

ORIGINAL

CLARK HILL Strasburger

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August 16, 2018

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



246224

ENTERED
Office of Proceedings
August 16, 2018
Part of
Public Record

**RE: DOCKET No. AB-1268X, CHICAGO TERMINAL RAILROAD—
ABANDONMENT EXEMPTION—IN CHICAGO, IL**

Dear Ms. Brown:

On behalf of Chicago Terminal Railroad ("CTM"), I am filing an original and 10 copies of a verified notice of exemption for the abandonment of an out of service line of railroad pursuant to 49 CFR §1152.50. On July 20, 2018, CTM had filed with the Board and distributed to parties on the service list its Environmental and Historic Report. On July 30, 2018, CTM wrote those parties required to receive notice under 49 CFR §1152.50 of the proposed abandonment.

I am including a computer disk containing this filing and a check payable to the Board for \$4,100 for the requisite filing fee.

Sincerely yours,

CLARK HILL STRASBURGER

A handwritten signature in blue ink, appearing to read "John D. Heffner".

John D. Heffner
Attorney

FILED
August 16, 2018
SURFACE
TRANSPORTATION BOARD

Enclosure

cc: Mathew Warren, Esq.
Allison Fultz, Esq.

FEE RECEIVED
August 16, 2018
SURFACE
TRANSPORTATION BOARD

ORIGINAL

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



STB Docket No. AB-1268X

**CHICAGO TERMINAL RAILROAD—ABANDONMENT
EXEMPTION—IN CHICAGO, IL**

VERIFIED NOTICE OF EXEMPTION

John D. Heffner
Clark Hill Strasburger
1025 Connecticut Ave., NW, Suite 717
Washington, DC 20036
(202) 742-8607

Counsel to Chicago Terminal Railroad

Dated: August 16, 2018

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-1268X

**CHICAGO TERMINAL RAILROAD—ABANDONMENT
EXEMPTION—IN CHICAGO, ILL**

VERIFIED NOTICE OF EXEMPTION

The Chicago Terminal Railroad (“CTM”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CTM to abandon a less than 0.1 mile rail line over a portion of the “Bloomingtondale” line in Chicago between N. Elston Avenue and the Union Pacific North Avenue Yard (the “Line”). No local or overhead rail traffic has moved over the Line in over two years, and a portion of the Line no longer has any tracks.

The Board recently issued an order of abandonment and Certificate of Interim Trail Use (“CITU”) for other CTM segments on the C&E and Bloomingtondale lines. *See Alloy Property Co., LLC—Adverse Abandonment—Chicago Terminal R.R. in Chicago, Ill.*, STB Docket No. AB 1258 (STB served April 30, 2018).

Based on information in the possession of CTM, the Line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

The remainder of this Verified Notice of Exemption sets forth the elements required for such notices, as set forth in 49 C.F.R. § 1152.50.

Proposed Consummation Date.

The proposed consummation date is October 5, 2018.

The certification required in § 1152.50(b).

See Exhibit A.

1152.22(a)(1) Exact Name of Applicant.

The applicant is the Chicago Terminal Railroad ("CTM").

1152.22(a)(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

CTM is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

1152.22(a)(3) Relief sought.

CTM seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon a less than 0.1 mile segment on the Bloomingdale Line between N. Elston Avenue and the Union Pacific North Avenue Yard ("Line"). The Line is illustrated on the attached map.

1152.22(a)(4) Detailed map of the subject line on a sheet not larger than 8 x 10 1/2 inches, drawn to scale, and with the scale shown thereon. The map must show, in clear relief, the exact location of the rail line to be abandoned or over which service is to be discontinued and its relation to other rail lines in the area, highways, water routes, and population centers.

A map showing the location of the rail line is included as Exhibit B.

1152.22(a)(7) Name, title, and address of representative of applicant to whom correspondence should be sent.

