



218679

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

February 21, 2007

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Office of Proceedings

FEB 21 2007

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Public Record



**VIA FACSIMILE #202/565-9004 and U.P.S. OVERNIGHT**

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

**RE: Proposed Abandonment of the Waxahachie Industrial Lead from Milepost 798.03 to Milepost 802.60, a distance of 4.57 miles in Ellis County, Texas; STB Docket No. AB-33 (Sub-No. 229X)**

Dear Mr. Williams:

The Union Pacific Railroad Company, (Union Pacific), has received a request from the City of Waxahachie, Texas, for an additional 60 day extension of its 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 Waxahachie Industrial Lead from M.P. 798.03 near Waxahachie to M.P. 802.60 near Nena, a distance of 4.57 miles in Ellis County, Texas.

The Union Pacific is willing to continue negotiating with the City of Waxahachie concerning the acquisition of the subject property for trail use and supports the City of Waxahachie's request to negotiate for an additional 60 day period commencing February 27, 2007. Union Pacific and the City are very close to finalizing the transaction. A copy of the City of Waxahachie'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: City of Waxahachie

Toleda Stokes (STB)  
<202/565-9004>

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# CHAPMAN & CHAPMAN LLP

ATTORNEYS AND COUNSELORS

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# RECEIVED

FEB 20 2007

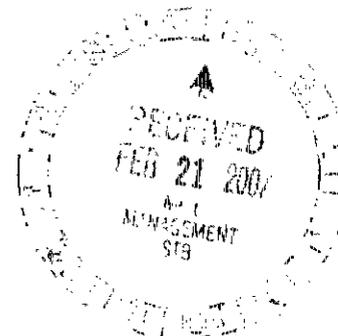
LAW DEPARTMENT  
UNION PACIFIC RR CO

RICHARD F. CHAPMAN (1983-1987)  
STEVEN F. CHAPMAN  
JAMES S. CHAPMAN  
KELLE S. BIRD, LEGAL ASSISTANT  
SHELLY BRANCATO, LEGAL ASSISTANT  
WANDA JOSLIN, LEGAL ASSISTANT

WAXAHACHIE (972) 957-2728  
METRO (972) 958-2720  
FAX (972) 937-9446

February 13, 2007

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



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

Dear Mr. Williams:

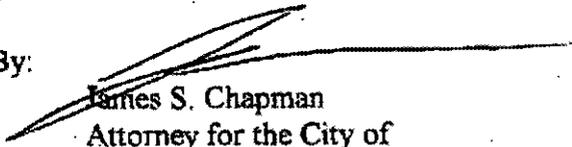
Enclosed please find an original and ten (10) copies of Petition for Extension of Notice of Interim Trail Use, for filing with the Board in the above-referenced matter. A copy is being sent served on Applicant's representative.

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

Very truly yours,

CHAPMAN & CHAPMAN LLP

By:

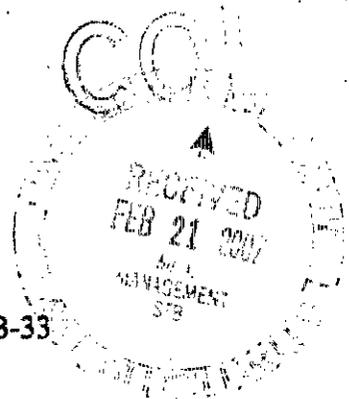
  
James S. Chapman  
Attorney for the City of  
Waxahachie, Texas

JSC/sb  
Enclosures

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



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

Proposed Trail User

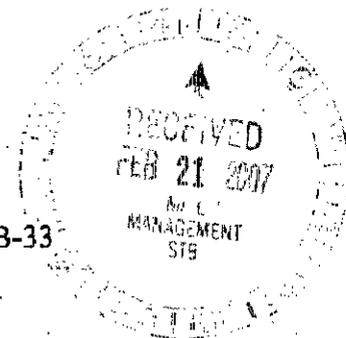
CHAPMAN & CHAPMAN LLP  
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P.O. Box 641  
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(972) 937-9446 (fax)

Attorney for Proposed Trail User

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)



PETITION FOR EXTENSION FOR  
NOTICE OF INTERIM TRAIL USE

**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 July 28, 2006, the Board issued a Decision extending the NITU negotiating period to October 29, 2006. On October 27, 2006, the Board issued a Decision extending the NITU negotiating period to December 28, 2006. On December 19, 2006, the Board issued a Decision extending the NITU negotiating period to February 26, 2007.

The parties have negotiated in good faith and have reached an agreement. It is anticipated that additional time will be needed to complete the appraisal as UP has had to switch to a new appraisal firm, and complete the transaction. An additional sixty (60) days is requested.

**CONCLUSION AND REQUESTED RELIEF**

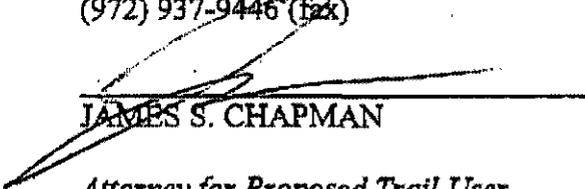
WHEREFORE, it is requested that the Board should issue a sixty (60) day extension for Notice of Trail Interim Use authorizing the City and UP to negotiate for rail banking, interim

recreational trail use and potential acquisition in fee of the right-of-way involved in this proceeding.

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

Proposed Trail User

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JAMES S. CHAPMAN

Attorney for Proposed Trail User