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VIA U.P.S. OVERNIGHT DELIVERY

Mr. Vernon Williams, Secretary
Surface Transportation Board
1925 "K" Street, N.W.
Washington, DC 20423-0001

CORRECTED

RE: Docket No. AB-33 (Sub-No. 168X), Union Pacific Railroad Company - Abandonment Exemption - in Hardin County, Iowa (Marshalltown Industrial Lead) Between Eldora, IA and Steamboat Rock, IA and the Eldora Junction Line in Eldora, IA

Dear Mr. Williams:

The Union Pacific Railroad Company has received a request to extend the time period to negotiate from the City of Eldora, Iowa for its Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Eldora Junction Line from M.P. 6.22 to M.P. 5.10 in the City of Eldora, Hardin County, Iowa.

At this time, the Union Pacific is willing to continue to negotiate with the City of Eldora concerning the acquisition of the subject property for trail use and supports the City of Eldora's request to extend the time period to negotiate for an additional period to and including April 8, 2005. A copy of the City of Eldora's original request, which incorrectly states the additional period as being to and including October 8, 2004, is attached hereto as Exhibit "A" and hereby made a part hereof. A copy of Eldora's corrected request extending the period to April 8. 2005 dated October 14, 2004 is attached hereto as Exhibit "B" and is hereby made a part hereof. This request does not include that portion of the Line, which is the subject of this abandonment proceeding, referred to as the Marshalltown Industrial Lead.

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

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

Ten (10) additional copies of this letter and Exhibits are enclosed for the Board's use and distribution.

Sincerely yours,

Enclosures

City of Eldora

1442 Washington Street
Eldora, Iowa 50627 (641) 939-2393

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OCT 18 2004
LAW DEPARTMENT
UNION PACIFIC RR CO.

October 8, 2004

Vernon A. Williams, Secretary
Surface Transportation Board
1925 "K" Street, NW
Washington, D.C. 20423-0001

VIA FAX: 202-565-9002

BEFORE THE SURFACE TRANSPORTATION BOARD

RE: Union Pacific Railroad Abandonment, Hardin County Iowa;
Docket # AB-33 (Sub-No. 168X) – Eldora Junction Line in Eldora, Iowa

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Motion to Extend the Time Period for Negotiation of an
Interim Trail Use/Railbanking Agreement

The City of Eldora and the Iowa Natural Heritage Foundation (INHF) hereby request the Surface Transportation Board (STB or Board) to extend the time period for negotiation of a mutually acceptable interim trail use/railbanking agreement in this proceeding up and including April 8, 2004.

The parties involved need more time to finalize the acquisition of the corridor. To successfully preserve this corridor for interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. 1247 (d), it is necessary for the negotiation period under the NITU to be extended up to and including April 8, 2004. See Policy Statement on Rails to Trails Conversions, Ex Parte No. 274 (Sub. No. 13b) (ICC served Feb. 5, 1990) (extensions of time promote the establishment of trails and railbanking consistent with the National Trails System Act).

Blumberg No. 5208
EXHIBIT A

Since the issuance of the NITU, UPRR at all points has maintained intent to transfer the line intact for interim trail use. The railroad has not sold, or offered for sale, any parcels of land that would interfere with interim trail use and railbanking of the portion of the corridor that is covered by the NITU (Eldora Junction). The line remains intact and throughout the period, the railroad has been negotiating with INHF for the transfer or sale of the corridor intact. Accordingly, the Board retains jurisdiction to extend the NITU to continue bona fide and active negotiations for interim trail use of the line.

In similar instances, this Board has reopened proceedings to permit the issuance of orders implementing section 8(d) for rail lines. The STB's authority to extend a NITU was upheld in Birt v. STB, 90 F.3d 580 (D.C. Cir. 1996). Here the parties merely seek and extension in the period for negotiation provided in a previously issued NITU. Such an extension will promote and further the purposes of the Trails Act.

For the reasons stated, the City of Eldora and the Iowa Natural Heritage Foundation requests that an extension of the NITU negotiation period be granted through October 8, 2004.

Respectfully Submitted,

Eric Weinkoetz, Manager
City of Eldora

CERTIFICATE OF SERVICE

I hereby certify that on this 8th Day of October, 2004. I have served a true and accurate copy of the foregoing motion on the following party via first-class mail, postage pre-paid and via FAX to 312-777-2065.

Mack H. Shumate, Jr.
Union Pacific Railroad
101 N. Wacker Dr. Rm 1920
Chicago, Il 60606-1718

Eric Weinkoetz, Manager
City of Eldora

Copy to:

John Herdzina
Union Pacific Railroad
1800 Farnam St.
Omaha, NE 68102

Mark Ackelson
Iowa Natural Heritage Foundation
505 5th Ave. Suite 444
Des Moines, Iowa 50309

City of Eldora

1442 Washington Street
Eldora, Iowa 50627 (641) 939-2393

October 14, 2004

Vernon A. Williams, Secretary
Surface Transportation Board
1925 "K" Street, NW
Washington, D.C. 20423-0001

VIA FAX: 202-565-9002

BEFORE THE SURFACE TRANSPORTATION BOARD

RE: Union Pacific Railroad Abandonment, Hardin County Iowa;
Docket # AB-33 (Sub-No. 168X) – Eldora Junction Line in Eldora, Iowa

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CORRECTION to
Motion to Extend the Time Period for Negotiation of an
Interim Trail Use/Railbanking Agreement

Dear Mr. Williams:

The recent letter from the City of Eldora to extend the time period for Negotiation of an Interim Trail Use/Railbanking agreement stated an incorrect extension date. The request is to extend the NITU through **April 8, 2005.**

Thank you for your consideration.

Sincerely,

Eric Weinkoetz, Manager
City of Eldora

Cc: Mack Schumate, Union Pacific Railroad via FAX: 312-777-2065

EXHIBIT B