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THOMAS F. MCFARLAND

February 9, 2010

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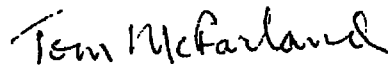
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: Docket No. AB-1036, *The City of Chicago, Illinois -- Adverse Abandonment --
Chicago Terminal Railroad in Chicago, IL*

Dear Section of Administration Chief:

Hereby transmitted is a Certificate of Newspaper Publication of the Notice of Intent in the above proceeding. The Certificate was received too late for inclusion in the Application for Adverse Abandonment, which was filed on February 1.

Very truly yours,



Thomas F. McFarland
*One of the attorneys for the City
of Chicago, Illinois*

TMCF:kl:enc:wp8.0\1277\efSTB2

cc: (by e-mail)
John Heffner, Esq.
Mara Georges, Esq.
Steven Holler, Esq.
Mr. Paul Zalmazek
Mr. Joseph Alonzo
Mr. Chris Wuellner

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20423

STB Docket No. AB-1036

THE CITY OF CHICAGO, ILLINOIS
ADVERSE ABANDONMENT -
CHICAGO TERMINAL RAILROAD IN CHICAGO, IL

NOTICE OF INTENT TO FILE AN APPLICATION
FOR ADVERSE ABANDONMENT

THE CITY OF CHICAGO, ILLINOIS (the City) gives notice that on or about February 1, 2010, the City intends to file with the Surface Transportation Board ("the Board"), Washington, D.C. 20423, an application seeking adverse abandonment of the authority of Chicago Terminal Railroad (CTM) to operate over two unused rail lines in Chicago, Cook County, Illinois, i.e.: (1) a portion of CTM's Kingsbury Branch from its southern terminus at the intersection of Kingsbury, Division, and Halsted Streets, to, but not including, the point at which CTM's Goose Island Branch diverges from the Kingsbury Branch at or near Willow Street, a distance of approximately 8 city blocks (.75-mile) ("the Kingsbury Segment"); and (2) a portion of CTM's Lakewood Avenue Line between the southwest right-of-way line of Clybourn Avenue and the line's northern terminus at Oliversey Parkway, a distance of approximately 7 city blocks (.875-mile) ("the Lakewood Segment"). The affected railroad lines are situated in U.S. Postal Zip Codes 60614 and 60622. The lines do not have stations and are not described by mileposts. The reasons for the proposed abandonment include (i) the absence of current use of the lines, (ii) the lack of any reasonably foreseeable future need for rail service on the lines; and (iii) the prospect for significant nonrail benefits from abandonment. In addition, there are significant safety concerns.

There are no documents in the City's possession that indicate that the lines contain federally granted rights-of-way. Any such documentation that might come into the City's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the employee protective conditions imposed in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

The application, when filed, can be viewed following its filing on the Board's webpage, www.stb.dot.gov, or a copy can be secured from the City's counsel, whose name and address appear below. The application will include the City's entire case for abandonment. Any interested person, after the application is filed on or about February 1, 2010, may file with the Surface Transportation Board its protest of, or written comments concerning, the proposed abandonment identifying it by the proceeding's docket number. These filings are due 45 days from the date of filing of the application. All interested persons should be aware that following any abandonment of rail service and salvage of the line, the line may be suitable for railbanning and interim recreational trail use. Any request for a trail use condition under 49 U.S.C. § 1247 (d) (§ 1152.29 of the Board's rules) must also be filed within 45 days from the date of filing of the application. Persons who may oppose the abandonment, but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses containing detailed evidence, should file comments. Persons interested in seeking trail use conditions should also file comments. Persons opposing the proposed abandonment who wish to participate actively and fully in the process should file a protest. Protests must contain that party's entire case in opposition including the following: (1) the protestant's name, address and business; (2) the protestant's interest in the proceeding, including their use of the line or the public interest represented; (3) the protestant's reasons for protesting or commenting on the proposed abandonment, including their reliance on the involved service; and (4) any rebuttal of material submitted in the application. Protests or comments need to be notarized or verified, and an unbound original and ten copies are required to be filed with the Chief, Section of Administration, of the Board's Office of Proceedings, at 395 E Street, S.W., Washington, DC 20423, together with a certificate of service attesting that copies of the comments or protests have been served on the City's counsel in this matter, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1600, Chicago, IL 60604-1112, phone 312 236-0204, fax 312 201 9885, tmcfarland@tdf.com. Except as otherwise set forth in 49 C.F.R. § 1152, each document filed with the Board must be served on all parties to the abandonment proceeding. Protests and comments will be considered by the Board in determining what disposition to make of the application. A commenting party or protestant may participate in the proceeding as its interests may appear.

If an oral hearing is desired, the requester must make a request for an oral hearing and provide reasons why an oral hearing is necessary. Oral hearing requests must be filed with the Board no later than 10 days after that application is filed.

Those parties filing protests to the proposed abandonment should be prepared to participate actively either in an oral hearing or through the submission of their entire opposition case in the form of verified statements and arguments at the time they file a protest. Parties seeking information concerning the filing of protests should refer to 49 C.F.R. § 1152.25.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Service at (202) 245-0230 or refer to the text of the abandonment regulations at 49 C.F.R. § 1152.1, et seq.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Board's Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate. 60088/834 PGG: 1/11, 1/18, 1/25/10

SUN-TIMES MEDIA Certificates of Publication

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Sun-Times Media, 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, and EFF. July 17, 1959. Formerly Ill. Rev. Stat. 1991, CH100, P1..

Note: Legal Notice appeared in the following checked positions.

PUBLICATION DATE(S): JAN 11, JAN 18, JAN 25, 2010
3 TIMES

- ☐ The Beacon News
☐ The Herald News
☐ The Naperville Sun
☒ The Chicago Sun-Times

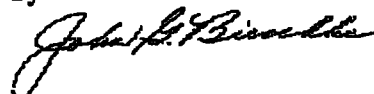
- ☐ The Courier News
☐ The Lake County News-Sun
☐ The SouthTownStar
☐ Pioneer Press/The Doings

Weekly Papers

- ☐ Batavia Sun
☐ Bolingbrook Sun
☐ Downers Grove Sun
☐ Fox Valley Villages Sun
☐ Geneva Sun
☐ Glen Ellyn Sun
☐ Homer Township/Lockport/Lemont Sun
☐ Lincoln Way Sun
☐ Lisle Sun
☐ Plainfield Sun
☐ St. Charles Sun
☐ Wheaton Sun

IN WITNESS WHEREOF, the undersigned, being duly authorized, has caused this Certificate to be signed and its official seal affixed at Aurora, Illinois

By

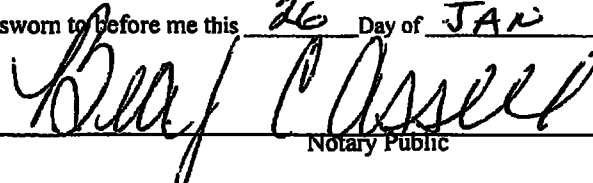


John G. Bieschke

Legal Advertising Manager (Official Title)

Subscribed and sworn to before me this 26 Day of JAN A. D. 2010

By:


Notary Public

