



Surface Transportation Board
Washington, D.C. 20423-0001

Office of the General Counsel

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Meeting under Section 5, STB Reauthorization Act

May 23, 2018

Present: Chairman Begeman
Vice Chairman Miller
Member Staffs Allison Davis, Brian O'Boyle
Agency Staff Craig Keats, Rachel Campbell, Scott Zimmerman, Amy Ziehm,
Jonathon Binet, Ted Hunt, Michael Small, Charles Vance

ENTERED
Office of Proceedings
August 22, 2018
Part of
Public Record

Topic: FD 36171, Metra – Petition for Declaratory Order –
Status of Chicago Union Station

Summary of the Matters Discussed, Prepared by General Counsel Craig Keats:

In this proceeding, the Commuter Rail Division of the Regional Transportation Authority and the Northeast Illinois Regional Commuter Railroad Corporation (collectively, Metra), which operate commuter trains into and out of Chicago Union Station, seek a declaratory order regarding the rights Metra may have if negotiations with the National Railroad Passenger Corporation (Amtrak) over Metra's access agreement for Chicago Union Station are not successful. Metra seeks a ruling that the Board has jurisdiction over the Chicago Union Station properties and over Chicago Union Station Company (CUSCo), the company that owned the properties before it was merged into Amtrak. Metra also seeks a ruling that the Board has authority to prescribe terms for Metra's use of the properties under 49 U.S.C. § 11102, and to require non-binding mediation of any access dispute that may arise under 49 U.S.C. § 28502. Amtrak opposes relief, arguing that it is premature to address these issues, given that the current Metra-Amtrak contract does not expire until mid-2019. Amtrak also disputes the Board's authority to provide the relief Metra seeks.

Staff and Board Members discussed the following issues:

1. Whether a declaratory order on this matter would be premature.
2. If it would not be premature, whether CUSCo was a rail common carrier subject to 49 U.S.C. § 11102 before it was merged into Amtrak.
3. If CUSCo was a rail common carrier, whether Amtrak's Subtitle IV exemption under 49 U.S.C. § 24301(c) enabled it to merge with CUSCo without obtaining Board authority.