



CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

244629

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Office of Proceedings
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Public Record

October 30, 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

 GRANTED Office of Proceedings	DECISION ID NO.: <u>46126</u>
	DECIDED DATE: <u>11-6-17</u>
	SERVICE DATE: <u>11-7-17</u>
	APPROVED: <u>[Signature]</u> Acting Director
☒ NITU extended to 4-30-18 from MP 7.1 to MP 8.4.	

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 April 30, 2018.

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").

FILING FEE WAIVED

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the NITU for the segment from mileposts 5.8 to 7.1 in Chicago expired on May 16, 2015 as UP requested the segment be withdrawn from this docket.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 #45805 (Service Date May 15, 2017), extending the NITU negotiating period to November 1, 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 30th day of October, 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
Chicago Department of Transportation

