



Illinois Department of Natural Resources

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

Pat Quinn, Governor

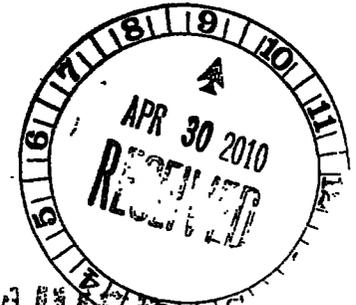
Marc Miller, Acting Director

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Office of Proceedings

APR 30 2010

Part of
Public Record

April 19, 2010



FILING FEE WAIVED

226915

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

**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 9th, 2009, the Department filed a request for a 180 day extension, and by order dated May 11th, 2009, was so granted, extending the negotiating period from May 12th, 2009 to November 8th, 2009. On November 2nd, 2009, The Department filed a request for an additional 180 day extension, and by order dated November 24th, 2009, was so granted, thus extending the negotiating period from November 8th to May 10th, 2010.

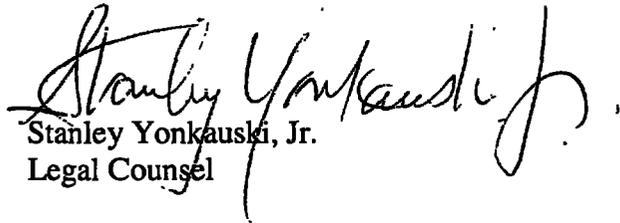
The Department continues to work and has included outside consultants to compile specific information in efforts to satisfy our negotiating needs, and has been in direct contact with Union Pacific; however, we do not believe that the parties will be able to finalize negotiations by the end date of the order. Therefore, the Department respectfully requests the Board to grant a 180 day extension until November 12th, 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 19th day of April, 2010

Thank you for your consideration of this request, and please contact me should you have any questions or concerns.

Very Truly Yours,


Stanley Yonkauskis, Jr.
Legal Counsel

SY:rb

Enclosure

cc: Union Pacific Railroad Company