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June 28, 2017

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Office of Proceedings
June 28, 2017
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Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: Alloy Property Company, LLC – Adverse Abandonment – Chicago Terminal
Railroad In Chicago, IL, Docket No. AB-1258

Dear Ms. Brown:

Alloy Property Company, LLC (“Alloy”) respectfully requests leave to file this response to Chicago Terminal Railroad’s (“CTR’s”) Reply to Petition for Partial Waiver of Abandonment Regulations and for Exemption filed in the above-referenced proceeding on June 21, 2017 (“Reply”). Alloy submits that there is good cause for the Board to accept this response, because it proposes a compromise that may help the Board resolve one of the few disputes between the parties about the waivers requested in Alloy’s Petition for Partial Waiver of Abandonment Regulations and for Exemption (“Petition”).

CTR’s Reply does not object to most of the waivers that Alloy requested in the Petition.¹ CTR’s only objections consist of (1) disputes about the language to be used in the Notice of Intent and Federal Register Notice; (2) an objection to waiver of Offer of Financial Assistance (“OFA”) requirements; and (3) an objection to Alloy’s request that the Board waive 49 C.F.R. § 1152.20(a)(2)(i)’s requirement that Alloy serve “significant users” of the Line with the Notice of Intent to file an adverse abandonment application.

On the first two issues, Alloy rests on the arguments set forth in its Petition. Alloy believes that the language of its form notice of intent and Federal Register notice are appropriate,

¹ To be sure, the Petition and CTR’s Reply are at odds about many legal and factual issues relevant to the ultimate question of whether the Line should be abandoned. But those issues will be addressed in due course. The only issues before the Board now for resolution are the waiver and exemption requests in the Petition, and the parties agree about a substantial majority of those issues.



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but will accept any reasonable amendments to the language of those notices that the Board orders. And the Petition's request for a waiver of OFA provisions rested on longstanding Board precedent holding that OFA provisions serve no useful purpose in an adverse abandonment proceeding. *See* Petition at 16-17. CTR has not explained why the Board should depart from that precedent here.

On the third issue, CTR argues that "there are present and potential users of rail service" who ought to be served with the Notice of Intent. Reply at 11. But neither in its objection nor anywhere in its Reply does CTR give any hint as to who those "present and potential users of rail service" might be or explain why any of them should be classified as "significant users" of the Line. It is not clear how CTR expects Alloy to serve supposed "users" of the Line that CTR does not identify.

Alloy does not agree that there are any significant users of the Line. But in the spirit of compromise, Alloy does not object to serving the Notice of Intent on any party that CTR claims is a significant user on the Line—so long as CTR identifies those alleged significant users so that Alloy knows who to serve. Alloy cannot be fairly expected to serve alleged "users" of the Line that CTR does not name.

Sincerely,

A handwritten signature in black ink, appearing to read "Hanna M. Chouest", with a long, sweeping horizontal line extending to the right.

Hanna M. Chouest

Counsel to Alloy Property Company, LLC

cc: Service List