



KAPLAN KIRSCH ROCKWELL

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September 14, 2018

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings
September 14, 2018
Part of
Public Record

Re: *Chicago Terminal Railroad—Abandonment Exemption—In Chicago, IL—STB*
Docket No. AB-1268X

Dear Ms. Brown:

I am attaching an original and ten (10) copies of the request of the City of Chicago (City) for an interim trail use condition in the above-captioned proceeding.

With respect to the filing fee, we have enclosed a check in the amount of \$300. However, the City, a special charter municipality and political subdivision of the State of Illinois, is seeking a waiver of the filing fee based on the fact that it is a local government entity filing the Request for Interim Trail Use Condition on behalf of the general public. *See* 49 C.F.R. §1002.2(e); STB Ex Parte No. 542 (Sub-No. 6) - *Regulations Governing Fees For Services Performed In Connection With Licensing And Related Services--Policy Statement* (Served December 6, 2000). Specifically, 49 C.F.R. 1002.2(e)(1) states that “filing fees are waived for application and other proceedings which is filed by...a state or local government agency.” The City is a state government agency filing the request on behalf of the general public. Accordingly, the City requests that the filing fee submitted with the Request for Interim Trail Use Condition be waived.

Please date stamp the extra copy and return to our messenger. Please note that a CD containing an electronic copy of this filing is enclosed.

Sincerely,

Allison I. Fultz
Counsel to the City of Chicago

Enclosures

cc: STB service list

FILING FEE WAIVED

CONTAINS COLOR MAP

**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, DC**

**DOCKET NO. AB-1268X
CHICAGO TERMINAL RAILROAD
ABANDONMENT EXEMPTION
CHICAGO, IL**

**REQUEST OF CITY OF CHICAGO
FOR INTERIM TRAIL USE PURSUANT TO 49 CFR 1152.29**

Communications with respect to this document should be addressed to:

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Attorneys for City of Chicago

Dated: September 14, 2018

**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, DC**

**DOCKET NO. AB-1268X
CHICAGO TERMINAL RAILROAD
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**REQUEST OF CITY OF CHICAGO
FOR INTERIM TRAIL USE PURSUANT TO 49 CFR 1152.29**

Pursuant to 49 C.F.R. §1152.29, the City of Chicago, a home rule municipality under the Illinois Constitution of 1970 (City), hereby requests issuance of a Notice of Interim Trail Use with respect to a portion of the line segment that is the subject of this proceeding. Chicago Terminal Railroad (CTM) has filed a notice of exempt abandonment for a less than 0.1 mile segment of the “Bloomingdale” Line in Chicago, IL, between N. Elston Avenue and the Union Pacific North Avenue Yard (the “Line”). The City has identified CTR’s track as well-suited to the development of a public recreational trail and possibly a public transit corridor in conjunction with the anticipated redevelopment of the North Branch Corridor area. The City intends to negotiate a trail use agreement with CTR upon issuance of a notice of interim trail use in this proceeding.

Interim trail use in this case is consistent with the City’s updated zoning and land use plan for the surrounding areas, and the City intends to develop a public multi-use trail and, potentially, a fixed guideway public transportation corridor in the right-of-way. The Chicago Plan Commission adopted the North Branch Framework land use plan in May 2017 (the “Framework Plan”) to encourage the economic development of the North Branch area by

promoting the adaptive re-use of existing industrial properties, redevelopment of vacant parcels or obsolete facilities, creation of public open space, and construction of transportation corridors for pedestrians, bicycles and public transit. On July 26, 2017, the Chicago City Council took an initial step toward implementing the recommended changes set forth in the Framework Plan by approving an ordinance which, among other initiatives, established a fund to address the impacts arising from the conversion of industrial uses to other uses within the redevelopment area. The Framework Plan and the ordinance are available on the City's website at:

https://www.cityofchicago.org/city/en/depts/dcd/supp_info/north-branch-industrial-corridor.html.

The public interest in creating public open space and transportation facilities on the line for which CTM seeks cessation of freight rail uses supports the development of the corridor for interim trail use.

In accordance with the applicable regulations, the City submits the following Statement of Willingness to Assume Financial Responsibility and other information:

Statement of Willingness to Assume Financial Responsibility:

In order to establish interim trail use and rail banking under 16 U.S.C. §1247(d) and 49 CFR §1152.29, the City of Chicago, a home rule municipality under the Illinois Constitution of 1970, is willing to assume full responsibility for management of, for any potential legal liability arising out of the transfer or use of (unless the City is immune from liability, in which case it need only indemnify Chicago Terminal Railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way currently owned or controlled by Chicago Terminal Railroad. The property extends between N. Elston Avenue and the Union Pacific North Avenue Yard, a distance of just under 0.1 mile in Chicago,

Cook County, Illinois. The right-of-way consists of the segment proposed for abandonment in Docket No. STB AB-1268X.

Other required information: A map of the property depicting the right-of-way is attached.

The City acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this trail use request is being served on the railroad on the same date it is being served on the Board.

Respectfully submitted,



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afultz@kaplankirsch.com

Dated: September 14, 2018

Certificate of Service

I hereby certify that on this 14th day of September, 2018, I caused to be served a copy of the foregoing Request of the City of Chicago, for Interim Trail Use to be served by first class mail, postage prepaid, upon:

John D. Heffner
Strasburger & Price, LLP
1025 Connecticut Ave N.W., Suite 717
Washington, DC 20036-5439

Matthew Warren
Sidley Austin LLP
1501 K Street N.W.
Washington, DC 20005


Allison I. Fultz

Map of Area Subject to Interim Trail Use Request- STB Docket No. AB-1268X