Any correspondence, comments or protests relating to this Applicant should be sent to the following representative of the Applicant:

John D. Heffner
Clark Hill Strasburger
1025 Connecticut Ave., NW, Suite 717
Washington, DC 20036
(202) 742-8607
john.heffner@strasburger.com

1152.22(a)(8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses.

The affected railroad line is situated in U.S. Postal Zip Code 60642.

1152.22(e)(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The right of way currently used by the Line potentially could be appropriate for other public purposes. The Chicago Plan Commission's North Branch Framework Plan envisions an extension of the "606" pedestrian and bike trail in the area of the abandonment. CTM operated on the Line pursuant to an operating easement granted to CTM by Soo Line Railroad Company ("Soo"). Soo continues to own the real estate underlying the Line.

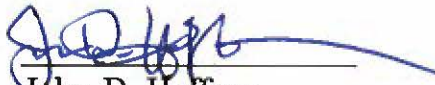
The level of labor protection.

There has not been rail service on the Line for at least two years and no railroad employees should be affected by the abandonment. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. -Abandonment- Goshen*, 360 I.C.C. 91 (1979).

A certificate that the notice requirements of §§ 1152.50(d)(1) and 1105.11 have been complied with.

The certification that Section 1152.50(d)(1) requirements of advance notification in writing of the filing of a notice of exemption with specified agencies was carried out is included as Exhibit C. The certification that the Section 1105.11 requirement for the filing of an Environmental and Historic Report was accomplished is included as Exhibit D, and a certification of publication as required by Section 1105.7(c) is included as Exhibit E.

Respectfully submitted,



John D. Heffner
Clark Hill Strasburger
1025 Connecticut Ave., NW, Suite 717
Washington, DC 20036
(202) 742-8607
Counsel to Chicago Terminal Railroad

Dated: August 16, 2018

EXHIBIT A

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-1268X

**CHICAGO TERMINAL RAILROAD—ABANDONMENT
EXEMPTION—IN CHICAGO, ILL**

VERIFIED STATEMENT AND CERTIFICATION OF EDWIN E. ELLIS

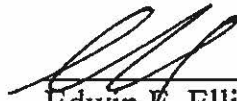
1. My name is Edwin E. Ellis. I am President of Chicago Terminal Railroad.
2. I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information, and belief.
3. No overhead or local freight traffic has moved over the less than 0.1 mile rail line on a portion of "Bloomingdale" line in Chicago between N. Elston Avenue and the Union Pacific North Avenue Yard in over two years.
4. No formal complaint filed by a user of rail service on the line (or a state or local government acting on behalf of any such user) regarding cessation of service over the line either is pending before the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the 2-year period.
5. The foregoing certification is made on behalf of Chicago Terminal Railroad by the undersigned after due and careful investigation of the matters herein

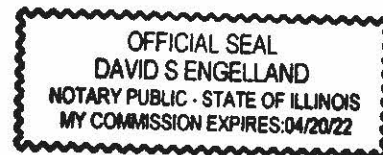
certified and based on the best of the knowledge, information, and belief of the undersigned.

VERIFICATION

I, Edwin E. Ellis, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Further, I certify that I am qualified and authorized to file this statement.

