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November 22, 2016

VIA EFILING

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room 100
Washington, DC 20423-0001

ENTERED
Office of Proceedings
November 22, 2016
Part of
Public Record

Re: Abandonment Exemption and Discontinuance of Operations over the Weber Industrial Lead from M.P. 5.8 near Wilson Avenue to M.P. 9.5 near Touhy Avenue, a distance of 3.7 miles in Cook County, Illinois; STB Docket No. AB-33 (Sub-No. 263X)

Concurrence For Extension of Negotiation Period

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the City of Chicago, an Illinois municipal corporation, (the "City"), seeking to extend the negotiation period covering the issuance of a Certificate or Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 for the portion of the Union Pacific's Weber Industrial Lead located in the City between approximately Milepost 5.8 near Wilson Avenue to the border with the Village of Lincolnwood, Illinois, at approximately Milepost 8.4 near Devon Avenue, a distance of approximately 2.6 miles in Cook County, Illinois. It has been determined by Union Pacific and the City that the length of the proposed trail use in the City's original Notice of Interim Trail use at 2.6 miles as opposed for the revised length of 1.3 miles, *see* (STB filing 238480) remains available for interim trail use negotiation.

Therefore, Union Pacific is willing to extend the negotiation period for interim trail use for the original portion of the Line in the City of Chicago from Milepost 5.8 near Wilson Avenue to the border with the Village of Lincolnwood, Illinois, at approximately Milepost 8.4 near Devon Avenue, a distance of approximately 2.6 miles in Cook County, Illinois for 180 days from November 6, 2016 to May 5, 2017. A copy of the City's request for extension is attached hereto as Exhibit A and hereby made a part hereof.

Sincerely,

Attachment

cc: City of Chicago



CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

November 10, 2016

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

Re: Union Pacific Railroad Company--Abandonment Exemption and Discontinuance of Operations over the Weber Industrial Lead from either Milepost 5.8 near Wilson Avenue or 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 180 days, through and including May 5, 2017.

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 this was extended and the most recent decision (ID# 45215), served on May

31, 2016, the Board extended the NITU negotiating period to November 6, 2016 for the segment from mileposts 7.1 to approximately milepost 8.4.

This length was revised in response to UP's STB filing 238480. However, it is our understanding that Union Pacific may soon request that STB restore the length of the segment to be abandoned under this docket to the full extent of the original petition.

As noted in previous filings on this docket, CDOT (after delays beyond its control) has secured the services of a consultant team to conduct preliminary engineering and environmental studies and provide real estate acquisition services. Also as noted, due to past events beyond its control, we were delayed in getting a team under contract for these services. The team began work in August 2014 and has continued with surveying, title research, public meetings and other forms of data collection needed for the City to do due diligence in this acquisition. Then due to the revised termini of corridor in the UP petition, the City had to reconsider the scope of work and consider alternative routes. Although the City has been making progress, 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. This includes the segment under decision 45215 and would include the segment between Mileposts 5.8 and Milepost 7.1 - should it be restored to this docket and become available for railbanking consideration once again.

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 all parties of record in this proceeding by U.S. Mail, postage prepaid, first class, this 17th day of November, 2016.

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: 

Rebekah Scheinfeld

Commissioner

Chicago Department of Transportation





CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

May 10, 2016

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>45215</u>
	DECIDED DATE: <u>5/31/16</u>
	SERVICE DATE: <u>5/31/2016</u>
	APPROVED: <u>Rachel D Campbell</u> Director
☒ <u>extended to 11/6/16</u>	

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:

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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 this was extended and the most recent decision (ID# 44904), served on November 25, 2015, the Board extended the NITU negotiating period to May 10, 2016 for the