

SERVICE DATE – JANUARY 31, 2018

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1258

ALLOY PROPERTY COMPANY, LLC—ADVERSE ABANDONMENT—CHICAGO
TERMINAL RAILROAD IN CHICAGO, ILL.

Decided: January 30, 2018

On October 11, 2017, Alloy Property Company, LLC (Alloy) filed an application seeking the third-party, or “adverse,” abandonment of the remaining portions of the C&E and Bloomingdale lines of the Chicago Terminal Railroad (CTM)¹ in Chicago, Cook County, Ill., originating at the western side of North Elston Avenue and proceeding east and south to Goose Island to a terminus near the intersection of North Branch Street and Halsted Street, a distance of approximately 2.625 miles. Notice of the application was served and published in the Federal Register on November 27, 2017 (82 Fed. Reg. 56,101).²

By petition filed June 1, 2017, Alloy sought a waiver of certain Board regulations and exemptions from related statutory provisions regarding its application. CTM replied in opposition on June 21, 2017. In a decision served August 16, 2017, the Board granted in part Alloy’s waiver and exemption petition.

On September 18, 2017, CTM filed a motion to compel discovery from Alloy, to which Alloy replied on October 5, 2017. In a decision served October 25, 2017, the Board referred the discovery issue to an administrative law judge (ALJ) at the Federal Energy Regulatory Commission.

On January 16, 2018, CTM filed a motion to withdraw its motion to compel and a reply indicating it no longer opposes Alloy’s application for adverse abandonment. On that day, the parties also filed a joint motion to restart the procedural schedule.

¹ Although Alloy refers to Chicago Terminal Railroad by the initials CTR, Chicago Terminal Railroad refers to itself as “CTM,” which the Board will use.

² The notice indicated that a procedural schedule would be set by further order of the Board once discovery issues between the parties had been resolved.

The ALJ granted CTM's motion to withdraw its motion to compel on January 25, 2018. Accordingly, the Board will now grant in part the joint motion and set out a procedural schedule for the remainder of this proceeding.³

Any interested person may file a protest or comments concerning the proposed adverse abandonment by February 15, 2018. Protests shall include all evidence and arguments in support of the protestant's position (the protestant's case in chief), including the information required under 49 C.F.R. § 1152.25(a)(1)(i)-(v). Persons who oppose the proposed adverse abandonment but who do not wish to submit a formal protest including verified statements of witnesses containing detailed evidence should file comments. All protesting and commenting parties shall observe the filing and service requirements of 49 C.F.R. § 1152.25. Alloy's reply will be due by March 2, 2018.

Any request for an interim trail use/railbanking condition under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 must be filed by February 15, 2018, and should address whether the issuance of a certificate of interim trail use in this case would be consistent with the grant of an adverse abandonment application. Each trail use request must be accompanied by a \$300 filing fee. See 49 C.F.R. § 1002.2(f)(27).

It is ordered:

1. The parties' joint motion to restart the procedural schedule is granted in part and denied in part.
2. Protests (including protestant's entire opposition case) or comments concerning the proposed adverse abandonment are due by February 15, 2018.
3. Alloy's reply is due by March 2, 2018.
4. Any request for an interim trail use/railbanking condition under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 must be filed by February 15, 2018.
5. This decision is effective on its service date.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

³ The joint motion will be denied in part to the extent that the parties request a comment deadline of January 31, 2018.