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September 25, 2017

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: STB Docket No. AB-1258: Alloy Property Co., LLC – Adverse
Abandonment – Chicago Terminal R.R. in Chicago, IL

Dear Ms. Brown:

On September 22, 2017, Chicago Terminal Railroad (“CTM”) filed a “Certification” in the above-referenced case stating that it had provided the identity of “all current and potential users of the Line” to Alloy Property Company, LLC (“Alloy”). While this Certification was purportedly provided pursuant to the Board’s August 16, 2017 Decision in this case (“August 16 Decision”), the August 16 Decision required CTM’s certification to be filed on or before August 28, 2017. CTM has neither requested leave to late-file its certification nor provided any good cause for its failure to comply with the Board’s order. Because CTM failed to file a timely certification, 49 C.F.R. § 1152.20(a)(2)(i)’s requirement to serve “significant users” of the Line is waived under the terms of the August 16 Decision.¹

Moreover, while CTM has provided Alloy with a lengthy list of entities that it claims are “users” of the Line, virtually none of those entities could possibly qualify as “significant users” under 49 C.F.R. § 1152.2(l). According to traffic history reports produced by CTM in discovery, only one currently existing business on the Line proposed for abandonment has ever even originated or received a carload on the

¹ CTM was also required to file a certification by August 28, 2017 stating that it had identified to Alloy any duly certified labor organizations that represent its employees. See August 16 Decision at 3. As of the date of this letter, CTM has made no such disclosure to Alloy and has filed no such certification with the Board. Under the terms of the August 16 Decision, therefore, the service requirement of 49 C.F.R. § 1150.20(a)(2)(xii) is also waived.

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Line. Alloy will voluntarily serve the Notice of Intent to File an Application for Adverse Abandonment ("Notice") on this one entity.

In recent weeks CTM has also begun storing cars on the Line that are owned by an entity that is not located on the Line. While owning cars that are stored on a rail line is not "originat[ing] or receiv[ing] . . . carloads" within the meaning of § 1152.2(1), Alloy is also voluntarily serving the Notice on the owner of these stored cars.

Sincerely,



Matthew J. Warren

cc: Service List