



City of Chicago  
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 Department of Transportation  
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227213

June 4, 2010

**VIA E-FILING**

Ms. Cynthia Brown  
 Chief, Section of Administration  
 Surface Transportation Board  
 395 E Street, SW  
 Washington, DC 20423-0001

ENTERED  
 Office of Proceedings  
 JUN 4 2010  
 Part of  
 Public Record

Mack H. Shumate, Jr.  
 101 North Wacker Drive, Room 1920  
 Chicago, IL 60606

**FILING FEE WAIVED**

Re: Union Pacific Railroad Company--Abandonment Exemption and Discontinuance of Operations over the Weber Industrial Lead from Milepost 5.8 near Wilson Avenue, Chicago, to Milepost 9.5 near Touhy Avenue, Skokie, a Distance of 3.7 Miles in Cook County, IL; STB Docket No. AB-33 (Sub-No. 263X)

Dear Ms. Brown:

The City of Chicago, an Illinois municipal corporation, acting by and through its Department of Transportation ("City"), hereby petitions the Surface Transportation Board ("Board") for an order extending its Decision and Notice of Interim Trail Use or Abandonment ("NITU") in the above-referenced matter for an additional 180 days, through and including December 8, 2010.

On December 9, 2008, the City filed a petition for a Public Use Condition as well as a Certificate or Notice of Interim Trail Use ("Petition"), rather than an outright abandonment authorization, for the portion of the Weber Industrial Lead extending from milepost 5.8 near Wilson Avenue in Chicago to approximately milepost 8.4 near Devon Avenue, a distance of approximately 2.6 miles. The Village of Lincolnwood ("Village") filed a similar trail use/rail banking request on the portion of the rail line traversing the village.

On December 17, 2008, the Board issued its NITU, providing for a 180-day period for negotiations between the City, the Village and Union Pacific Railroad Company ("UP"). By decisions served June 18, 2009, and May 4, 2010, the Board extended the NITU negotiating period to June 11, 2010. Since the date of request for the most recent decision, the City has reviewed the 26 proposals from consultant teams and its Department of Transportation has chosen the team with which it will negotiate a contract (pending approvals by its Departments of Procurement Services and of Law). This team will conduct preliminary engineering and environmental studies and will also



provide real estate acquisition services under USDOT guidelines. Four-fifths of the cost of the teams' efforts will be funded by the federal Congestion Mitigation and Air Quality Improvement (CMAQ) Program. The City continues to make progress, but needs additional time to complete its trail engineering plan and conclude negotiations with UP.

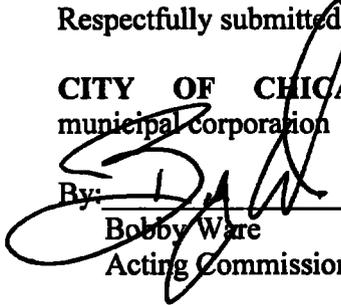
In support of its request for additional time, the City renews its Petition and its Statement of Willingness to Assume Financial Responsibility.

A copy of this statement is being served on UP on the same date it is being served on the Board. By my signature below, I certify service upon Union Pacific Railroad Company, Attn: Mack H. Shumate, Jr., 101 North Wacker Drive, Room 1920, Chicago, IL 60606, by U.S. Mail, postage prepaid, first class, this 4<sup>th</sup> day of June 2010.

Pursuant to 49 C.F.R. § 1002.2(e)(1), the filing fee for this request is waived.

Respectfully submitted,

CITY OF CHICAGO, an Illinois  
municipal corporation

By:  \_\_\_\_\_

Bobby Ware

Acting Commissioner of Transportation 