Executed on 8/15, 2018


Edwin E. Ellis



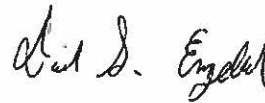


EXHIBIT B

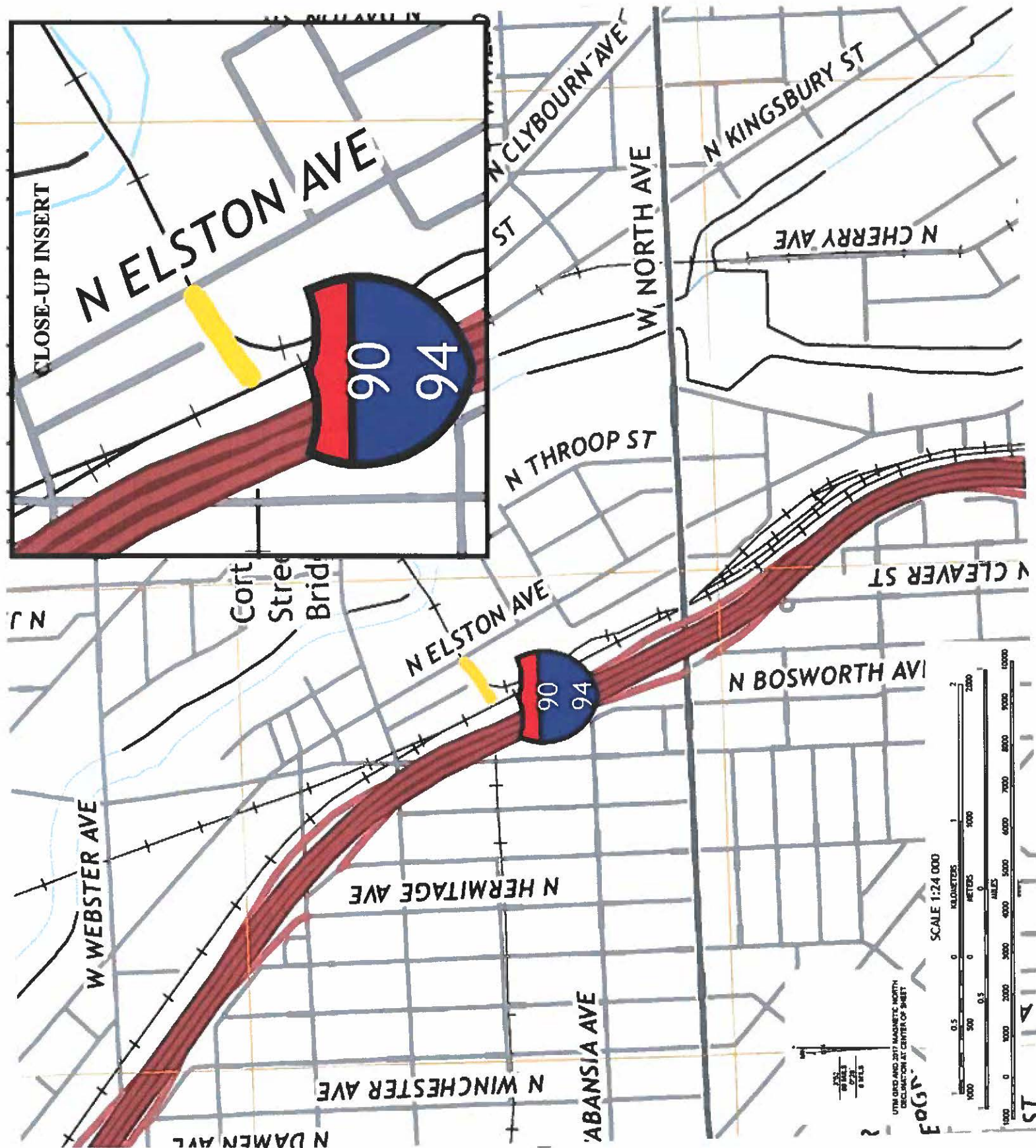


EXHIBIT C

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notices of the proposed abandonment in Docket No. 1268X were mailed via first class mail or more expeditious method on July 30, 2018, to the following parties:

Illinois Commerce Commission
Michael A. Bilandic Building
160 North LaSalle, Ste. C-800
Chicago, IL 60601

Department of Defense
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

The National Park Service
Rivers, Trails, and Conservation Assistance Program
1849 C Street, N.W. (Ord Code 2220)
Washington, DC 20240

U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250


John D. Heffner

EXHIBIT D

The Environmental and Historic Report was e-filed with the Board's Office of Environmental Analysis on July 20, 2018. Pursuant to the requirements of 49 C.F.R. 1105.7, the undersigned hereby certifies that a copy of the Environmental and Historic Report was mailed via first class mail or more expeditious method on or about July 20, 2018, to the following parties:

