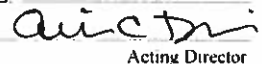


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ENTERED
Office of Proceedings
March 22, 2019
Part of
Public Record

March 22, 2019

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

 GRANTED Office of Proceedings	DECISION ID NO. 46960
	DECIDED DATE: 4/12/2019
	SERVED DATE: 4/15/2019
	APPROVED:  Acting Director
☒ Extended to 9/23/2019	

Re: *Alloy Property Company, LLC – Adverse Abandonment – Chicago Terminal
Railroad in Chicago, IL, STB Docket No. AB-1258*

*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 extension of time to negotiate a trail use agreement in the above-captioned proceedings.

With respect to the filing fee, we have enclosed a check in the amount of \$500. 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 extension of time to negotiate trail use agreement 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* (Service Date 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 extension of time to negotiate trail use agreement be waived.

FILING FEE WAIVED

March 22, 2019

Page 2

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,

A handwritten signature in black ink, reading "Allison I. Fultz". The signature is written in a cursive, flowing style.

Allison I. Fultz
Counsel for the City of Chicago

Enclosures

Cc: Parties of record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-1258

**ALLOY PROPERTY COMPANY, LLC – ADVERSE ABANDONMENT – CHICAGO
TERMINAL RAILROAD IN CHICAGO, IL**

DOCKET NO. AB-1268X

**CHICAGO TERMINAL RAILROAD – ABANDONMENT EXEMPTION – IN
CHICAGO, IL**

**MOTION OF THE CITY OF CHICAGO FOR EXTENSION OF TIME TO NEGOTIATE
TRAIL USE AGREEMENT**

Communications with respect to this pleading
should be addressed to:

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Washington, DC 20036
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E-mail: cspitulnik@kaplankirsch.com
E-mail: afultz@kaplankirsch.com
Counsel for City of Chicago

Dated: March 22, 2019

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-1258

**ALLOY PROPERTY COMPANY, LLC – ADVERSE ABANDONMENT – CHICAGO
TERMINAL RAILROAD IN CHICAGO, IL**

DOCKET NO. AB-1268X

**CHICAGO TERMINAL RAILROAD – ABANDONMENT EXEMPTION – IN
CHICAGO, IL**

**MOTION OF THE CITY OF CHICAGO FOR EXTENSION OF TIME TO NEGOTIATE
TRAIL USE AGREEMENT**

The City of Chicago (“City”), pursuant to 49 U.S.C. §1104.7(b), hereby submits this Motion for an extension of the 180-day time period for completion of a Trail Use Agreement in the above-listed proceedings, and to coordinate the schedule for trail use negotiations in both proceedings. The City requests the alignment of trail use negotiation periods as a matter of administrative convenience and does not seek to consolidate these proceedings.

According to the Decision issued in AB-1268X on September 28, 2018, in which this Board granted the City its requested notice of interim trail use, the trail use negotiation period in that matter will expire on March 27, 2019. In accordance with the Decision issued in AB-1258 on October 26, 2018, the trail use negotiation period in that matter expires on April 17, 2019.¹ Subject to the anticipated implementation of trail use, the authority to abandon both rail segments has become effective. The City requests an additional one hundred eighty (180) days

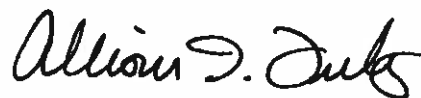
¹ This Board issued a certificate of interim trail use in AB-1258 to the City on April 30, 2018. *Alloy Property Company, LLC – Adverse Abandonment – Chicago Terminal Railroad in Chicago, IL*, STB Docket No. AB-1258 (Service Date April 30, 2018), slip op. at 7.

from March 27, 2019, to September 23, 2019, to complete the required agreement, which will apply to the rail segments in both proceedings, and further requests that the extended deadline apply in both proceedings.

The City, Alloy Property Company, LLC (“Alloy”), and the Chicago Terminal Railroad (“CTR”) have been negotiating in good faith to voluntarily establish terms and conditions for the disposition of the subject line segments, including the City’s negotiation of an agreement with CTR for the City to assume the responsibility of interim trail user over the segments. The City has executed the Statement of Willingness to Assume Financial Responsibility that is required by 49 C.F.R. § 1152.29. That statement was previously submitted to this Board on February 14, 2018, in AB-1258, and on September 14, 2018, in AB-1268X. The City and CTR are continuing their negotiations toward finalizing a trail use agreement, and CTR has authorized the City to state that it concurs with this request for an extension.

WHEREFORE, and in view of the foregoing, the City respectfully requests the Board to extend the time for completion of negotiation of a Trail Use Agreement in these proceedings to September 23, 2019.

Respectfully submitted,



Charles A. Spitulnik
Allison I. Fultz
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(202) 955-5600
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E-mail: afultz@kaplankirsch.com

Counsel for City of Chicago

Dated: March 22, 2019

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of March 2019, I have caused a copy of the foregoing Reply to be served upon the following individuals via email and first class mail, postage paid:

Walter Burnett, Jr.
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Chicago, IL 60612

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29 North Wacker Drive, Suite 920
Chicago, IL 60606-2832

Brian Hopkins
Alderman 2nd Ward
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Chicago, IL 60622

Honorable Mike Quigley,
Congress of the United States
1124 Longworth House Office Building
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