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SERVICE DATE – JANUARY 30, 2009

SURFACE TRANSPORTATION BOARD

DECISION

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

ILLINOIS CENTRAL RAILROAD COMPANY—ABANDONMENT EXEMPTION—
IN COOK COUNTY, IL

Decided: January 29, 2009

By decision and notice of interim trail use or abandonment 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, IL, subject to trail use, public use, and standard employee protective conditions. The exemption was scheduled to become effective on January 16, 2009, unless it was stayed by the Board or a party filed a formal expression of intent to file an offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(1) by December 24, 2008.

On December 18, 2008, Chicago Port Railroad Company (CPC) filed a petition to toll the deadline for filing an OFA in this proceeding and IC subsequently concurred with that request. By decision served on December 23, 2008, the time period for CPC to file an OFA was tolled for 30 days (until January 23, 2009), and the effective date of the exemption was postponed until 10 days after that (until February 2, 2009). See 49 CFR 1152.27(c)(1)(i)(C). By letter filed on January 21, 2009, CPC notified the Board that it has decided not to file an OFA.

As mentioned above, the abandonment exemption was subject to trail use to enable the parties to negotiate an agreement for interim trail use/rail banking for a period of 180 days from the service date of the December 2008 decision, until June 15, 2009. The exemption was also subject to a public use condition requiring IC to leave intact the right-of-way, including bridges, trestles, culverts, and tunnels (except track, ties, and signal equipment) for a period of 180 days from January 16, 2009 (the effective date of the December 2008 decision), to enable any state or local government agency or any other interested person, to negotiate the acquisition of the line for public use. Under 49 U.S.C. 10905 and 49 CFR 1152.28, the Board may impose a public use condition for up to 180 days after the effective date of a decision authorizing abandonment. In this instance, because the effective date was postponed to February 2, 2009, the 180-day period for the public use condition will now run from February 2, 2009 (until August 1, 2009).

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

It is ordered:

1. IC shall leave intact the right-of-way, including bridges, trestles, culverts, and tunnels (except track, ties, and signal equipment) for a period of 180 days from February 2, 2009 (until August 1, 2009), to enable any state or local government agency or any other interested person, to negotiate the acquisition of the line for public use.
2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary