



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

November 4, 2009

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 an extension 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 continue negotiating with IDNR concerning the acquisition of the subject property for trail 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,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr." with a stylized flourish at the end.

Attachment

cc: Illinois Department of
Natural Resources

O:\ABANDONMENTS\33-262X\STB-180DayExtension-003.doc



Illinois Department of Natural Resources

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

EXHIBIT "A"

Pat Quinn, Governor

Marc Miller, Acting Director

October 15, 2009

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

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Office of Proceedings

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Public Record



**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. On May 9, 2009, the Department filed a request for a 180 day extension, and by order dated May 11, 2009, was so granted, extending the negotiating period from May 12, 2009 to November 8, 2009.

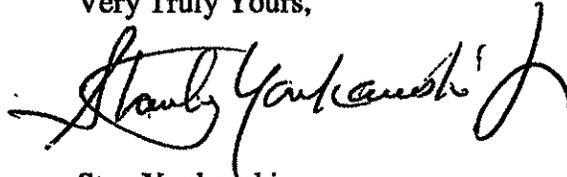
The Department continues to compile information in efforts to satisfy our negotiating needs, and has been in direct contact with Union Pacific; however, we do not believe that the parties will be able to finalize negotiations by the end date of the order. Therefore, the Department respectfully requests the Board to grant a 180 day extension until May 10, 2010, 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 October, 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 black ink, appearing to read "Stan Yonkausk". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Stan Yonkausk
Legal Counsel
Illinois Department
of Natural Resources

SY:rb
Enclosure