



DECISION ID NO.: 43124
 DECIDED DATE: 6/4/13
 SERVICE DATE: 6/4/13
 APPROVED: Rachel D Campbell
 Director

Office of
 Proceedings

extended to 11/22/13



CHICAGO DEPARTMENT OF TRANSPORTATION
 CITY OF CHICAGO

May 20, 2013

VIA E-FILING

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

234274
 ENTERED
 Office of Proceedings
 May 21, 2013
 Part of
 Public Record

Mack H. Shumate, Jr.
 101 North Wacker Drive, Room 1920
 Chicago, IL 60606

Re: Union Pacific Railroad Company--Abandonment Exemption and Discontinuance of Operations over the Weber Industrial Lead from Milepost 5.8 near Wilson Avenue, Chicago, to Milepost 9.5 near Touhy Avenue, Skokie, a Distance of 3.7 Miles in Cook County, IL; STB Docket No. AB-33 (Sub-No. 263X)

Dear Ms. Brown:

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 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 November 22, 2013.

On December 9, 2008, the City filed a petition for a Public Use Condition as well as a Certificate or Notice of Interim Trail Use ("Petition"), rather than an outright abandonment authorization, for the portion of the Weber Industrial Lead extending from milepost 5.8 near Wilson Avenue in Chicago to approximately milepost 8.4 near Devon Avenue, a distance of approximately 2.6 miles. The Village of Lincolnwood ("Village") filed a similar trail use/rail banking request on the portion of the rail line traversing the village.

On December 17, 2008, the Board issued its NITU, providing for a 180-day period for negotiations between the City, the Village and Union Pacific Railroad Company ("UP"). By multiple decisions, the most recent (ID# 42790) served on December 10, 2012, the Board extended the NITU negotiating period to May 26, 2013.

FILING FEE WAIVED

Previously, a consultant team had been selected to conduct preliminary engineering and environmental studies compliant with FHWA standards and to provide real estate acquisition services under USDOT guidelines.

On June 5, 2012, Illinois Department of Transportation (IDOT) suspended the selected firm from participating in any contract with the agency or any contract with a local agency subject to its approval, citing accounting irregularities. Because this project will use IDOT-supervised FHWA funds from the federal Congestion Mitigation and Air Quality Improvement (CMAQ) Program, it was subject to this ruling and the previously submitted contract was not able to be approved by IDOT.

In light of these circumstances, CDOT notified IDOT and the City's Department of Procurement Services on June 27, 2012 that it would instead begin contract negotiations anew with the firm with the next highest scoring proposal. Those negotiations have been complex and are nearing completion.

When this contract is approved by IDOT, the studies will begin. Four-fifths of the cost of the teams' efforts will be funded by the federal Congestion Mitigation and Air Quality Improvement (CMAQ) Program.

The City is trying to make progress, but due to these event beyond its control, The City needs additional time to complete its trail engineering plan and conclude negotiations with UP.

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 UP on the same date it is being served on the Board. By my signature below, I certify service upon Union Pacific Railroad Company, Attn: Mack H. Shumate, Jr., 101 North Wacker Drive, Room 1920, Chicago, IL 60606, by U.S. Mail, postage prepaid, first class, this 20th day of May 2013.

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:  
Gabe Klein
Commissioner of Transportation