



CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

April 20, 2021 302088

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

ENTERED
Office of Proceedings
April 21, 2021
Part of
Public Record

 GRANTED Office of Proceedings	DECISION ID NO.: 50779
	DECIDED DATE: 5/18/2021
	SERVED DATE: 5/18/2021
	APPROVED:  Acting Director
	Extended to 4/20/2022, per Dkt. No. AB 6 (Sub-No. 482X) et al. served 4/16/2021. ☒ Further extension will require a showing of extraordinary circumstances.

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 year, through and including April 20, 2022.

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**”).

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the NITU for the segment from mileposts 5.8 to 7.1 in Chicago expired on May 16, 2015 as UP requested the segment be withdrawn from this docket.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. The STB extended the NITU for this segment most recently in Decision ID #50248, Service Date May 6, 2020.

As noted in previous filings on this docket, CDOT (after delays beyond its control) had previously secured the services of a consultant team to conduct preliminary engineering and environmental studies and provide real estate acquisition services and other forms of data collection needed for the City to do due diligence in this acquisition. Due to the revised termini of corridor in the UP petition, the City had to pause the effort to reconsider the scope of work to consider alternative routing. Work has now resumed with a new professional services contract, and that team is now actively at work to revise the preliminary design.

However, the City will still need to complete testing and engineering, conduct other due diligence, secure additional funding, and conclude negotiations with Union Pacific. Because these efforts have been impaired by the extraordinary circumstances of operations and communications during a global pandemic and episodes of societal unrest, the City requests additional time to continue these activities.

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 this 19th day of April 2021, either by either electronic mail or by U.S. Mail, postage prepaid, first class.

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: 

Gia Biagi
Commissioner
Chicago Department of Transportation