Charles Spitulnik
Kaplan Kirsch & Rockwell LLP
1001 Connecticut Ave., NW, Suite 800
Washington, DC 200036

Governor Bruce Rauner
Office of the Governor
State of Illinois
207 State House St.
Springfield, IL 62706

Rachel Leibowitz, Deputy State
Historic Preservation Officer
Illinois Historic Preservation Agency
1 Old State Capitol Plaza
Springfield, IL 62701

David L. Reifman, Commissioner
Department of Planning and
Development
City of Chicago
121 North LaSalle Street, 10th Floor
Chicago, IL 60602

Ivan Dozier, State Conservationist
Natural Resources Conservation
Service
USDA
2118 West Park Court
Champaign, IL 61821

Susan M. Campbell, Director
Department of Planning and
Development
Cook County
69 West Washington Street, Suite 2900
Chicago, IL 60602

Alec Messina, Director
Illinois Environmental Protection
Agency
P.O. Box 19276
1021 North Grand Avenue East
Springfield, IL 62794-9276

Diane Tecic, Program Director
Illinois Department of Natural
Resources
Coastal Management Program
160 N. LaSalle Street, Suite S-703
Chicago, IL 60601

Cam Sholly, Regional Director
National Park Service – Midwest
Region
601 Riverfront Drive
Omaha, NE 68102-4226

Juliana P. Blackwell, Director
National Geodetic Survey, NOAA
1315 East-West Highway
Silver Spring, MD 20910-3282

Col. Aaron W. Reisinger
Commander
U.S. Army Corps of Engineers
Chicago District (CELRC-PA)
231 South LaSalle Street, Suite 1500
Chicago, IL 60604

Tom Melius, Midwest Regional Director
U.S. Fish and Wildlife Service – Region
3
5600 American Blvd. West, Suite 990
Bloomington, MN 55437

Cathy Stepp, Regional Administrator
Environmental Protection Agency –
Region 5
Metcalf Building
Office of Strategic Environmental
Analysis
77 West Jackson Boulevard
Chicago, IL 60604



John D. Heffner

EXHIBIT E

IOWA PACIFIC HOLDINGS COMPANY

Notice of Intent to Abandon

ADORDERNUMBER: 0001067384-01

PO NUMBER: Notice of Intent to Abandon

AMOUNT: 516.00

NO OF AFFIDAVITS: 1

Notice of Intent to Abandon

Chicago Terminal Railroad ("CTM") gives notice that on or about August 13, 2018, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments permitting the abandonment of a 0.1-mile rail line over a portion of the "Bloomington" line between North Elston Avenue and the Union Pacific North Avenue Yard in Chicago, which traverses through United States Postal Service ZIP Code 60642 in Cook County, IL. The proceeding will be docketed as No. AB-1268X.

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: John D. Heffner, Clark Hill Strasburger, 1025 Connecticut Avenue, NW, Suite 717, Washington, DC 20036, (202) 742-8607, john.heffner@strasburger.com.

John D. Heffner

8/9/18

#1067384

Chicago Sun-Times Certificate of Publication

State of Illinois - County of Cook

Chicago Sun-Times, does hereby certify it has published the attached advertisements in the following secular newspapers. All newspapers meet Illinois Compiled Statute requirements for publication of Notices per Chapter 715 ILCS 5/0.01 et seq. R.S. 1874, P728 Sec 1, EFF. July 1, 1874. Amended by Laws 1959, P1494, EFF. July 17, 1959. Formerly Ill. Rev. Stat. 1991, CH100, PI.

Note: Notice appeared in the following checked positions.

PUBLICATION DATE(S): 08/09/2018

Chicago Sun-Times

IN WITNESS WHEREOF, the undersigned, being duly authorized,
has caused this Certificate to be signed

by



Mary Lou Davis
Account Manager - Public Legal Notices

This 9th Day of August 2018 A.D.

IOWA PACIFIC HOLDINGS COMPANY
118 S CLINTON ST, STE 400
ATTN: NORA ELLIS
CHICAGO, IL 60661