



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

April 23, 2010

**Via E-Filing**

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

**RE: Abandonment of the McHenry Industrial Lead from Milepost 21.25 to Milepost 26.43 in Modesto, Escalon, San Joaquin and Stanislaus Counties, California;  
STB Docket AB-33 (Sub-No. 278X)**

Union Pacific Railroad Company ("Union Pacific") has received a request from the City of Modesto ("City") dated April 12, 2010 for an additional 180-day extension in which to complete negotiations for the acquisition under the provisions 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 McHenry Industrial Lead from Milepost 21.25 to Milepost 26.43 in Modesto, Escalon, San Joaquin and Stanislaus Counties, California.

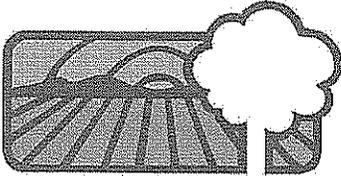
The Union Pacific is willing to continue negotiating with the City concerning the acquisition of the subject property for trail use and supports the City's request for an additional 180-day extension in which to negotiate. A copy of the City's request is attached hereto as Exhibit "A" and hereby made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

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over a horizontal line.

cc: City of Modesto

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**CITY of MODESTO**

*Parks,  
Recreation and  
Neighborhoods  
Department*

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*Hearing and Speech  
Impaired Only  
TDD 209/526-9211*

April 12, 2010

Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

Dear Ms. Quinlan:

RE: Union Pacific Railroad Company Abandonment in Modesto, Escalon, Stanislaus and San Joaquin Counties, California; STB Docket No. AB-33 (sub-no. 278X).

On July 31, 2009, the Surface Transportation Board issued a "Decision and Notice of Interim Trail Use or Abandonment" whereby the Union Pacific Railroad (UPRR) would be required to negotiate with the City of Modesto for a trail use agreement. A 180-day public use condition was imposed, commencing from August 1, 2009, and ended on January 28, 2010. The 180-day public use condition was to allow Modesto the needed time to assemble and review title information complete a trail plan, and to negotiate an agreement with UPRR for use of the right-of-way as a trail.

On January 26, 2010, the City of Modesto requested and was granted an additional 90-day extension to continue negotiations with the UPRR. This 90-day extension is set to expire April 28, 2010. At this time, the City of Modesto has not been able to reach an agreement with the UPRR for trail use. Therefore, we are asking for a time extension of 180-days so as to continue negotiations with UPRR.

Thank you for your consideration of this important request.

By my signature below, I certify service upon Union Pacific Railroad Company Director of Real Estate-west/1800 Farnam Street/Omaha, Nebraska 68102, by Federal Express priority overnight delivery on January 26, 2010.

Sincerely,

Julie G. Hannon  
Director