



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

May 5, 2009

225049

VIA E-FILING

The Honorable Anne Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

**RE: STB Docket No. AB-33 (Sub-No. 262X)--Abandonment and
Discontinuance of the Elm Industrial Lead in Fulton and
Peoria Counties, IL**

Dear Secretary Quinlan:

Union Pacific Railroad Company ("UP") has received a request from the Illinois Department of Natural Resources ("IDNR") requesting a Public Use Condition and the issuance of an Interim Trail Use Condition for UP's Elm Industrial Lead (the "Line"). The Line extends from Milepost 461.5 near Middle Grove, Fulton County to Milepost 486.2 at Molitor Jct., Peoria County, a distance of 24.7 miles in the State of Illinois.

UP is willing to negotiate with IDNR concerning the acquisition of the subject property for trail or public use and supports the IDNR's request for an additional 180-day extension in which to negotiate. A copy of IDNR's request is attached hereto as Exhibit "A" and hereby made a part hereof.

Sincerely,

Attachment

cc: Illinois Department of
Natural Resources

O:\ABANDONMENTS\33-262X\STB-180DayExtension-002.doc

RECEIVED

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Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

LAW DEPARTMENT
 UNION PACIFIC RR. CO.
 Pat Quinn, Governor

Marc Miller, Acting Director

April 23, 2009

The Honorable Anne Quinlan
 Acting Secretary
 Surface Transportation Board
 395 E Street, SW
 Washington, DC 20024

**RE: STB Docket No. AB-33 (Sub-No. 262X) - - Union Pacific Railroad
 Company ~ Abandonment and Discontinuance of the Elm Industrial
 Lead in Fulton and Peoria Counties, IL**

Dear Secretary Quinlan:

On July 21st, 2008, the Illinois Department of Natural Resources filed a request for Public Use Condition and a request for Interim Trail Use Condition (NITU) for approximately 24.7 miles of railroad between milepost 461.5 near Middle Grove and milepost 486.2 at Molitor Junction, in Fulton and Peoria Counties. By order dated November 13, 2008, the Board granted the request to implement interim trail use and to permit public use negotiations as specifically set forth in the order, for a period of 180 days commencing from November 13, 2008, and ending on May 12, 2009.

The Department has been in direct contact with Union Pacific and received information upon our request; we do not believe that the parties will be able to finalize negotiations by the end date of the order. Therefore, the Department respectfully requests the Board to grant a 180 day extension until November 13, 2009, or such time so indicated by the Board.

Enclosed please find the original and ten (10) copies of this letter. Also, it is my understanding that the filing fee of \$450.00 is waived for State Agencies requesting extension of NITU negotiations as to STB Docket No. AB-33 (Sub-No. 262X) Union Pacific Railroad Company. Please time and date stamp a copy of this letter and return it with the self-addressed stamped envelope.

We are also sending a copy to Union Pacific Railroad Company, by US Mail, postage prepaid, first class, on this 14th day of April, 2009.

Thank you for your consideration of this request, and please contact me should you have and questions or concerns.

Very Truly Yours,

A handwritten signature in cursive script that reads "Stan Yonkauskis, Jr." The signature is written in dark ink and is positioned above the typed name.

Stan Yonkauskis, Jr.
Illinois Department of
Natural Resources

SY:rb

Cc: Mark Shumate, General Attorney
Union Pacific Railroad
101 N. Wacker Dr., Ste. 1920
Chicago, IL 60606