



241348

ENTERED
Office of Proceedings
August 24, 2016
Part of
Public Record

CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

August 23, 2016

VIA E-FILING

Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Karl Morell
Ball Janik LLP
655 15th Street NW, Suite 225
Washington, DC 20005

 GRANTED Office of Proceedings	DECISION ID NO.: <u>45421</u>
	DECIDED DATE: <u>8/31/16</u>
	SERVICE DATE: <u>9/1/16</u>
	APPROVED: <u>Rachel D Campbell</u> Director
	<input checked="" type="checkbox"/> <u>extended to 3/6/17</u>

Re: BNSF Railway Company--Abandonment Exemption--in Cook County, IL, STB
Docket No. AB-6 (Sub-No. 482X)

Dear Board:

The City of Chicago, an Illinois municipal corporation, acting by and through its Department of Transportation ("City"), hereby petitions the Surface Transportation Board ("Board") for an order modifying and extending its Decision and Notice of Interim Trail Use or Abandonment ("NITU") in the above-referenced matter for an additional 180 days, through and including March 6, 2017.

On January 29, 2013, the City filed a request for issuance of a notice of interim trail use (NITU) and public use condition ("Petition") for the line proposed for abandonment in Docket No. AB-6 (Sub-No. 482X), between Station 36+70 (north of the Chicago Sanitary and Ship Canal Bridge) and Station 149+87 (at the end of the track near Western Avenue), referred to herein as the "Rail Line."

On April 9, 2013, the Board issued its NITU, as part of STB decision #42859, permitting the City to negotiate with BNSF Railway Company ("BNSF") for trail use for the Rail Line.

Since that date, BNSF has reiterated the City's interest in pursuing railbanking of the corridor as part of its own filings for extensions of the consummation deadline, including the one resulting in STB decision #44311.

FILING FEE WAIVED

In a filing on February 11, 2016, and amended February 18, 2016, the City petitioned the STB to further extend the NITU negotiating period. On March 2, 2016 STB decided to grant an extension to September 7, 2016 as Order #45074.

In the interim, the City has continued activities in earnest toward potential acquisition of the rail line for trail use, using engineering consultants to assist in conducting the "BNSF-Little Village Paseo Feasibility Study."

Efforts in this study have included: evaluation of existing land use and traffic conditions, safety analysis of converting rail grade crossings to trail crossings, conceptual design for a potential "paseo" trail and key access points, and nine meetings with community organizations and representatives of Cook County which operates adjacent facilities.

This study is nearing completion, but the City will still need to secure funding, conduct environmental testing, and conduct preliminary design work in order to pursue a trail project. The City requests additional time to continue these activities.

In support of its request for additional time, the City renews its Petition and its Statement of Willingness to Assume Financial Responsibility.

A copy of this statement is being served on BNSF on the same date it is being served on the Board. By my signature below, I certify service upon all parties of record in this proceeding, by U.S. Mail, postage prepaid, first class, this 23rd day of August, 2016.

Pursuant to 49 C.F.R. § 1002.2(e)(1), the filing fee for this request is waived.

Respectfully submitted,

CITY OF CHICAGO, an Illinois
municipal corporation

By: 
Rebekah Scheinfeld
Commissioner of Transportation