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CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

February 22, 2019

VIA E-FILING

Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Karl Morell
Ball Janik LLP
655 15th Street NW, Suite 225
Washington, DC 20005

 GRANTED Office of Proceedings	DECISION ID NO.: <u>46863</u>
	DECIDED DATE: <u>3/1/2019</u>
	SERVICE DATE: <u>3/4/2019</u>
	APPROVED: <u>Alicia Tri</u> Acting Director
☒ <u>Extended to 8/23/2019</u>	

Re: BNSF Railway Company--Abandonment Exemption--in Cook County, IL, STB
Docket No. AB-6 (Sub-No. 482X)

Dear Board:

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 modifying and 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 August 23, 2019.

On January 29, 2013, the City filed a request for issuance of a notice of interim trail use (NITU) and public use condition ("Petition") for the line proposed for abandonment in Docket No. AB-6 (Sub-No. 482X), between Station 36+70 (north of the Chicago Sanitary and Ship Canal Bridge) and Station 149+87 (at the end of the track near Western Avenue), referred to herein as the "Rail Line."

On April 9, 2013, the Board issued its NITU, as part of STB Decision #42859, permitting the City to negotiate with BNSF Railway Company ("BNSF") for trail use for the Rail Line. Since that date, BNSF has reiterated the City's interest in pursuing railbanking of the corridor as part of its own filings for extensions of the consummation deadline, including the one resulting in STB Decision #44311.

In a filing on March 3, 2017, the City petitioned the STB to further extend the NITU negotiating period. STB granted the most recent extension to February 24, 2019 as Decision #46572.

In the interim, the City has continued active negotiations with BNSF counsel regarding this line (while mutually prioritizing completion of work on the Sangamon Line in Docket No. AB-6-487X). The City also continued other activities in earnest toward potential acquisition of the rail line for trail use and on December 12, 2018, the Chicago City Council unanimously passed an ordinance authorizing the acquisition of this corridor and other BNSF properties.

However, the City will still need to secure further funding, complete environmental testing, and conduct preliminary design work in order to pursue a trail project. The City requests additional time to continue these activities.

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 BNSF 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 22nd day of February 2019.

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 Scheinfeld

Commissioner of Transportation