

March 23, 2018

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BY E-FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
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ENTERED
Office of Proceedings
March 23, 2018
Part of
Public Record

**RE: Alloy Property Company, LLC-Adverse Abandonment-Chicago
Terminal Railroad in Chicago, IL, Docket No. AB-1258**

Dear Ms. Brown:

I am writing on behalf of the Chicago Terminal Railroad ("CTM") in connection with the above-captioned proceeding. CTM seeks leave to respond to the "comments" filed on March 5, 2018, by Burgoyne, LLC ("Burgoyne"). CTM does not believe that its submission will in any way broaden this proceeding or delay the issuance of the Board's decision.

As CTM has advised counsel for the City of Chicago, it fully endorses the City's comments submitted today and fully supports the establishment of the rail trail it seeks. CTM does wish to make one additional comment. Under the *Thompson v. Texas Mexican* precedent at 328 U.S. 134 (1946) CTM's rights do not terminate until the Board authorizes and CTM consummates this abandonment. Rather than consummate the abandonment, the parties desire for the right of way to be converted to trail use under the National Trails Act. Accordingly, the Board should reject Burgoyne's argument that CTM no longer has any rights.

Respectfully submitted,



John D. Heffner

cc: All parties

CERTIFICATE OF SERVICE

I, John D. Heffner, hereby certify that a copy of "The Comments of Chicago Terminal Railroad" dated March 23, 2018, was sent by electronic mail to all parties of record in this proceeding.

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Dated: March 23, 2018