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July 14, 2006

217113

Vernon A. Williams, Secretary  
Surface Transportation Board  
Case Control Unit, Suite 713  
1925 K Street, N.W.  
Washington, DC 20423-0001

**FILING FEE WAIVED**

Re: Docket No. AB-33 (Sub-No. 229X), Union Pacific Railroad Company-Abandonment exemption--in Ellis County, Texas (Waxahachie Industrial Lead)

Dear Mr. Williams:

Enclosed please find an original and ten (10) copies of Request for Issuance of a Notice of Interim Trail Use, for filing with the Board in the above-referenced matter. A copy is being sent served on Applicant's representative.

The filing fee is waived for the City of Waxahachie, Texas.

Very truly yours,

CHAPMAN & CHAPMAN

By:

James S. Chapman  
Attorney for the City of  
Waxahachie, Texas

JSC/sb  
Enclosures

CC: Mack H. Shumate  
Union Pacific Railroad  
101 N. Wacker Dr., Room 1920  
Chicago, IL 60606-1718

ENTERED  
Office of Proceedings  
JUL 21 2006  
Part of  
Public Record

ORIGINAL

217113

BEFORE THE  
SURFACE TRANSPORTATION BOARD



UNION PACIFIC RAILROAD COMPANY §  
ABANDONMENT EXEMPTION §  
IN ELLIS COUNTY, TEXAS §  
(WAXAHACHIE INDUSTRIAL LEAD) §

DOCKET NO. AB-33  
(SUB-NO. 229X)

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PETITION FOR EXTENSION OF  
NOTICE OF INTERIM TRAIL USE

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**FILED**

CITY OF WAXAHACHIE, TEXAS  
401 S. Rogers  
Waxahachie, Texas 75165

Proposed Trail User

CHAPMAN & CHAPMAN LLP  
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Attorney for Proposed Trail User

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BEFORE THE  
SURFACE TRANSPORTATION BOARD



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**PETITION FOR EXTENSION FOR OF  
NOTICE OF INTERIM TRAIL USE**

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**BACKGROUND**

On February 1, 2006 the Surface Transportation Board ("Board") issued a Decision and Notice of Interim Trail Use or Abandonment the City of Waxahachie, Texas ("City") and Union Pacific Railroad Company ("UP") for the City and UP to be able to negotiate an agreement for interim trail use/railbanking for the Waxahachie Industrial Lead by July 31, 2006.

On April 13, 2006 the Board granted a request by the Texas Department of Transportation ("TXDOT") to replace the City in negotiating an agreement with UP for the subject rail line for the remaining time left on the 180 day period. The Board in its decision noted that as TXDOT had not filed for a NITU request, TXDOT could not be granted authority to replace the City with respect to trail use negotiations.

TXDOT has informed all interested parties within the last week that it will no longer negotiate for the purchase of the subject rail line. The City desires to continue negotiations to reach an agreement with UP, but having lost several months of negotiating time due to the abortive TXDOT intervention will need additional time beyond the July 31<sup>st</sup> deadline to negotiate such agreement.

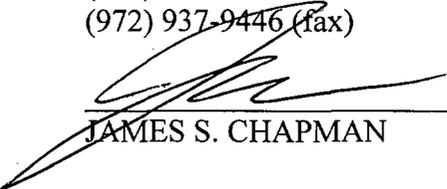
**CONCLUSION AND REQUESTED RELIEF**

WHEREFORE, it is requested that the Board should issue a ninety (90) day extension for Notice of Trail Interim Use authorizing the City and UP to negotiate for rail banking, interim recreational trail use and potential acquisition in fee of the right-of-way involved in this proceeding.

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