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May 19, 2014

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VIA E-FILING

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room 100
Washington, DC 20423-0001

ENTERED
Office of Proceedings
May 19, 2014
Part of
Public Record

RE: Abandonment Exemption and Discontinuance of Operations over the Weber Industrial Lead from M.P. 5.8 near Wilson Avenue to M.P. 9.5 near Touhy Avenue, a distance of 3.7 miles in Cook County, Illinois; STB Docket No. AB-33 (Sub-No. 263X)

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the City of Chicago, an Illinois municipal corporation, (the "City"), seeking to extend the negotiation period covering the issuance of a Certificate or Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 for the portion of the Union Pacific's Weber Industrial Lead located in the City between approximately Milepost 5.8 Near Wilson Avenue to the border with the Village of Lincolnwood, Illinois, at approximately Milepost 8.4 near Devon Avenue, a distance of approximately 2.6 miles in Cook County, Illinois.

The Union Pacific is willing to extend the negotiation period with the City concerning the acquisition of the subject property for trail use and supports the City's request to extend the negotiation period for an additional 180 days from May 21, 2014 to November 17, 2014. A copy of the City's request for extension is attached hereto as Exhibit A and hereby made a part hereof.

Sincerely,



Attachment

cc: City of Chicago

2014_05_19 STB-180Days-City of Chicago.doc





CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

May 19, 2014

VIA E-FILING

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

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 17, 2014.

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# 43477) decided and served on November 26, 2013, the Board extended the NITU negotiating period to May 21, 2014.

As noted in previous filings on this docket, a consultant team had been selected to conduct preliminary engineering and environmental studies and provide real estate acquisition services. After a contract was negotiated with the team, the lead firm was suspended by the Illinois Department of Transportation (IDOT) 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.

CDOT then began contract negotiations anew with the firm with the next highest scoring proposal. Those negotiations are complete and the contract was approved by FHWA on April 16, 2014; approval by IDOT Secretary is expected shortly.

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.

Although the City is making progress, due to past events beyond its control, it 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 19th day of May 2014.

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