

248502
248504

ENTERED
Office of Proceedings
September 23, 2019
Part of
Public Record

September 23, 2019

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

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

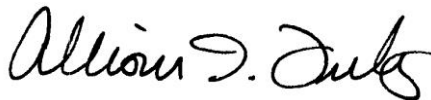
Chicago Terminal Railroad – Abandonment Exemption – In Chicago, IL, STB Docket No. AB-1268X

Dear Ms. Brown:

Attached is 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 submitted the filing fee in the amount of \$550 on pay.gov. 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.

Sincerely,



Allison I. Fultz
Counsel for the City of Chicago

Enclosures

Cc: Parties of record

FILING FEE WAIVED

Kaplan Kirsch & Rockwell LLP
Attorneys at Law

1634 Eye Street, NW
Suite 300
Washington, DC 20006

tel: 202.955.5600
fax: 202.955.5616
kaplankirsch.com

**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:

Charles A. Spitulnik
Allison I. Fultz
KAPLAN KIRSCH & ROCKWELL LLP
1634 Eye Street, N.W.
Suite 300
Washington, DC 20006
E-mail: cspitulnik@kaplankirsch.com
E-mail: afultz@kaplankirsch.com
Counsel for City of Chicago

Dated: September 23, 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 time period for completion of a trail use agreement in the above-listed proceedings.

According to the Decision issued on April 15, 2019, in AB-1258 and embracing AB-1268-X, in which this Board granted the City an extension of the initial period within which to negotiate an agreement to govern interim trail use, the trail use negotiation period in these matters will expire on September 23, 2019.¹ Subject to the anticipated implementation of trail use, the authority to abandon both rail segments has become effective. In addition, as part of the transaction described below, the City will acquire CTM’s right to re-institute freight service on the railbanked segments.² The City requests an additional one hundred eighty (180) days from September 23, 2019, to March 21, 2020, to complete the required agreement, which will apply to

¹ Although the trail use negotiation schedule in these proceedings runs concurrently for administrative convenience, the proceedings themselves have not been consolidated.

² The City’s exemption authorizing the acquisition became effective August 18, 2019. *City of Chicago – Acquisition Exemption – Chicago Terminal Railroad*, STB Docket No. FD 36333 (Service Date Aug. 2, 2019), slip op. at 3.

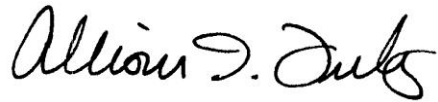
the rail segments in both proceedings, and further requests that the extended deadline apply in both proceedings.

The City, Alloy Property Company, LLC (“Alloy”), and the Chicago Terminal Railroad (“CTR”) have substantially completed negotiations to 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’s acquisition of CTR’s restart right will be consummated simultaneously with the consummation of the proposed trail use agreement. The parties are in the process of finalizing the transaction documents for execution and seek the requested extension of the trail use negotiation period in order to complete this process and consummate the proposed transaction.

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 have completed negotiations of their proposed trail use agreement, which they intend to execute in the next few weeks, 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 March 21, 2020.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Allison I. Fultz". The signature is fluid and cursive, with the first name "Allison" being more prominent than the last name "Fultz".

Charles A. Spitulnik
Allison I. Fultz
KAPLAN KIRSCH & ROCKWELL LLP
1634 Eye Street, N.W.
Suite 300
Washington, DC 20006
(202) 955-5600
E-mail: cspitulnik@kaplankirsch.com
E-mail: afultz@kaplankirsch.com

Counsel for City of Chicago

Dated: September 23, 2019

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of September 2019, I have caused a copy of the foregoing Motion to Extend Time to Negotiate Trail Use Agreement to be served upon the following individuals via email and first class mail, postage paid:

Walter Burnett, Jr.
Alderman 27th Ward
4 N. Western Avenue, 1 C
Chicago, IL 60612

Brian Hopkins
Alderman 2nd Ward
1400 N. Ashland Ave.
Chicago, IL 60622

David Michaud
Iowa Pacific Holdings, LLC
118 S. Clinton St., Suite 400
Chicago, IL 60661

Counsel for Chicago Terminal Railroad

Thomas J. Litwiler
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 920
Chicago, IL 60606-2832

Honorable Mike Quigley,
Congress of the United States
1124 Longworth House Office Building
Washington, DC 20515

Matthew J. Warren
Hanna M. Chouest
Sidley Austin LLP
1501 K Street, NW
Washington, D.C. 20005
Mjwarren@Sidley.com
Hchouest@Sidley.com

Counsel for Alloy Property Company, LLC



Charles A. Spitulnik
Allison I. Fultz
Kaplan Kirsch & Rockwell LLP
1634 Eye Street, N.W.
Suite 300
Washington, DC 20006
(202) 955-5600
cspitulnik@kaplankirsch.com
afultz@kaplankirsch.com