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ENTERED
Office of Proceedings
May 15, 2015
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Public Record

May 15, 2015

Via Electronic Filing

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

 GRANTED Office of Proceedings	DECISION ID NO.: <u>44507</u>
	DECIDED DATE: <u>6/4/15</u>
	SERVICE DATE: <u>6/5/2015</u>
	APPROVED: <u>Rachael Campbell</u> Director
☒ <u>extended to 11/12/15</u>	

**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 November 12, 2015.

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**"). The Board has granted twelve extensions of the time period for negotiations, most recently on November 24, 2014, when the Board issued an order further extending the time period for negotiations through and including May 16, 2015.

Since November 2014, 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 previous extension requests, the Village has been approved for two grants from the Congestion Mitigation and Air Quality Improvement Program ("**CMAQ**") to support the proposed purchase, and trail use, of the right-of-way.

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
May 15, 2015
Page 2

The CMAQ grants are 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, and as noted in the Village's previous extension requests, the IDOT-approved negotiator has transmitted the Village's initial offer for acquisition of the right-of-way to UP, and has engaged in initial negotiations with UP. To date, the Village and UP have each exchanged several offers, and continue to work cooperatively to identify mutually-acceptable terms for acquisition of the right-of-way.

The Village continues to work with IDOT and the Federal Highway Administration, and with UP, to produce all necessary plans, obtain all necessary approvals, and complete all required engineering and preparations for the proposed purchase and trail use of the right-of-way. In recognition of the cooperation between the Village and UP to date, the Village is optimistic that it will reach accord with the UP on the acquisition of the right-of-way. However, as those negotiations remain ongoing, the Village requests additional time to continue those negotiations to a successful conclusion.

Therefore, the Village respectfully requests that the Board issue an order extending the negotiation period for an additional 180 days, through and including November 12, 2015. In support of its request, the Village renews its Petition and its Statement of Willingness to Assume Financial Responsibility.

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 Ms. Rebekah Scheinfeld, 30 North LaSalle Street, Suite 1100, Chicago, IL 60602-2570, by U.S. Mail, postage pre-paid, first class, this 15th day of May, 2015.

Respectfully submitted,



Hart M. Passman
Assistant Village Attorney
Village of Lincolnwood

cc: Tim Wiberg, Village Manager
Janice Hincapie, Village Director of Parks & Recreation