

UNION PACIFIC RAILROAD  
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Chicago, Illinois 60606-1718

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

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November 16, 2010

**VIA E-FILING**

The Honorable Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E. Street, S.W., Room #100  
Washington, DC 20423-0001

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

Dear Ms. Brown:

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 from November 12, 2010 to May 13, 2011 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

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# 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

November 4, 2010

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

**RECEIVED**

NOV - 8 2010

**LAW DEPARTMENT  
UNION PACIFIC RR CO.**

**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 21<sup>st</sup>, 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<sup>th</sup>, 2009, the Department filed a request for a 180 day extension, and by order dated May 11<sup>th</sup>, 2009, was so granted, extending the negotiating period from May 12<sup>th</sup>, 2009 to November 8<sup>th</sup>, 2009. On November 2<sup>nd</sup>, 2009, The Department filed a request for an additional 180 day extension, and by order dated November 24<sup>th</sup>, 2009, was so granted, thus extending the negotiating period from November 8<sup>th</sup> to May 10<sup>th</sup>, 2010. The Department filed a request for an additional 180 day extension, and by order dated May 17<sup>th</sup>, 2010, was so granted, thus extending the negotiating period from May 10<sup>th</sup> to November 12<sup>th</sup>, 2010.

The Department continues to work with local partner jurisdictions to compile specific 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 13<sup>th</sup>, 2011, 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

November 3, 2010  
The Honorable Anne Quinlan  
Surface Transportation Board  
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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 3<sup>rd</sup> day of November, 2010

Thank you for your consideration of this request. Please contact George Bellovics at 815-625-2968 should you have and questions or concerns.

Very Truly Yours,

A handwritten signature in black ink that reads "Mitchell L. Cohen". The signature is written in a cursive style with a long horizontal flourish at the end.

Mitchell L. Cohen  
General Counsel

MLC:rb

Cc: Mack Shumate, General Attorney  
Union Pacific Railroad  
101 North Wacker Drive, Suite 1920  
Chicago, IL 60606