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FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 117 (Sub-No. 8X)]

Elgin, Joliet & Eastern Railway Company—Abandonment Exemption—in Grundy County, Ill.

Elgin, Joliet & Eastern Railway Company (EJ&E)¹ has filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a 2.26-mile line of railroad, known as the Goose Lake Segment, extending from milepost 27.91 to the end of the track at milepost 30.17 near Morris, in Grundy County, Ill.² The line traverses United States Postal Service Zip Code 60450.

In the notice, EJ&E explains that, following abandonment, it intends to convey the right-of-way to the Illinois Department of Natural Resources (ILDNR). In turn, ILDNR plans to use the right-of-way to connect with two properties that are adjacent to the right-of-way to increase the quality of the wetland and migratory bird habitat.

¹ EJ&E is a wholly owned, indirect subsidiary of Canadian National Railway Company. See Canadian Nat'l Ry. & Grand Trunk Corp.—Control—EJ&E West Co., FD 35087 (STB served Dec. 24, 2008).

² EJ&E states that the Goose Lake Segment is at the south end of the remaining portion of its Coal City Branch. EJ&E also states that the last traffic on the line moved prior to 1991. The line was recently utilized by a private firm to test track geometry equipment; that use ended on May 1, 2009.

EJ&E has certified that: (1) no local traffic has moved over the line for at least two years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on July 28, 2012, unless stayed pending reconsideration. Petitions to stay that do not involve environmental

issues,³ formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),⁴ and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by July 9, 2012. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by July 18, 2012, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to EJ&E's representative: Jeremy M. Berman, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void ab initio.

EJ&E has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by July 3, 2012. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at 1-800-

³ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

⁴ Each OFA must be accompanied by the filing fee, which is currently set at \$1,500. See 49 C.F.R. § 1002.2(f)(25).

877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), EJ&E shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by EJ&E's filing of a notice of consummation by June 28, 2013, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at
“WWW.STB.DOT.GOV.”

Decided: June 19, 2012.

By the Board, Richard Armstrong, Acting Director, Office of Proceedings.