

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

244987

ENTERED
Office of Proceedings
January 16, 2018
Part of
Public Record

STB Docket No. AB-1258

**ALLOY PROPERTY COMPANY, LLC – ADVERSE ABANDONMENT –
CHICAGO TERMINAL RAILROAD IN CHICAGO, IL**

JOINT MOTION TO RESTART PROCEDURAL SCHEDULE

Alloy Property Company, LLC (“Alloy”) and Chicago Terminal Railroad Company (“CTM”) hereby request that the Surface Transportation Board (“Board”) issue an order restarting the procedural schedule in this proceeding. The pending discovery motion that led the Board to suspend the procedural schedule has been withdrawn, and there are no further grounds to hold this proceeding in abeyance.

On October 11, 2017, Alloy filed an Application for Adverse Abandonment of the authority of CTM to operate over portions of CTR’s lines in Chicago, Illinois beginning at the western right-of-way line of North Elston Avenue and proceeding east and south to Goose Island (the “Line”).¹ Pursuant to 49 C.F.R. § 1152.25(c), the deadline for written comments, protests, public use requests, and trail requests was November 27, 2017.²

¹ See Application for Adverse Abandonment, *Alloy Property Co., LLC – Adverse Abandonment – Chicago Terminal R.R. in Chicago, IL*, STB Docket No. AB 1258 (filed Oct. 11, 2017) (“Application”).

² The 45-day deadline established by § 1152.25(c) ended on Saturday November 25, so pursuant to 49 C.F.R. § 1104.7(a) the deadline rolled over to the next business day.

On November 21, 2017, the Board published a Federal Register Notice for the Application indicating that the Board would be suspending the procedural schedule until Administrative Law Judge Patricia Hurt resolved a pending CTM motion to compel discovery.³

CTM and Alloy have recently entered into discussions likely to result in a resolution of their disputes about the status of the Line. Pursuant to these discussions, CTM will not now or in the future oppose the Application and is irrevocably withdrawing its motion to compel discovery. Accordingly, there is no further cause to hold this proceeding in abeyance, and CTM and Alloy request that the Board restart the procedural schedule for the Application.

The parties propose that the public be allowed 15 additional days from the date of this Motion to submit responses to the application. The November 21, 2017 Notice announcing that the procedural schedule would be held in abeyance was served less than a week before comments would have been due under 49 C.F.R. § 1152.25(c).⁴ Indeed, multiple comments on the Application have already been filed (all of which support the Application). In light of the amount of time that had run before the Board stayed the procedural schedule, Alloy and CTR believe that a deadline of January 31, 2018—15 days from the date of this Motion—would give any other interested parties a reasonable amount of time to submit additional comments on the Application.

³ See Decision, *Alloy Property Co., LLC – Adverse Abandonment – Chicago Terminal R.R. in Chicago, IL*, STB AB Docket No. 1258, slip op. at 3 (served Nov. 21, 2017).

⁴ Alloy's Application was filed on October 11, 2017. Comments on the Application were due 45 days after the application was filed. See 49 C.F.R. § 1152.22(i).

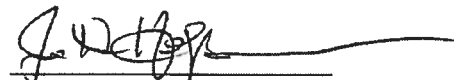
Accordingly, the parties respectfully request that the Board set a deadline of January 31, 2018 for the filing of further written comments, protests, public use requests, or trail use requests. Alloy's reply or rebuttal to written comments would be due by February 15, 2018.



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Respectfully submitted,



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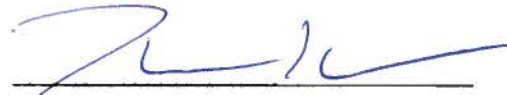
*Counsel to Chicago Terminal
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Date: January 16, 2018

CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2018, I caused the foregoing Joint Motion for Procedural Schedule to be served by first class mail or more expedient method upon the following:

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