

226250



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

January 5, 2010

VIA E-Filing

The Honorable Cynthia Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E Street, S.W., Room #100  
Washington, DC 20024

**RE: Proposed Abandonment of the El Dorado Subdivision from  
Milepost 457.0 near Gilcrest to Milepost 460.6 near El  
Dorado Junction, a distance of 3.6 miles in Ouachita County,  
Arkansas; STB Docket No. AB-33 (Sub-No. 222X)**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a written request dated December 30, 2009 from Michael W. Frey, Esq. representing the City of Camden, Arkansas seeking an additional 180-day extension of the negotiation period relating to the issuance of a Certificate or 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 El Dorado Subdivision from M. P. 457.0 near Gilcrest to M. P. 460.6 near El Dorado Junction, a distance of 3.62 miles in Ouachita County, Arkansas (the "Line").

Union Pacific is willing to continue to negotiate with the City of Camden concerning the acquisition of the subject property for trail use and supports the City's request to extend the negotiation period of 180 days. A copy of the City's request is attached hereto as Exhibit "A" and hereby made a part hereof.

Sincerely yours,

*Mack H. Shumate, Jr.*  
*(Sm)*

Attachment

cc: City of Camden

o:\abandonments\33-222X\STB-3rd180DayExtension.doc

EXHIBIT "A"

# MICHAEL W. FREY

## Attorney and Counselor at Law

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Camden, AR 71701

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Please reply to:  
P.O. Box 715  
Camden, AR 71711 0715

30 December 2009

Vernon A. Williams, Secretary  
Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" Street, N.W., Room 504  
Washington, DC 20423-0001

**RE: *Docket No. AR-33 (Sub-No. 222X)***  
***Proposed Abandonment of the El Dorado Subdivision, Ouachita County, AR***  
***Request for Extension of Interim Trail Use Negotiating Period***

Dear Secretary Williams:

I am the City Attorney for Camden Arkansas. This request is filed on behalf of the City of Camden, Arkansas, which is a political subdivision.

On June 27, 2006, the STB issued a Certificate of Notice of Interim Trail Use pursuant to 49 C.F.R. §1152.29. The Surface Transportation Board has previously extended the negotiation period. The negotiation has been delayed while the City obtained an appraisal for the subject property. The appraisal has been completed and it is anticipated that an agreement can be reached in a relatively short time. The City and railroad have expended a great effort on this project and it would be a tragedy to have the opportunity foreclosed at this point. **The City of Camden is requesting that the negotiation period be extended for another 180 days.**

By my signature below, I certify service upon Union Pacific Railroad Company, c/o Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606, by facsimile and by First Class U.S. Mail, postage prepaid, on this 30<sup>th</sup> day of December, 2009. I have enclosed ten (10) additional copies of this letter for the Board's use and distribution.

Thank you for your time and consideration. I will await further directives from the Board.

Respectfully submitted,

/s/ Michael W. Frey

Michael W. Frey  
Camden City Attorney

Enclosure: Ten copies of letter

cc: Mr. Mack H. Shumate, Jr., Union Pacific Railroad, *Via fax and First Class Mail*