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April 25, 2017

VIA EFILING

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room 100
Washington, DC 20423-0001

ENTERED
Office of Proceedings
April 25, 2017
Part of
Public Record

Re: Abandonment Exemption and Discontinuance of Operations over the Weber Industrial Lead from M.P. 5.8 near Wilson Avenue to M.P. 9.5 near Touhy Avenue, a distance of 3.7 miles in Cook County, Illinois; STB Docket No. AB-33 (Sub-No. 263X)

Concurrence For Extension of Negotiation Period

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the City of Chicago, an Illinois municipal corporation, (the "City"), seeking to extend the negotiation period covering the issuance of a Certificate or Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 for the portion of the Union Pacific's Weber Industrial Lead located in the City between approximately Milepost 5.8 near Wilson Avenue to the border with the Village of Lincolnwood, Illinois, at approximately Milepost 8.4 near Devon Avenue, a distance of approximately 2.6 miles in Cook County, Illinois. In UP's trail use extension letter dated November 22, 2016, Union Pacific and the City agreed that the length of the proposed trail use in the City's original Notice of Interim Trail Use at 2.6 miles, as opposed for the revised length of 1.3 miles, *see* (STB filing 238480) remains available for interim trail use negotiation. However, the STB has properly determined in its decision with a service date of February 27, 2017 that the section of the Line from milepost 5.8 to milepost 7.1 is no longer authorized for abandonment and is therefore no longer subject to Notice of Interim Trail Use.

Therefore, Union Pacific is willing to extend the negotiation period for interim trail use for the original portion of the Line in the City of Chicago from Milepost 7.1 near Bryn Mawr Avenue to the border with the Village of Lincolnwood, Illinois, at approximately Milepost 8.4 near Devon Avenue, a distance of approximately 1.3 miles in Cook County, Illinois for 180 days from May 5, 2017 to November 1, 2017. A copy of the City's request for extension is attached hereto as Exhibit A and is hereby made a part hereof. Union Pacific concurs with the Board's determination that under applicable law that UP must seek abandonment anew for the segment of the Line between milepost 5.8 and milepost 7.1 should UP decide to see abandonment authority for or railbank that segment of the Line.

Sincerely,

Attachment

cc: City of Chicago



RECEIVED

APR 21 2017

LAW DEPARTMENT
UNION PACIFIC RR CO.

CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

April 18, 2017

VIA E-FILING

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Mack H. Shumate, Jr.
101 North Wacker Drive, Room 1920
Chicago, IL 60606

Re: Union Pacific Railroad Company--Abandonment Exemption and Discontinuance of Operations over the Weber Industrial Lead from Milepost 7.1 near Bryn Mawr Avenue, Chicago, to Milepost 9.5 near Touhy Avenue, Skokie, a Distance of 2.4 Miles in Cook County, IL; STB Docket No. AB-33 (Sub-No. 263X)

Dear Ms. Brown:

The City of Chicago, an Illinois municipal corporation, acting by and through its Department of Transportation ("City"), hereby petitions the Surface Transportation Board ("Board") for an order extending its Decision and Notice of Interim Trail Use or Abandonment ("NITU") in the above-referenced matter for an additional 180 days, through and including November 1, 2017.

On December 9, 2008, the City filed a petition for a Public Use Condition as well as a Certificate or Notice of Interim Trail Use ("Petition"), rather than an outright abandonment authorization, for the portion of the Weber Industrial Lead extending from milepost 5.8 near Wilson Avenue in Chicago to approximately milepost 8.4 near Devon Avenue, a distance of approximately 2.6 miles. The Village of Lincolnwood ("Village") filed a similar trail use/rail banking request on the portion of the rail line traversing the village.

On December 17, 2008, the Board issued its NITU, providing for a 180-day period for negotiations between the City, the Village and Union Pacific Railroad Company ("UP").

According to STB decision 45578, the NITU for the segment from mileposts 5.8 to 7.1 in Chicago expired on May 16, 2015 as UP requested the segment be withdrawn from this docket. (However, the City remains interested were UP to seek abandonment authority anew for this segment.) On April 20, 2016, UP filed a letter with an attached joint notice of trail use agreement for the portion of the NITU within the Village.

The remaining segment is from milepost 7.1 to approximately milepost 8.4 near Devon Avenue. By multiple decisions the STB has extended the NITU for this segment with the most recent decision (ID# 45578, served on February 27, 2017), extending the NITU negotiating period to May 5, 2017.

As noted in previous filings on this docket, CDOT (after delays beyond its control) has secured the services of a consultant team to conduct preliminary engineering and environmental studies and provide real estate acquisition services. The team has conducted surveying, title research, public meetings and other forms of data collection needed for the City to do due diligence in this acquisition. However, due to the revised termini of corridor in the UP petition, the City had to reconsider the scope of work and consider alternative routes, and has continued meeting with UP to resolve these issues. Although the City has been making progress, it needs additional time to complete its trail engineering plan and conclude negotiations with UP.

In support of its request for additional time, the City renews its Petition and its Statement of Willingness to Assume Financial Responsibility.

A copy of this statement is being served on UP and other parties of record on the same date it is being served on the Board. By my signature below, I certify service upon all parties of record in this proceeding by U.S. Mail, postage prepaid, first class, this 14th day of April, 2017.

Pursuant to 49 C.F.R. § 1002.2(e)(1), the filing fee for this request is waived.

Respectfully submitted,

CITY OF CHICAGO, an Illinois municipal corporation

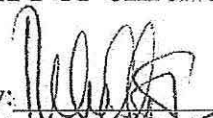
By:  
Rebekah Schenfeld
Commissioner
Chicago Department of Transportation

EXHIBIT A