



CHICAGO DEPARTMENT OF TRANSPORTATION  
CITY OF CHICAGO

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Public Record

**VIA E-FILING**

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

Karl Morell  
Ball Janik LLP  
655 15<sup>th</sup> Street NW, Suite 225  
Washington, DC 20005

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

Dear Board:

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 modifying and 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 March 25, 2015.

On March 18, 2013, the City filed a request for issuance of a notice of interim trail use (NITU) and public use condition ("**Petition**") for approximately 1.1 miles of rail line, as follows: (1) approximately 0.50 miles of track (the "**Sangamon Street Line**") from south of Western Avenue Yard at 16<sup>th</sup> Street (Station 186+79), extending to the red board south of Cullerton Street (Station 163+50); and (2) approximately 0.60 miles of track (the "**Lumber Street Line**") from West Cermak Road at the Colonial Brick switch (Station 157+65), extending to the end of the line on Lumber Street (Station 197+81), in Chicago, Cook County, Illinois. The Sangamon Street Line and the Lumber Street Line are collectively referred to herein as the "**Rail Lines**."

On April 4, 2013, the Board issued its NITU, permitting the City to negotiate with BNSF Railway Company ("**BNSF**") for trail use for the Rail Lines until October 1, 2013, and permitting public use negotiations for the Rail Lines until October 2, 2013. In an Order

**FILING FEE WAIVED**

30 NORTH LASALLE STREET, SUITE 1100, CHICAGO, ILLINOIS 60602

on February 27, 2014, the Board (1) modified the NITU to vacate the segment of the Sangamon Street Line between Station 186+79 and 185+77, and (2) extended the NITU negotiating period to March 30, 2014, for that portion of the Sangamon Street Line between stations 185+77 and 163+50 and for the Lumber Street Line as originally petitioned. In an Order on April 9, 2014, the Board further extended the NITU negotiating period to September 26, 2014, for that portion of the Sangamon Street Line between stations 185+77 and 163+50 and for the Lumber Street Line as originally petitioned.

The City has commenced negotiations with BNSF and due diligence activities associated with the acquisition of the Rail Lines, including a meeting on September 18, 2014, with a representative of BNSF's real estate consultant Jones Lang LaSalle.

In the case of the segment of the Sangamon Street Line between 185+77 and 163+50, the City requests additional time to continue these activities, including due diligence regarding its environmental condition.

In support of its request for additional time, the City renews its Petition and its Statement of Willingness to Assume Financial Responsibility.

In the case of the Lumber Street Line, the City has completed its review of materials provided by BNSF and has determined, based on the information presented [CB&W RR Atlas pages IL-01D/16A IL-01D/16B and 16A as annotated by electronic files entitled "s50314.pdf" and s50314.xls"] and its own inspection, that much of the corridor occupies the existing public way of the City of Chicago by permissions dating to the late 1800s.

BNSF has removed its property from the public way. The remaining parcels are primarily former industrial spur tracks that cannot be assembled to develop a trail under the intent of an NITU.

Therefore, if BNSF attests that abandonment of the Lumber Street Line terminates all of its right, title and interest in the underlying public way, the City consents to the abandonment of the Lumber Street Line; provided, however, the foregoing consent shall not be interpreted as the City providing a release with respect to any claims or causes of action that the City may have against BNSF (or its officers, directors, employees, agents, contractors, representatives, shareholders, parents, subsidiaries, affiliates, predecessors, successors or assigns) arising from or related to BNSF's prior use and occupancy of the underlying public way, including, without limitation, claims related to the environmental condition of the public way.

A copy of this statement is being served on BNSF on the same date it is being served on the Board. By my signature below, I certify service upon Karl Morell, Ball Janik LLP, 655 15<sup>th</sup> Street NW, Suite 225, Washington, DC 20005, by U.S. Mail, postage prepaid, first class, this 25<sup>th</sup> day of September, 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:    
Rebecca Scheinfeld  
Commissioner of Transportation

September 25, 2014

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