

LAW OFFICE  
THOMAS F. MCFARLAND, P.C.  
208 SOUTH LASALLE STREET - SUITE 1666  
CHICAGO, ILLINOIS 60604-1228  
TELEPHONE (312) 236-0204  
mcfarland@aol.com

THOMAS F. MCFARLAND

243010

May 3, 2017

By e-filing

Ms. Cynthia T. Brown, Chief  
Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20024

ENTERED  
Office of Proceedings  
May 3, 2017  
Part of  
Public Record

Re: Finance Docket No. 35952, *Great Lakes Basin Transportation, Inc. -- Authority to Construct and Operate a Rail Line in Indiana, Illinois and Wisconsin*

Dear Ms. Brown:

It is provided in 49 C.F.R. § 1150.10(g) that written comments on an application for authority to construct a railroad line must be filed within 35 days of the filing of the application.

In behalf of the Opposition Groups identified below, this is to respectfully request an extension of 55 days, so that written comments can be filed within 90 days of the filing of the application.

The following factors support the requested extension:

(1) Applicant Great Lakes Basin Transportation, LLC (GLBT) took 138 days from the date on which the Board suspended the environmental process to file its Application for Authority to Construct a Rail Line.<sup>1/</sup> Procedural fairness dictates that Opposition Groups be provided an adequate time period to prepare and file Written Comments in Opposition.

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<sup>1/</sup> The Board suspended the environmental review process on December 13, 2016 to enable GLBT to prepare its Application for Authority to Construct a Rail Line. Thus, GLBT has had 138 days to prepare and file that Application, i.e.,

|                   | <u>Days to Prepare and File</u> |
|-------------------|---------------------------------|
| December 13, 2016 | 18                              |
| January, 2017     | 31                              |
| February, 2017    | 28                              |
| March, 2017       | 31                              |
| April, 2017       | <u>30</u>                       |
|                   | 138                             |

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(2) The requested extension is particularly required by procedural due process because there is a presumption in the governing statute that a proposed construction of rail line is consistent with public convenience and necessity, necessitating that Opposition Groups be afforded sufficient time to prepare and file evidence and argument in rebuttal of that presumption.

(3) The presumption referred to in (2) above requires that Opposition Groups have ample time to go forward with the evidence, i.e., to sustain their burden to go forward with written evidence and argument, as required by the governing statute.

(4) The Opposition Groups identified below are primarily agricultural and other “grass roots” interests who are not sophisticated in Board procedure, who are from diverse locations, and who have many demands on their time in addition to opposition to the proposed track construction. The additional time requested is absolutely necessary in order to coordinate opposition evidence and argument in behalf of these diverse rural interests.

Also in procedural fairness, the moratorium on environmental proceedings should continue while Opposition Groups prepare and file Written Comments on the Application. GLBT’s request, that it not be required to proceed simultaneously on the public need and environmental aspects of the case, was granted. Opposition Groups are entitled to that same consideration.

Lastly, a modest 15-day extension is respectfully requested of the date to reply to GLBT’s Motion for Protective Order. That would result in a total of 35 days to file that reply, i.e., 20 days under 49 C.F.R. § 1104.13(a) plus the requested 15-day extension.

Respectfully submitted,

Block GLB Railroad  
LaSalle County, IL  
P.O. Box 538  
Earlville, IL 60518

Rock Against the Rail, LLC (Rock County, WI)  
8608 East Rye Drive  
Clinton, WI 53525

Kankakee County, IL Block GLB  
3156 North 9000 West Road  
Bonfield, IL 60913

RAILED, LaPorte, Porter & Lake Counties, IN  
112 West 450 South  
Kouts, IN 46347

Citizens Against the GLB  
Railroad, Boone County, IL  
9498 Edson Road  
Capron, IL 61012

Winnebago County Against the GLB Railroad  
7889 Cemetery Road  
Winnebago, IL 61088-8860

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by: Tom McFarland

Thomas F. McFarland  
Thomas F. McFarland, P.C.  
208 South LaSalle St., Suite 1666  
Chicago, IL 60604-1228  
(312) 236-0204  
*mcfarland@aol.com*

*TMcf:kl:\1735\efSTB5*

cc: All parties on the Official Service List  
Mr. Mark Melin  
Mrs. Mirjam Melin