



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

ENTERED
Office of Proceedings

JUL 20 2006

Part of
Public Record

July 19, 2006



217098

VIA UPS NEXT DAY AIR

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

**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 a third request from the City of Yuba City ("Yuba") for an extension of their 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 not willing to continue negotiating with Yuba concerning the acquisition of the subject property for trail use and does not support Yuba's request to negotiate for an additional period of 180 days. A copy of Yuba's request is attached hereto as Exhibit "A" and hereby made a part hereof

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

Very truly yours,

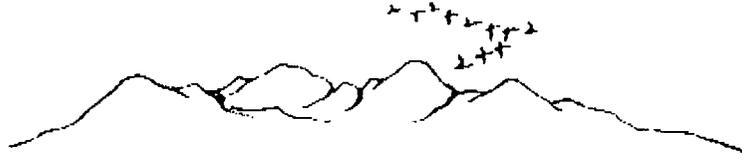
Mack H. Shumate, Jr.

Enclosures

cc (w/enc.): Darlene Evans
< via facsimile at 202/565-9004 >
Tom Heck
City of Yuba City

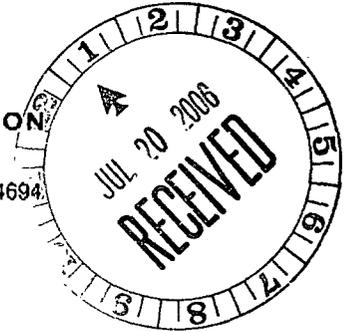
O:\Abandonments\33-205X\STB-009

City of YUBA CITY



ENGINEERING DIVISION

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



July 17, 2006

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 Additional 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/rail banking, for a period of 180 days commencing from the effective date of the exemption, until March 4, 2005. On February 7, 2005, the City of Yuba City requested and was granted an additional 180 day extension, until August 1, 2005. On September 15, 2005, the City of Yuba City requested and was granted an additional 180 day extension, until January 28, 2006. On December 5, 2005, the City of Yuba City requested and was granted an additional extension, until July 27, 2006.

The City of Yuba City respectfully requests another extension to negotiate our agreement for interim trail use/rail banking, which is currently in the appraisal process, for an additional 180 days, from July 28, 2006 to January 27, 2007. 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 (Attn: Mack Shumate, Jr.) at (312) 777-2065.

Sincerely,

Tom Heck
Engineering Manager

TH/db

cc: Mack Shumate, Jr., UP Counsel, via facsimile # (312) 777-2065
Rick Gooch, Director Special Properties Real Estate, via facsimile # (415) 541-7060
Julie Cline

