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CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

November 20, 2013

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>43477</u>
	DECIDED DATE: <u>11/26/13</u>
	SERVICE DATE: <u>11/26/13</u>
	APPROVED: <u>Richard Armstrong</u> Acting Director
☒ <u>Extended to 5/21/14</u>	

Re: Union Pacific Railroad Company--Abandonment Exemption and Discontinuance of Operations over the Weber Industrial Lead from Milepost 5.8 near Wilson Avenue, Chicago, to Milepost 9.5 near Touhy Avenue, Skokie, a Distance of 3.7 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 May 21, 2013.

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**"). By multiple decisions, the most recent (ID# 43124) decided and served on June 4, 2013, the Board extended the NITU negotiating period to November 22, 2013.

As noted in previous filings on this docket, a consultant team had been selected to conduct preliminary engineering and environmental studies compliant with FHWA standards and to provide real estate acquisition services under USDOT guidelines. On June 5, 2012, Illinois Department of Transportation (IDOT) suspended the selected firm from participating in any contract with the agency or any contract with a local agency subject to its approval, citing accounting irregularities. Because this project will use IDOT-supervised FHWA funds from the federal Congestion Mitigation and Air Quality Improvement (CMAQ) Program, it was subject to this ruling and a previously submitted contract was not able to be approved by IDOT. CDOT notified IDOT and the City's Department of Procurement Services on June 27, 2012 that it would instead begin contract negotiations anew with the firm with the next highest scoring proposal.

Those negotiations are complete. On October 17, 2013, IDOT's Central Office formally granted permission for CDOT to submit a single contract for Phase I and Phase II engineering to expedite the project.

When this contract is approved by IDOT, the studies will begin. Four-fifths of the cost of the teams' efforts will be funded by the federal Congestion Mitigation and Air Quality Improvement (CMAQ) Program. Programming of additional CMAQ funds to match the negotiated contract costs were approved September 11, 2013 by a committee at CMAP, the Chicago Area MPO.

Although the City is making progress, due to past events beyond its control, it needs additional time to complete its trail engineering plan and conclude negotiations with UP.

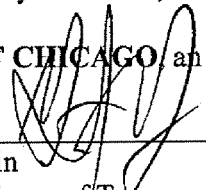
In support of its request for additional time, the City renews its Petition and its Statement of Willingness to Assume Financial Responsibility.

A copy of this statement is being served on UP on the same date it is being served on the Board. By my signature below, I certify service upon Union Pacific Railroad Company, Attn: Mack H. Shumate, Jr., 101 North Wacker Drive, Room 1920, Chicago, IL 60606, by U.S. Mail, postage prepaid, first class, this 20th day of November 2013.

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:  
Gabe Klein
Commissioner of Transportation