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SERVICE DATE – LATE RELEASE JUNE 3, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 43 (Sub-No. 184X)

ILLINOIS CENTRAL RAILROAD COMPANY—ABANDONMENT EXEMPTION—  
IN COOK COUNTY, ILL.

Decided: June 3, 2011

This decision grants an extension of time to negotiate a trail use/rail banking agreement.

By decision and notice of interim trail use or abandonment (NITU) served on December 17, 2008 (December 2008 decision), the Board, under 49 U.S.C. § 10502, exempted from the prior approval requirements of 49 U.S.C. § 10903 the abandonment by Illinois Central Railroad Company (IC) of approximately 3,205 feet of rail line beginning at the point of clearance at Station 26+58 (Halsted Street) and extending northeasterly approximately 3,205 feet to the end of the track at Station 58+63 (Cermak Road), all in Chicago, Cook County, Ill., subject to public use, trail use, and standard employee protective conditions.

The December 2008 decision authorized a 180-day period for the City of Chicago, acting by and through the Chicago Department of Transportation (the City), to negotiate an interim trail use/rail banking agreement with IC for the right-of-way pursuant to the National Trails System Act, 16 U.S.C. § 1247(d) (Trails Act). The NITU negotiating period was extended several times, with the latest decision (served on December 28, 2010) extending it until June 5, 2011.

By letter filed on May 20, 2011, the City requests an extension of the NITU negotiating period for an additional 180 days, until December 2, 2011. The City states that it has continued to pursue the trail project and needs additional time to secure project financing, complete the trail engineering plan, and conclude negotiations with IC. In a response filed on May 24, 2011, IC agrees to the City's extension request.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.<sup>1</sup> An extension of the NITU negotiating period will promote the establishment of trail use and rail banking consistent with the Trails Act. Accordingly, the NITU negotiating period will be extended for an additional 180 days, to December 2, 2011.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

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<sup>1</sup> See Rail Abans.—Use of Rights-of-Way as Trails—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. The City's request to extend the NITU negotiating period for an additional 180 days is granted.
2. The NITU negotiating period is extended to December 2, 2011.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.