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September 14, 2017
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Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov

Bruce Rauner, Governor
Wayne A. Rosenthal, Director

September 14, 2017

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room #100
Washington, D.C. 20423-0001

 GRANTED Office of Proceedings	DECISION ID NO.: <u>46056</u>
	DECIDED DATE: <u>9-29-17</u>
	SERVICE DATE: <u>10-2-17</u>
	APPROVED: <u>[Signature]</u> Acting Director ☒ <u>extended to 4-10-18</u>

262X

RE: STB Docket No. AB-33 (Sub-No. ~~262S~~) – Union Pacific Railroad Company Abandonment and Discontinuance of the Elm Industrial Lead in Fulton and Peoria Counties, Illinois

Dear Ms. Brown:

On July 21, 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 9, 2009, the Department filed a request for a 180 day extension, and by Order dated May 11, 2009, the request was so granted, extending the negotiating period from May 12, 2009, to November 8, 2009. On November 2, 2009, the Department filed a request for an additional 180 day extension, and by Order dated November 24, 2009, the request was so granted, thus extending the negotiating period from November 8, 2009, to May 10, 2010. The Department filed a request for an additional 180 day extension, and by Order dated May 17, 2010, the request was so granted, extending the negotiating period from May 10, 2010, to November 12, 2010. The Department filed a request for an additional 180 day extension, and by late Order dated December 14, 2010, the request was so granted, extending the negotiating period from November 12, 2010, until May 13, 2011. The Department filed a request for an additional 180 day extension, and by late Order Dated June 17, 2011, the request was so granted, thus extending the negotiating period from May 13, 2011, until November 13, 2011. The Department filed a request for an additional 180 day extension, and by Order dated November 9, 2011, the request was so granted, thus extending the negotiating period from November 13, 2011, until May 11, 2012. The Department filed a request for an

FILING FEE WAIVED

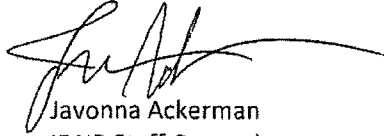
additional 180 day extension, and by Order dated April 11, 2012, the request was granted, thus extending the negotiating period from May 11, 2012, until November 13, 2012. The Department filed a request for an additional 180 day extension, and by Order dated April 26, 2013, this was granted, extending the negotiating period from May 6, 2013, until November 6, 2013. The Department filed a request for an additional 180 day extension and by Order dated October 17, 2013, that request was granted, extending the negotiating period from November 6, 2013, until May 1, 2014. The Department filed a request for an additional 180 day extension, and by Order dated April 16, 2014, the request was so granted, thus extending the negotiating period from May 1, 2014, to October 28, 2014. The Department filed a request for an additional 180 extension, and by Order dated August 19, 2014, this request was granted, extending the negotiating period from October 28, 2014, to April 26, 2015. The Department filed a request for an additional 180 day extension, and by Order dated April 16, 2015, the request was granted thus extending the negotiating period from April 26, 2015, to October 23, 2015. On October 15, 2015, the Department filed a request for an additional 180 extension, and by Order dated October 30, 2015, the request was granted, thus extending the negotiation period from October 23, 2015, to April 20, 2016. The Department filed a request for an additional 180 day extension, and by Order dated April 21, 2016, this request was granted, extending the negotiation period from April 20, 2016, to October 17, 2016. On September 19, 2016, the Department filed a request for an additional 180 day extension period, and in an Order dated October 14, 2016, the request was granted and the negotiation period was extended from October 17, 2016, to April 15, 2017. On March 24, 2017, the Department filed a request for an additional 180 day extension period, and in an Order dated April 7, 2017, the request was granted and the negotiation period was extended from April 15, 2017, to October 12, 2017.

The Department continues to work with local partner jurisdictions in an effort to satisfy our negotiating needs. However additional time to research and conduct various aspects of valuation is required with review by Union Pacific Rail Corporation and to coordinate with the coalition on specific issues. 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 grant a 180 day extension until April 10th, 2018, or such time so indicated by the Board.

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 date stamp a copy of this letter and return it to the IDNR.

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 black ink, appearing to read 'J. Ackerman', with a long horizontal flourish extending to the right.

Javonna Ackerman
IDNR Staff Counsel

cc: Mack Shumate, Jr., Union Pacific Railroad
Jason Sokolewicz, Union Pacific Railroad
George Bellovics, IDNR



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September 27, 2017

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: STB Docket No. AB-33 (Sub No. 262X) – Abandonment and Discontinuance of the Elm Industrial Lead in Fulton and Peoria Counties, IL

Dear Ms. Brown:

Union Pacific has received a request from the Illinois Department of Natural Resources ("IDNR") to extend an Interim Trail Use Condition for UP's Elm Industrial Lead, from milepost 461.5 to milepost 486.2. Union Pacific is willing to continue negotiating with IDNR concerning the acquisition of the subject property for trail use and supports IDNR's request for an additional 180-day extension.

Sincerely,



Jeremy Berman

cc: Javonna Ackerman – IDNR (Javonna.Ackerman@illinois.gov)