



ST. CHARLES
SINCE 1834

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233937

March 11, 2013

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

ENTERED
Office of Proceeding
March 18, 2013
Part of Public
Record

RE: Union Pacific Railroad Company
Abandonment of St Charles, IL Lead
STB Docket No. AB-33 (Sub-No. 284X)
Petition for Interim Trail Use

 GRANTED Office of Proceedings	DECISION ID NO.: <u>43015</u>
	DECIDED DATE: <u>3/26/13</u>
	SERVICE DATE: <u>3/27/13</u>
	APPROVED: <u>Rachel Campbell</u> Director
☒ <u>NITU only - extended</u> <u>to 9/16/13.</u>	

Dear Chief Brown:

On July 9th, 2010, the City of St Charles, IL, the County of Kane, Forest Preserve District of Kane County, and the St Charles Park District jointly filed a request for Public Use Condition and a request for Interim Trail Use Condition (NITU) for approximately 3.17 miles of railroad between milepost 35.13 and milepost 38.3 near St Charles, IL. By order dated September 21, 2011, the Board granted the request to implement interim trail use negotiations as specifically set forth in the order, for a period of 180 days commencing from September 21, 2011, and ending on March 21, 2012. The Board has subsequently extended this timeframe to March 31, 2013.

The City of St Charles, IL wishes to continue to work with local partner jurisdictions 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. For your information, our Mayor has a meeting scheduled later this month with UPRR to advance this discussion. Therefore, the City respectfully requests the Board to grant a 180 day extension until September 30, 2013, 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 Government Agencies requesting extension of NITU negotiations as to STB Docket No. AB-33 (Sub-No. 284X) Union Pacific Railroad Company. Please time and date stamp a copy of this letter and return it with the self-addressed stamped envelope.

DONALD P. DEWITTE Mayor

BRIAN TOWNSEND City Administrator

TWO EAST MAIN STREET ST. CHARLES, IL 60174 PHONE: 630-377-4400 FAX: 630-377-4440

FILING FEE WAIVED

We are also sending a copy to Union Pacific Railroad Company, by US Mail, postage prepaid, first class, on this 11th day of March 2013.

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

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Mark Koenen".

Mark Koenen
Director of Public Works, City of St Charles, IL

CC: Mack Shumate, General Attorney
Union Pacific Railroad
101 North Wacker Drive, Suite 1920
Chicago, IL 60606