

Peter W. Denton
202 429 6445
pdenton@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

Steptoe

307051

ENTERED
Office of Proceedings
September 1, 2023
Part of
Public Record

 GRANTED Office of Proceedings	DECISION ID NO.: <u>51855</u>
	DECIDED DATE: <u>9/5/2023</u>
	SERVED DATE: <u>9/5/2023</u>
	APPROVED: <u><i>maebank</i></u> Director
	☐

September 1, 2023

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

Re: **STB Docket No. AB 6 (Sub-No. 500X), BNSF Railway Company—Abandonment Exemption—In Cook County, Ill.**

Dear Ms. Brown,

I write on behalf of BNSF Railway Company (“BNSF”) regarding the above-captioned abandonment class exemption proceeding to respectfully request that you grant a one-year extension of the consummation deadline in this proceeding, to October 3, 2024.

By a decision served in this proceeding on October 3, 2022, the Surface Transportation Board (“Board”) authorized the abandonment of the subject rail line, effective November 2, 2022. That decision states, “[i]f consummation has not been effected by BNSF’s filing of a notice of consummation by October 3, 2023, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.” Slip op. at 3.

In a decision served on November 1, 2022, the Board stated that the Office of Environmental Analysis is not recommending that any conditions be imposed in this proceeding, and the Board found that “[a]bandonment of the Line will have no significant effect on the quality of the human environment and conservation of energy resources or on historic resources.” Slip op. at 1, 2.

The Board’s rules, 49 C.F.R. § 1152.29(e)(2), provide that, “[f]or good cause shown, a railroad may file a request for an extension of time to file a notice so long as it does so sufficiently in advance of the expiration of the deadline for notifying the Board of consummation

Cynthia T. Brown
September 1, 2023
Page 2

Steptoe

to allow for timely processing.” BNSF and the City of Chicago (“City”) continue to negotiate the sale of BNSF’s interest in the subject property from BNSF to the City. Those negotiations, in part, are dependent upon resolution of access issues related to removal of a bridge located on the subject property. BNSF is currently preparing its application for a permit to utilize City right-of-way to remove the bridge located on the subject property. Remaining third-party preparation of the application, and expected processing and resolution of conditions associated with the permit, are expected to take several months. The actual work to remove the bridge is expected to last through June 2024. BNSF therefore requests that the Board grant a one-year extension of the consummation deadline, to October 3, 2024.

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter W. Denton', with a long horizontal flourish extending to the right.

Peter W. Denton
Attorney for BNSF Railway Company

CERTIFICATE OF SERVICE

I certify that I have, on September 1, 2023, served copies of this letter on all parties of record in this proceeding.

Sally Mordi

Sally Mordi
Attorney for BNSF Railway Company