



April 29, 2016

**Via electronic filing**

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

Re: *CSX Transportation, Inc. – Acquisition of Operating Easement – Grand Trunk  
Western R.R. Co., STB Docket No. FD 35522*

Dear Ms. Brown:

Enclosed please find for filing in the above-captioned proceeding (a) the Motion for Leave to File a Reply and (b) the Reply of the City of Chicago and Village of Evergreen Park to Reply of CSX in the above-captioned proceeding.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Allison I. Fultz  
Counsel for City of Chicago, Illinois

cc: All Parties of Record

Enclosures

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**STB Docket No. FD 35522**

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**CSX TRANSPORTATION, INC. – ACQUISITION OF OPERATING EASEMENT –  
GRAND TRUNK WESTERN RAILROAD COMPANY**

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**MOTION OF THE CITY OF CHICAGO and VILLAGE OF EVERGREEN PARK FOR  
LEAVE TO FILE A REPLY TO CSX’S REPLY TO PETITION OF CITY OF CHICAGO  
AND VILLAGE OF EVERGREEN PARK**

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Communications with respect to this pleading  
should be addressed to:

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Counsel for City of Chicago, Illinois

Dated: April 29, 2016

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**STB Docket No. FD 35522**

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**CSX TRANSPORTATION, INC. – ACQUISITION OF OPERATING EASEMENT –  
GRAND TRUNK WESTERN RAILROAD COMPANY**

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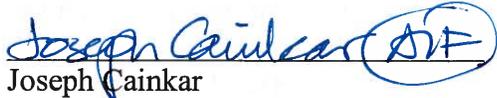
**MOTION OF THE CITY OF CHICAGO and VILLAGE OF EVERGREEN PARK FOR  
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The City of Chicago (City) and Village of Evergreen Park (Village) (collectively, Petitioners) hereby move this Board pursuant to 49 C.F.R. § 1117.1 for leave to file a reply to CSX Transportation, Inc.’s, Reply, filed on March 10, 2016, to the Petitioners’ Petition to Reopen and to Impose Sanctions filed in this proceeding (“CSX Reply”). The Petitioners’ proposed Reply to the CSX Reply is submitted herewith. Although the rules governing this proceeding prohibit the filing of a reply to a reply (49 C.F.R. §1104.13(c)), this Board permits parties to a proceeding to file a reply to a reply when that submission “provides a more complete record, clarifies the arguments, will not prejudice any party, and does not unduly prolong the proceeding. It is within the Board’s discretion to permit otherwise impermissible filings . . .” STB Docket No. AB-6 (Sub-No. 468X), *BNSF Railway Company — Abandonment Exemption — In Kootenai County, ID, slip op.*, at 1 (Service Date Nov. 27, 2009).

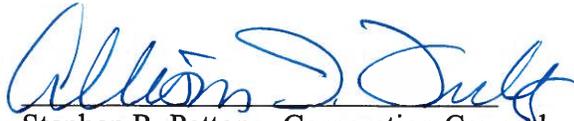
Granting this motion will not broaden the issues raised in this proceeding, because the Petitioners seek only to correct the record as to matters raised in the CSX Reply. Accordingly, granting this motion will not extend the time required for the Board to address the issues raised in this proceeding and will not otherwise prejudice any party hereto or prolong this proceeding.

Respectfully submitted,



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Counsel for City of Chicago, Illinois

Dated: April 29, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused to be served a copy of the foregoing MOTION OF THE CITY OF CHICAGO, IL, AND VILLAGE OF EVERGREEN PARK, IL, FOR LEAVE TO FILE A REPLY TO CSX'S REPLY TO PETITION OF CITY OF CHICAGO AND VILLAGE OF EVERGREEN PARK upon the following parties of record in this proceeding by first-class mail with postage prepaid and properly addressed:

Honorable Kelly Burke  
State Representative  
Capitol Office 266-S Stratton Office Building  
Springfield, IL 62706

Elizabeth A. Reese  
10324 South Church Street  
Chicago, IL 60643-2939

Honorable Richard J Durbin  
United States Senate  
Washington, DC 20510-1304

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Honorable Daniel Lipinski  
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2346 Rayburn House Office Building  
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Allison I. Fultz

Dated: May 2, 2016