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SERVICE DATE – APRIL 13, 2010

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-1036

THE CITY OF CHICAGO, ILLINOIS
– ADVERSE ABANDONMENT –
CHICAGO TERMINAL RAILROAD IN CHICAGO, IL

Decided: April 13, 2010

By decision served on March 4, 2010, the Board held this proceeding in abeyance and extended all procedural dates by 30 days in order to facilitate settlement discussions.

By letter filed on March 29, 2010, the Chicago Terminal Railroad (CTR) has informed the Board that CTR and the City of Chicago, Ill. (the City) have negotiated a settlement of the issues involved in the adverse abandonment application filed by the City in this proceeding for 1.625 miles of lines in Chicago owned by CTM. According to CTR, it will not protest the City's adverse abandonment application, and CTR and the City ask that the Board take the proceeding out of abeyance and order that comments be filed by 15 days from the date of this decision and that the City's rebuttal be filed by 5 days thereafter (by 20 days after this decision). CTR also states that they request that the agency issue a decision granting the City's adverse abandonment application within 30 days of the deadline for rebuttal.

The request to take the proceeding out of abeyance will be granted. CTR's request that the Board act on the application within 30 days will be denied. Other interested persons may wish to comment on or protest the application. Indeed, by pleading filed on March 18, 2010, Andrew Morris has submitted comments opposing the abandonment of certain portions of the involved lines. Because the Board cannot predict the complexity of the issues that may eventually be raised by commenters or protestants, the agency cannot commit to issuance of a decision within 30 days.

By letter filed on March 30, 2010, CTR also seeks to withdraw 2 motions in light of the aforementioned settlement agreement. In particular, CTR seeks to withdraw its motion filed on January 14, 2010, wherein it requested that the Board order the City to cease and desist from removing certain track involved in this proceeding and to restore the track that was removed. In that motion, CTR also asked the agency to sanction the City's alleged involvement in removing the track by striking the City's notice of intent to file the adverse abandonment application that had not yet been filed in this proceeding. CTR also seeks to withdraw its motion filed on February 19, 2010, wherein it asked the Board to strike the verified statements of Paul Zalmezak and Joseph B. Alonzo, which were submitted in support of the adverse abandonment application that was filed by the City on February 1, 2010.

In light of the settlement agreement, CTR's request to withdraw these motions will be granted.

It is ordered:

1. The abeyance in this proceeding is terminated.
2. Comments on the City's application or protests are due by April 28, 2010, and any rebuttal by the City is due by May 3, 2010.
3. CTR's request to withdraw the aforementioned motions filed on January 14, 2010, and February 19, 2010, is granted.
4. This decision is effective on its service date.

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