

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB 1337

ENTERED
Office of Proceedings
February 22, 2024
Part of
Public Record

**THE COMMUTER RAIL DIVISION OF THE REGIONAL TRANSPORTATION
AUTHORITY AND THE NORTHEAST ILLINOIS REGIONAL COMMUTER
TRANSPORTATION AUTHORITY D/B/A METRA—ADVERSE ABANDONMENT—
OMNITRAX/CHICAGO RAIL LINK**

**MOTION OF OMNITRAX, INC.
TO HOLD PROCEEDING IN ABEYANCE**

Communications with respect to this document
should be addressed to:

Robert Rentz, Esq.
252 Clayton Street
Denver, Colorado 80206
(303) 398-0474
rrentz@omnitrax.com

Counsel for Chicago Rail Link, L.L.C.

Date: February 22, 2024



GRANTED

Office of
Proceedings

DECISION ID NO.: 52061

DECIDED DATE: 2/26/2024

SERVED DATE: 2/27/2024

APPROVED: *Madair*

Director

☐ File status report every 120 days.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB 1337

**MOTION OF OMNITRAX, INC.
TO HOLD PROCEEDING IN ABEYANCE**

Chicago Rail Link, L.L.C. (“CRL”), a Class III common carrier, petitions the Surface Transportation Board (“STB” or “Board”) to hold the above-referenced proceeding in abeyance. CRL is the owner of a portion of a 3,246-foot-long line of railroad known as the Root Street Wye located in Chicago, Illinois.

On December 11, 2023, the Commuter Rail Division of the Regional Transportation Authority, an Illinois municipal corporation, and Northeast Illinois Regional Commuter Railroad Corporation, an Illinois public corporation (collectively, “Metra”), filed a Petition for Partial Waiver of Abandonment Regulations with the Board for the portion of the Root Street Wye located at the level of East 40th Street on Chicago’s South Side extending from S. Princeton Avenue on the west side to Metra’s Rock Island Branch at the I-90 Expressway on the east side (the “Line”).¹ *The Commuter Rail Division of the Regional Transportation Authority d/b/a Metra- Petition for Waiver-Omnitrax, Inc.*, STB Docket No. AB 1337 (filed December 11, 2023). Since then, the parties have commenced discussions in the hope of avoiding litigation and require additional time to conclude those negotiations. Metra has authorized CRL to confirm that Metra concurs with this request.

¹ In its filing, Metra noted that Norfolk Southern Railway (“NS”) owns the portion of the Root Street Wye from Wallace Street to S. Princeton Avenue. However, Metra indicated that it is not seeking any relief with respect to the NS-owned portion of the Root Street Wye at this time.

Granting an abeyance not only serves the public purpose by avoiding unnecessary litigation but is also consistent with prior precedent. The Board has held proceedings in abeyance to allow time for the record to be clarified, the issues to be narrowed, and for the parties to progress settlement negotiations. *See Meridian Southern Railway, LLC- Acquisition and Operation- Line of Kansas City Southern Railway Co.*, STB Docket No. FD 33854 (Service Date May 15, 2000) (holding the proceeding in abeyance so that the Board could rule on pending motions before proceeding with the merits of the overall matter); *Metro-North Commuter Railroad Co.-Adverse Discontinuance of Trackage Rights- Housatonic R.R. Co.*, STB Docket No. AB 1311 (Service Date May 18, 2021) (holding the proceeding in abeyance to allow the parties to conclude settlement negotiations). CRL's request should, therefore, be granted.

For the foregoing reasons, the parties respectfully request that the Board hold this proceeding in abeyance until advised by either Metra or CRL that the proceeding should move forward or be dismissed.

A handwritten signature in black ink, reading "Robert Rentz", with a stylized flourish extending from the end of the name.

Robert Rentz, Esq.
252 Clayton Street
Denver, Colorado 80206
(303) 398-0474
rrantz@omnitrax.com

Counsel for Chicago Rail Link, L.L.C.

CERTIFICATE OF SERVICE

I, Robert Rentz, certify that I have this day, February 22, 2024, served a true and correct copy of the foregoing document and letter by email upon:

Charles A. Spitulnik
Ayelet Hirschhorn
Kaplan Kirsch & Rockwell
1634 I (Eye) Street, NW
Suite 300
Washington, DC 20006
cspitulnik@kaplankirsch.com
ahirschhorn@kaplankirsch.com

Dated: February 22, 2024


Robert Rentz