

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36332

PETITION BY THE NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)
FOR PROCEEDING UNDER 49 U.S.C. § 24903(c)(2)

Digest:¹ This decision requires the National Railroad Passenger Corporation to continue to provide the Northeast Illinois Regional Commuter Railroad Corporation and the Commuter Rail Division of the Regional Transportation Authority access to Chicago Union Station on an interim basis.

Decided: July 26, 2019

On July 22, 2019, the National Railroad Passenger Corporation (Amtrak) filed a petition under 49 U.S.C. § 24903(c)(2), requesting that the Board institute a proceeding, establish a procedural schedule, and enter an order determining the compensation and terms for the use of Chicago Union Station by the Northeast Illinois Regional Commuter Railroad Corporation and the Commuter Rail Division of the Regional Transportation Authority (collectively, Metra).² (Pet. 1.)

According to Amtrak, Metra currently has access rights to Chicago Union Station pursuant to a May 1, 1984 agreement between Metra and the Chicago Union Station Company (CUSCO)³, which was set to expire on April 1, 1989 (1984 Agreement). The parties extended the term of the 1984 Agreement until April 30, 2019, and again by 90 days through July 29,

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Policy Statement on Plain Language Digests in Decisions, EP 696 (STB served Sept. 2, 2010).

² Amtrak states that the Northeast Illinois Regional Commuter Railroad Corporation is the entity that currently contracts with Amtrak. However, Amtrak notes that an earlier petition filed with the Board was filed by both that entity and the Commuter Rail Division of the Regional Transportation Authority. (See Metra Pet. 3, Apr. 6, 2018, Commuter Rail Div. of the Reg'l Transp. Auth.—Pet. for Declaratory Order—Status of Chi. Union Station, FD 36171.) According to Amtrak, Metra believes both entities are necessary for complete relief, so Amtrak filed the instant petition against both entities. (Pet. 1 n.1.)

³ Amtrak states that, in 1984, Amtrak became the sole shareholder of CUSCO, and CUSCO became a wholly owned subsidiary of Amtrak. (Pet. 2.)

2019. (Pet. 2.) Amtrak states that while the parties have attempted to negotiate a new agreement, it is apparent that the parties have reached an impasse. (Id. at 1.)

In its petition, Amtrak states that it has agreed with Metra that an interim order allowing Metra to continue to access and use Chicago Union Station under the terms of the 1984 Agreement is appropriate and asks the Board to issue such an order. (Pet. 7 n.3.) Based on the agreement of the parties, the Board will direct Amtrak to continue to provide Metra access to Chicago Union Station on an interim basis under the terms of the 1984 Agreement in effect on the service date of this decision until further order of the Board. The Board will address the remaining requests in Amtrak's petition in a subsequent decision.

Member Oberman has recused himself and is therefore not participating.

It is ordered:

1. Beginning July 29, 2019, Amtrak must continue to provide Metra access to Chicago Union Station on an interim basis under the terms of the 1984 Agreement in effect on the service date of this decision until further order of the Board.

2. This decision is effective on the date of service.

By the Board, Board Members Begeman, Fuchs, and Oberman. Board Member Oberman did not participate.