



CHICAGO DEPARTMENT OF TRANSPORTATION  
CITY OF CHICAGO

September 26, 2016

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

Karl Morell  
Karl Morell & Associates  
655 Fifteenth Street, NW  
Suite 225  
Washington, DC 20005

241580  
ENTERED  
Office of Proceedings  
September 26, 2016  
Part of  
Public Record

Re: BNSF Railway Company--Abandonment Exemption--in Cook County, IL, STB Docket  
No. AB-6 (Sub-No. 493X)

Dear Board:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the City of Chicago, an Illinois municipal corporation, acting by and through its Department of Transportation ("Commenter").

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization for approximately 0.89 miles of track on BNSF's Lumber District Lead beginning just west of Laflin Street at Engineering Station 118+00 and proceeding east along West Cermak Road to the most easterly point at Engineering Station 157+65 and heading north along the Sangamon Street Lead at Engineering Station 163+50, including both legs of the wye, in Chicago, Cook County, Ill.

A. Public Use Condition.

Commenter requests the Board to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time because we have not had an opportunity to assemble or to review title, appraisal and environmental information; to determine which portions of the proposed

abandonments are in the public way of Chicago (and thus reversionary to the City); or to commence negotiations with the carrier.

The justification for this condition is that the subject rail corridor has been proposed as an extension of the Sangamon Paseo, a Mexican-style pedestrian and bicycle trail. The proposed trail will connect the predominantly Latino neighborhoods of Pilsen and Little Village in Chicago, and potentially extend north to the University at Illinois-Chicago. The Paseo will serve as a community gathering place and a catalyst for redevelopment. Community organizations such as Pilsen Neighbors Community Council and The Resurrection Project support the proposed trail.

2. An order barring removal or destruction of any potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use.

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY.**

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, the City of Chicago is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by BNSF Railway.

A map depicting the right-of-way is attached.

The City of Chicago acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

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

By my signature below, I certify service upon BNSF Railway's representative Karl Morell, Karl Morell & Associates, Suite 225, 655 Fifteenth Street, N.W., Washington, DC 20005, by U.S. Mail, postage prepaid, first class, this ~~18th~~  
26 day of September, 2016.

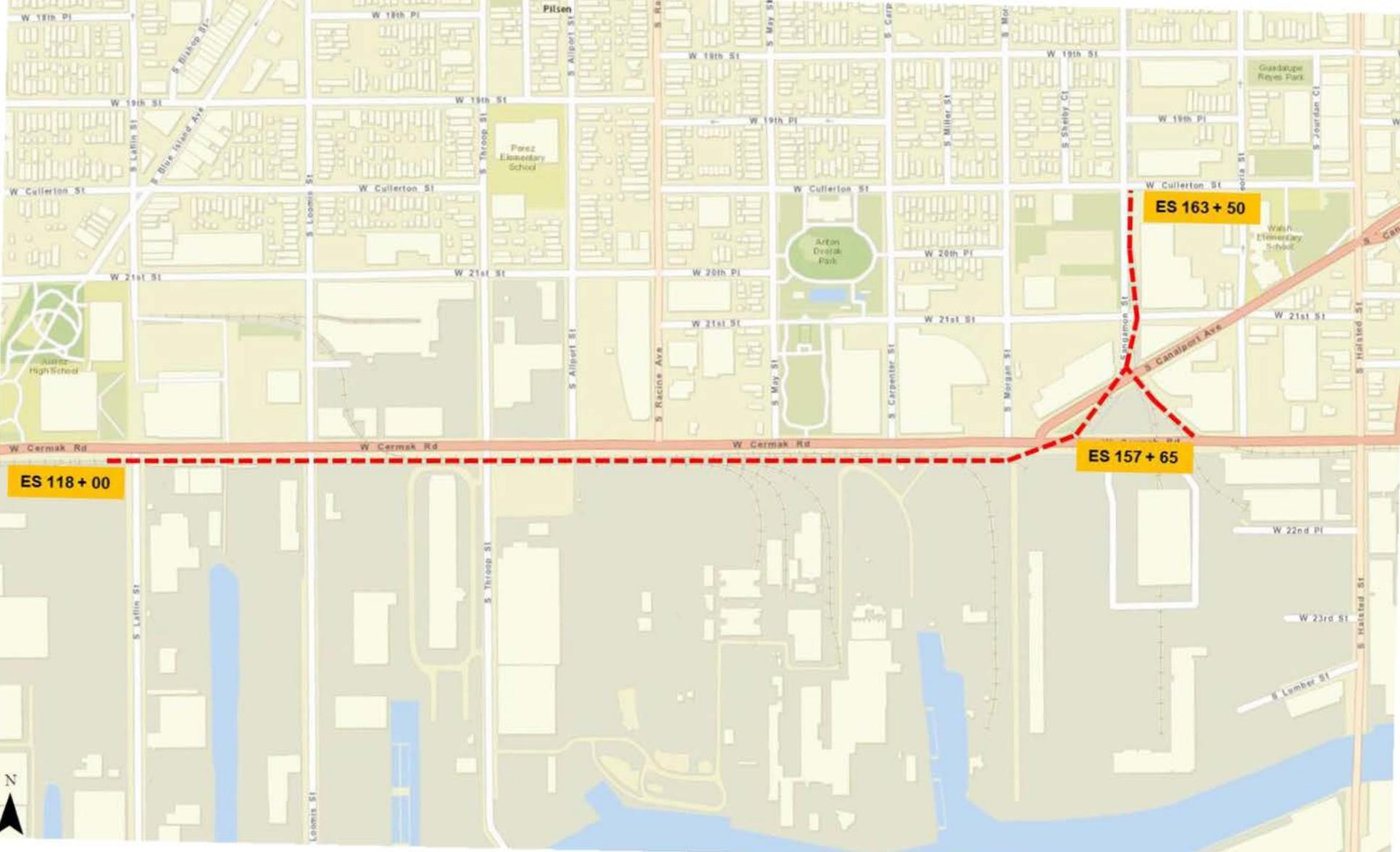
Respectfully submitted,

**CITY OF CHICAGO**, an Illinois municipal corporation

By: \_\_\_\_\_

  
Rebekah Scheinfeld

Commissioner of Transportation



ES 118 + 00

ES 157 + 65

ES 163 + 50

