



CHICAGO DEPARTMENT OF TRANSPORTATION
CITY OF CHICAGO

March 15, 2013

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

233933
ENTERED
Office of Proceedings
March 18, 2013
Part of
Public Record

Re: BNSF Railway--Abandonment Exemption--in Cook County, IL, STB Docket No.
AB-6 (Sub-No. 487X)

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 both the "Sangamon Street Line" between Station 186+79 (south of Western Ave yard at 16th St.) to Station 163+50 (Red Board south of Cullerton St.) and the "Lumber Street Line" between Station 157+65 (W. Cermak Rd. at Colonial Brick switch) to Station 197+81 (end of Line on Lumber St.)

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.

- a. The justification for this condition on the Sangamon Street Line is that it has been proposed for extension of the "Sangamon Paseo," a Mexican-style pedestrian trail of which a segment has already been constructed to the south of the abandonment. Building off the recommendations of the LISC Pilsen Quality of Life Plan, completion of the paseo would provide an attractive pedestrian link to two other pedestrian-oriented streetscapes in the Pilsen neighborhood on Cermak Rd. and 18th Street - with onward connections north to the University at Illinois-Chicago. Community organizations such as Pilsen Neighbors Community Council and The Resurrection Project promote the proposed paseo as a catalyst for redevelopment including affordable housing and other uses.
 - b. The justification for this condition on the Lumber Street Line is that the portion of the line that is not already in the public way is adjacent to public way, where a sidewalk would typically be located on most Chicago streets.
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.

This willingness applies to both lines of Docket No. AB-6 (Sub-No. 487X): the "Sangamon Street Line" between Station 186+79 (south of Western Ave yard at 16th St.) to Station 163+50 (Red Board south of Cullerton St.) and the "Lumber Street Line" between Station 157+65 (W. Cermak Rd. at Colonial Brick switch) to Station 197+81 (end of Line on Lumber St.).

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 Morel, Ball Janik LLP, 655 15th St N.W., Washington, DC, by U.S. Mail, postage prepaid, first class, this 15th day of March, 2013.

Respectfully submitted,

CITY OF CHICAGO, an Illinois municipal corporation

By:

700 Gabe Klein

Commissioner of Transportation

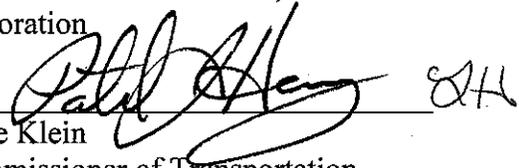




EXHIBIT B

Chicago, Illinois 41° 51' 56.1688" N 87° 39' 10.6938" W

The National Map