing from the service date of the exemption, until February 2, 2005.

The City of Yuba City respectfully requests an extension to negotiate our agreement for interim trail use/rail banking for an additional 180 days, from February 2, 2005, to August 1, 2005. If you have any questions, please do not hesitate to call me.

I certify that a copy of this comment was also faxed to UP's counsel, UP Law (att: Mack Shumate Jr.) at 312-777-2065.



John E. Wright  
Public Works Director

Cc: Mack Shumate, Jr., UP Counsel

