

DECISION ID NO.: 46003
DECIDED DATE: 9/1/17
SERVICE DATE: 9/5/17
APPROVED: Karl Morell Campbell
Director
☒ included to
3/1/18.
CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO



August 18, 2017

244137

VIA E-FILING

Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

ENTERED
Office of Proceedings
August 18, 2017
Part of
Public Record

Karl Morell
Ball Janik LLP
655 15th Street NW, Suite 225
Washington, DC 20005

Re: BNSF Railway Company--Abandonment Exemption--in Cook County, IL, STB
Docket No. AB-6 (Sub-No. 482X)

Dear Board:

The City of Chicago, an Illinois municipal corporation, acting by and through its Department of Transportation ("City"), hereby petitions the Surface Transportation Board ("Board") for an order modifying and extending its Decision and Notice of Interim Trail Use or Abandonment ("NITU") in the above-referenced matter for an additional 180 days, through and including March 1, 2018.

On January 29, 2013, the City filed a request for issuance of a notice of interim trail use (NITU) and public use condition ("Petition") for the line proposed for abandonment in Docket No. AB-6 (Sub-No. 482X), between Station 36+70 (north of the Chicago Sanitary and Ship Canal Bridge) and Station 149+87 (at the end of the track near Western Avenue), referred to herein as the "Rail Line."

On April 9, 2013, the Board issued its NITU, as part of STB decision #42859, permitting the City to negotiate with BNSF Railway Company ("BNSF") for trail use for the Rail Line. Since that date, BNSF has reiterated the City's interest in pursuing railbanking of the corridor as part of its own filings for extensions of the consummation deadline, including the one resulting in STB decision #44311.

FILING FEE WAIVED

30 NORTH LASALLE STREET, SUITE 1100, CHICAGO, ILLINOIS 60602

In a filing on March 3, 2017, the City petitioned the STB to further extend the NITU negotiating period. STB granted the most recent extension to September 2, 2017 as Order #45721.

In the interim, the City has continued activities in earnest toward potential acquisition of the rail line for trail use, having used engineering consultants to assist in conducting the "BNSF-Little Village Paseo Feasibility Study," and negotiating for access to conduct environmental testing. However, the City will still need to secure funding, conduct environmental testing, and conduct preliminary design work in order to pursue a trail project. The City requests additional time to continue these activities.

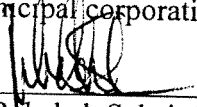
In support of its request for additional time, the City renews its Petition and its Statement of Willingness to Assume Financial Responsibility.

A copy of this statement is being served on BNSF on the same date it is being served on the Board. By my signature below, I certify service upon all parties of record in this proceeding, by U.S. Mail, postage prepaid, first class, this 18th day of August, 2017.

Pursuant to 49 C.F.R. § 1002.2(e)(1), the filing fee for this request is waived.

Respectfully submitted,

CITY OF CHICAGO, an Illinois
municipal corporation

By: 

Rebekah Scheinfeld
Commissioner of Transportation

GH