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DECIDED DATE: 9/1/17
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APPROVED: Rachelle Campbell
Director
☒ extended to 3/13/18.
Office of Proceedings



CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

244136

August 18, 2017

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

ENTERED
Office of Proceedings
August 18, 2017
Part of
Public Record

Re: BNSF Railway Company--Abandonment Exemption--in Cook County, IL, STB
Docket No. AB-6 (Sub-No. 487X)

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 March 13, 2018.

On March 18, 2013, the City filed a request for issuance of a notice of interim trail use (NITU) and public use condition ("Petition") for approximately 1.1 miles of rail line, as follows: (1) approximately 0.50 miles of track (the "Sangamon Street Line") from south of Western Avenue Yard at 16th Street (Station 186+79), extending to the red board south of Cullerton Street (Station 163+50); and (2) approximately 0.60 miles of track (the "Lumber Street Line") from West Cermak Road at the Colonial Brick switch (Station 157+65), extending to the end of the line on Lumber Street (Station 197+81), in Chicago, Cook County, Illinois. The Sangamon Street Line and the Lumber Street Line are collectively referred to herein as the "Rail Lines."

On April 4, 2013, the Board issued its NITU, permitting the City to negotiate with BNSF Railway Company ("BNSF") for trail use for the Rail Lines until October 1, 2013, and permitting public use negotiations for the Rail Lines until October 2, 2013.

FILING FEE WAIVED

30 NORTH LASALLE STREET, SUITE 1100, CHICAGO, ILLINOIS 60602

In an order on February 27, 2014, the Board (1) modified the NITU to vacate the segment of the Sangamon Street Line between Station 186+79 and 185+77, and (2) extended the NITU negotiating period to March 30, 2014, for that portion of the Sangamon Street Line between stations 185+77 and 163+50 and for the Lumber Street Line as originally petitioned; in an order on April 9, 2014, the Board further extended the NITU negotiating period for these segments to September 26, 2014.

In a filing on September 25, 2014, the City consented to abandonment of the Lumber Street Line under certain specified conditions, but petitioned the STB to further extend the NITU negotiating period for that portion of the Sangamon Street Line between stations 185+77 and 163+50. STB granted the most recent extension to September 14, 2017 as Order #45726.

The City has continued activities associated with the potential acquisition of the Sangamon Street Line between 185+77 and 163+50. These have included recurring meetings with BNSF and EPA staff regarding work BNSF is completing to EPA standards before the City could take possession for a public facility. Also, the Chicago City Council has approved an ordinance that authorizes acquisition of these properties and access to Tax Increment Financing for that purpose. Now, the City's and BNSF's attorney are exchanging final drafts of a purchase agreement. 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 16th day of August, 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 Scheinfeld

Commissioner of Transportation

