

# Holland & Knight

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November 23, 2009

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## *Via Electronic Filing*

Ms. Cynthia Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

Re: Union Pacific Railroad Company  
Abandonment of Weber Industrial Lead, Lincolnwood, Illinois  
STB Docket No. AB-33 (Sub-No. 263X)  
Petition for Public Use Condition and Interim Trail Use

Dear Chief Brown:

The Village of Lincolnwood, Illinois (the "**Village**"), a political subdivision, hereby petitions the Surface Transportation Board for an order extending its Decision and Notice of Interim Trail Use or Abandonment in the above-referenced matter ("**Decision**") for an additional 180 days, through and including June 11, 2010.

On November 25, 2008, the Village filed its Petition for a Public Use Condition as well as an Interim Trail Use Condition ("**Petition**"), rather than an outright abandonment authorization, for that portion of the Weber Industrial Lead located within the corporate boundaries of the Village, extending from approximately Milepost 8.4 near Devon Avenue to approximately Milepost 9.45 near Touhy Avenue. As part of the Petition, the Village filed its Statement of Willingness to Assume Financial Responsibility pursuant to 49 CFR §1152.29.

On December 17, 2008, the Board issued its Decision, providing for a 180-day period for negotiations between the Village, the City of Chicago, and Union Pacific Railroad Company ("**UP**"). On June 12, 2009, the Board issued an order extending the time period for negotiations an additional 180 days, through and including December 13, 2009 ("**Extension Order**").

Since the date of the Extension Order, the Village has continued its development of plans for the use of the right-of-way for trail and/or other public purposes, all in accordance with the Petition. The Village also has been approved for an 80% matching grant from the Congestion Mitigation and Air Quality Improvement Program ("**CMAQ**") to support the proposed purchase, and trail use, of the right-of-way. The CMAQ grant is administered by the Illinois Department of Transportation ("**IDOT**"), which requires that grantees follow a specified procedure in order to

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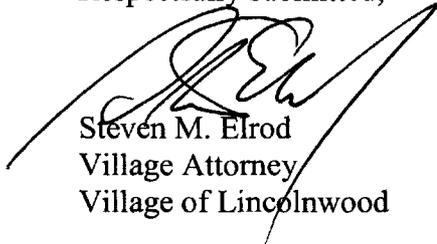
receive grant funding. In furtherance of that procedure, Village representatives have met four times with IDOT officials, and have initiated a request for "advanced acquisition" approval, which would permit the Village to receive the grant and complete negotiations with UP in a shorter timeframe.

However, the Village does not expect to receive a decision on its request for advanced acquisition, or for approval to conduct the required Phase One engineering study, until the expiration of the current negotiation period. Thus, in order to complete its trail plan to satisfy CMAQ and IDOT requirements, and to continue negotiations with UP to a successful conclusion, the Village requests additional time.

Thus, the Village respectfully requests that the Board issue an order extending the negotiation period for an additional 180 days, through and including June 11, 2010. In support of its request, the Village renews its Petition and its Statement of Willingness to Assume Financial Responsibility.

By my signature below, I certify service upon Union Pacific Railroad Company, c/o Mack H. Shumate, 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606, and upon the City of Chicago, c/o Mr. Thomas Byrne, 30 North LaSalle Street, Suite 500, Chicago, IL 60602-2570, by U.S. Mail, postage pre-paid, first class, this 23rd day of November, 2009.

Respectfully submitted,



Steven M. Elrod  
Village Attorney  
Village of Lincolnwood

cc: Village President and Board of Trustees  
Tim Wiberg, Village Administrator  
Janice Hincapie, Director of Parks & Recreation

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