



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

June 4, 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: Abandonment Exemption and Discontinuance of Operations over the Weber Industrial Lead from M.P. 5.8 near Wilson Avenue to M.P. 9.5 near Touhy Avenue, a distance of 3.7 miles in Cook County, Illinois; STB Docket No. AB-33 (Sub-No. 263X)**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the Village of Lincolnwood, an Illinois municipal corporation, (the "Village"), seeking to extend the negotiation period covering 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 for the portion of the Union Pacific's Weber Industrial Lead located in the Village of Lincolnwood between approximately Milepost 8.4 at Devon Avenue to the border with the Village of Skokie, Illinois, at approximately Milepost 9.4 near Touhy Avenue, a distance of approximately 1.0 mile in Cook County, Illinois.

The Union Pacific is willing to extend the negotiation period with the Village concerning the acquisition of the subject property for trail use and supports the Village's request to extend the negotiation period for an additional 180 days to December 8, 2010. A copy of the Village's request for extension 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.

Attachment

cc: Village of Lincolnwood

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# Holland & Knight

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EXHIBIT A  
File

Steven M. Elrod  
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May 28, 2010

## **Via Electronic Filing**

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

Re: Union Pacific Railroad Company  
Abandonment of Weber Industrial Lead, Lincolnwood, Illinois  
STB Docket No. AB-33 (Sub-No. 263X)  
Petition for Public Use Condition and Interim Trail Use

Dear Chief Brown:

The Village of Lincolnwood, Illinois (the "**Village**"), a political subdivision, hereby petitions the Surface Transportation Board for an order extending its Decision and Notice of Interim Trail Use or Abandonment in the above-referenced matter ("**Decision**") for an additional 180 days, through and including December 8, 2010.

On November 25, 2008, the Village filed its Petition for a Public Use Condition as well as an Interim Trail Use Condition ("**Petition**"), rather than an outright abandonment authorization, for that portion of the Weber Industrial Lead located within the corporate boundaries of the Village, extending from approximately Milepost 8.4 near Devon Avenue to approximately Milepost 9.45 near Touhy Avenue. As part of the Petition, the Village filed its Statement of Willingness to Assume Financial Responsibility pursuant to 49 CFR §1152.29.

On December 17, 2008, the Board issued its Decision, providing for a 180-day period for negotiations between the Village, the City of Chicago, and Union Pacific Railroad Company ("**UP**"). On June 12, 2009, the Board issued an order extending the time period for negotiations an additional 180 days, through and including December 13, 2009 ("**First Extension Order**"). On April 30, 2010, the Board issued an order further extending the time period for negotiations an additional 180 days, through and including June 11, 2010 ("**Second Extension Order**").

Since November 2009, the Village has continued its development of plans for the use of the right-of-way for trail and/or other public purposes, all in accordance with the Petition. As noted in the Village's request for the Second Extension Order, the Village has been approved

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\* Representative Office

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LAW DEPARTMENT  
UNION PACIFIC RR CO.

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for an 80% matching grant from the Congestion Mitigation and Air Quality Improvement Program ("**CMAQ**") to support the proposed purchase, and trail use, of the right-of-way. The CMAQ grant is administered by the Illinois Department of Transportation ("**IDOT**"), which requires that grantees follow a specified procedure in order to receive grant funding. In furtherance of that procedure, the Village has accomplished the following since November 2009:

1. On April 16, 2010, the Village Board of Trustees formally approved the Village's five-year capital plan, which plan contemplates the allocation of Village funds for the proposed purchase, and trail use, of the right-of-way;
2. The Village has formally applied for IDOT approval of Engineering Design Services and Land Acquisition, as required in connection with the administration of the CMAQ grant;
3. On March 19, 2010, IDOT granted initial approval of the required Local Agency Agreement for Federal Participation;
4. The Village has submitted a draft Phase I Engineering Service Agreement to IDOT, and has received only minor comments in response; and
5. On May 11, 2010, Village representatives met for a second time with representative of IDOT and of the Federal Highway Administration ("**FHWA**") regarding the Village's request for "advanced acquisition" approval, which would allow the Village to obtain the grant and complete negotiations with UP in a shorter timeframe.

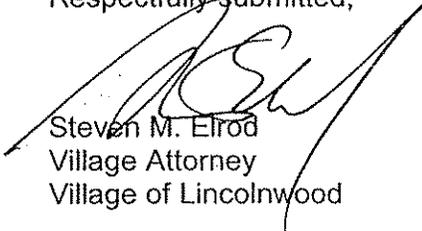
The Village continues to work with IDOT and FHWA, and with UP, to produce all necessary plans and obtain all necessary approvals for the proposed purchase and trail use of the right-of-way. However, the Village does not expect to receive those approvals until after the expiration of the current negotiation period. Thus, in order to complete its trail plan to satisfy CMAQ and IDOT requirements, and to continue negotiations with UP to a successful conclusion, the Village requests additional time.

Thus, the Village respectfully requests that the Board issue an order extending the negotiation period for an additional 180 days, through and including December 8, 2010. In support of its request, the Village renews its Petition and its Statement of Willingness to Assume Financial Responsibility.

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By my signature below, I certify service upon Union Pacific Railroad Company, c/o Mack H. Shumate, 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606, and upon the City of Chicago, c/o Mr. Thomas Byrne, 30 North LaSalle Street, Suite 500, Chicago, IL 60602-2570, by U.S. Mail, postage pre-paid, first class, this 28<sup>th</sup> day of May, 2010.

Respectfully submitted,



Steven M. Elrod  
Village Attorney  
Village of Lincolnwood

cc: Village President and Board of Trustees  
Tim Wiberg, Village Administrator  
Janice Hincapie, Village Director of Parks & Recreation

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