



KAPLAN KIRSCH ROCKWELL

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February 14, 2018

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings
February 14, 2018
Part of
Public Record

Re: *Alloy Property Company – Application for Adverse Abandonment – Chicago Terminal Railroad in Chicago, IL – STB Docket No. AB-1258*

Dear Ms. Brown:

I am attaching an original and ten (10) copies of the request of the City of Chicago (City) for an interim trail use condition in the above-captioned proceeding.

With respect to the filing fee, we have enclosed a check in the amount of \$300. However, the City, a special charter municipality and political subdivision of the State of Illinois, is seeking a waiver of the filing fee based on the fact that it is a local government entity filing the Request for Interim Trail Use Condition on behalf of the general public. *See* 49 C.F.R. §1002.2(e); STB Ex Parte No. 542 (Sub-No. 6) - *Regulations Governing Fees For Services Performed In Connection With Licensing And Related Services--Policy Statement* (Served December 6, 2000). Specifically, 49 C.F.R. 1002.2(e)(1) states that “filing fees are waived for application and other proceedings which is filed by...a state or local government agency.” The City is a state government agency filing the request on behalf of the general public. Accordingly, the City requests that the filing fee submitted with the Request for Interim Trail Use Condition be waived.

Please date stamp the extra copy and return to our messenger. Please note that a CD containing an electronic copy of this filing is enclosed.

Sincerely,

Allison I. Fultz
Counsel to the City of Chicago

Enclosures

FILING FEE WAIVED

cc: STB service list (without enclosures)

CONTAINS COLOR MAP

**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, DC**

**DOCKET NO. AB-1258
ALLOY PROPERTY COMPANY, LLC
APPLICATION FOR ADVERSE ABANDONMENT
CHICAGO, IL**

**REQUEST OF CITY OF CHICAGO
FOR INTERIM TRAIL USE PURSUANT TO 49 CFR 1152.29**

Communications with respect to this document should be addressed to:

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(202) 955-5600
csputulnik@kaplankirsch.com
afultz@kaplankirsch.com

Attorneys for City of Chicago

Dated: February 14, 2018

**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, DC**

**DOCKET NO. AB-1258
ALLOY PROPERTY COMPANY, LLC
APPLICATION FOR ADVERSE ABANDONMENT
CHICAGO, IL**

**REQUEST OF CITY OF CHICAGO
FOR INTERIM TRAIL USE PURSUANT TO 49 CFR 1152.29**

Pursuant to 49 C.F.R. §1152.29, the City of Chicago, a home rule municipality under the Illinois Constitution of 1970 (City), hereby requests issuance of a Certificate of Interim Trail Use with respect to a portion of the line segment that is the subject of this proceeding. Alloy Property Company, LLC (Alloy) has petitioned this Board to find that the public convenience and necessity support the adverse abandonment of track operated by the Chicago Terminal Railroad (CTR) on and near Goose Island in Chicago, IL, in order to accommodate planned redevelopment of Alloy's property. The City has identified CTR's track, which is partially located in public City streets and partially located on railroad easements through private property, as well-suited to the development of a public recreational trail and possibly a passenger streetcar corridor in conjunction with the anticipated redevelopment of the North Branch Corridor area. The City intends to negotiate a trail use agreement with CTR upon issuance of a certificate of interim trail use in this proceeding. The City, Alloy and CTR have been negotiating in good faith to voluntarily establish terms and conditions for the disposition of the subject line segment, and the City understands that CTR has assented to negotiating a trail use agreement with the City.

Interim trail use in this case is consistent with the grant of adverse abandonment authority because Alloy, with the support of the City, seeks the abandonment in order to develop its property in accordance with the City's recently-adopted land use framework for the North Branch Corridor. Also consistent with the updated zoning and land use plan, the City intends to develop a public multi-use trail and, potentially, a fixed guideway public transportation corridor in the right-of-way. The Chicago Plan Commission adopted the North Branch Framework land use plan in May 2017 (the "Framework Plan") to encourage the economic development of the North Branch area by promoting the adaptive re-use of existing industrial properties, redevelopment of vacant parcels or obsolete facilities, creation of public open space, and construction of transportation corridors for pedestrians, bicycles and public transit. On July 26, 2017, the Chicago City Council took an initial step toward implementing the recommended changes set forth in the Framework Plan by approving an ordinance which, among other initiatives, established a fund to address the impacts arising from the conversion of industrial uses to other uses within the redevelopment area. The Framework Plan and the ordinance are available on the City's website at:

https://www.cityofchicago.org/city/en/depts/dcd/supp_info/north-branch-industrial-corridor.html.

The alignment of broad public interests in creating economic development opportunities and public open space and transportation facilities on the line for which Alloy seeks cessation of freight rail uses supports the grant of the abandonment request and this corollary request to institute interim trail use.

In accordance with the applicable regulations, the City submits the following Statement of Willingness to Assume Financial Responsibility and other information:

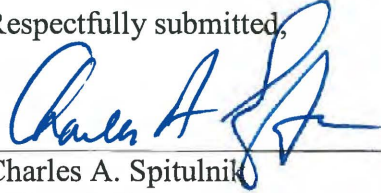
Statement of Willingness to Assume Financial Responsibility:

In order to establish interim trail use and rail banking under 16 U.S.C. §1247(d) and 49 CFR §1152.29, the City of Chicago, a home rule municipality under the Illinois Constitution of 1970, is willing to assume full responsibility for management of, for any potential legal liability arising out of the transfer or use of (unless the City is immune from liability, in which case it need only indemnify Chicago Terminal Railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way currently owned or controlled by Chicago Terminal Railroad. The property extends from the western side of North Elston Avenue and proceeds east and south to Goose Island, to a terminus near the intersection of Chicago Avenue and Halsted Street in the Goose Island district of Chicago, a distance of approximately 2.625 miles in Chicago, Cook County, Illinois. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-1258. (A short segment of the subject line, north of W. Cortland Street, is not included in this interim trail use request.)

Other required information: A map of the property depicting the right-of-way is attached.

The City acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this trail use request is being served on the railroad on the same date it is being served on the Board.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Charles A. Spitulnik", is written over a horizontal line.

Charles A. Spitulnik
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Dated: February 14, 2018

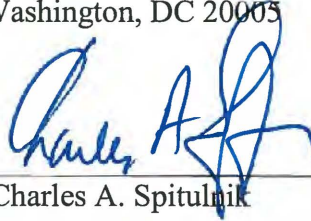
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Certificate of Service

I hereby certify that on this 14th day of February, 2018, I caused to be served a copy of the foregoing Request of the City of Chicago, for Interim Trail Use to be served by first class mail, postage prepaid, upon:

John D. Heffner
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Matthew Warren
Sidley Austin LLP
1501 K Street N.W.
Washington, DC 20005



Charles A. Spitulnik