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# City of YUBA CITY



## ENGINEERING DIVISION

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December 5, 2005

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.

The City of Yuba City respectfully requests another extension to negotiate our agreement for interim trail use/rail banking for an additional 180 days, from January 28, 2006 to July 27, 2006. 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/cb

cc: Mack Shumate, Jr., UP Counsel, via facsimile # (312) 777-2065  
Daniel A. Leis, Sr. Manager – Special Properties, via facsimile # (402) 501-0340  
Julie Cline

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