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THOMAS F. MCFARLAND

November 23, 2009

By certified mail (7004 2510 0001 9419 1271)  
& UPS overnight mail

Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20024

Re: Docket No. AB-1036, *The City of Chicago, Illinois -- Adverse Abandonment --  
Chicago Terminal Railroad in Chicago, IL*

Dear Chief:

Enclosed please find an original and 10 copies of Notice Of Intent To File An Application  
For Adverse Abandonment, for filing with the Board in the above referenced matter.

Very truly yours,

*Tom McFarland*

Thomas F. McFarland  
*Attorney for The City  
of Chicago, Illinois*

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Public Record

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
WASHINGTON, D.C. 20423



STB Docket No. AB-1036

**THE CITY OF CHICAGO, ILLINOIS  
-- ADVERSE ABANDONMENT --  
CHICAGO TERMINAL RAILROAD IN CHICAGO, IL**

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**NOTICE OF INTENT TO FILE AN APPLICATION  
FOR ADVERSE ABANDONMENT**

THE CITY OF CHICAGO, ILLINOIS (the City) gives notice that on or about December 21, 2009, the City intends to file with the Surface Transportation Board (“the Board”), Washington, D.C. 20423, an application seeking adverse abandonment of the authority of Chicago Terminal Railroad (CTM) to operate over two unused rail lines in Chicago, Cook County, Illinois, i.e.: (1) a portion of CTM’s Kingsbury Branch from its southern terminus at the intersection of Kingsbury, Division, and Halsted Streets, to, but not including, the point at which CTM’s Goose Island Branch diverges from the Kingsbury Branch at or near Willow Street, a distance of approximately 6 city blocks (.75-mile) (“the Kingsbury Segment”); and (2) a portion of CTM’s Lakewood Avenue Line between the southwest right-of-way line of Clybourn Avenue and the Line’s northern terminus at Diversey Parkway, a distance of approximately 7 city blocks (.875-mile) (“the Lakewood Segment”). The affected railroad lines are situated in U.S. Postal Zip Codes 60614 and 60622. The lines do not have stations and are not described by mileposts. The reasons for the proposed abandonment include (i) the absence of current use of the lines,

(ii) the lack of any reasonably foreseeable future need for rail service on the lines; and (iii) the prospect for significant nonrail benefits from abandonment. In addition, there are significant safety concerns.

There are no documents in the City's possession that indicate that the lines contain federally granted rights-of-way. Any such documentation that might come into the City's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the employee protective conditions imposed in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

The application, when filed, can be viewed following its filing on the Board's webpage, [www.stb.dot.gov](http://www.stb.dot.gov), or a copy can be secured from the City's counsel, whose name and address appear below. The application will include the City's entire case for abandonment. Any interested person, after the application is filed on or about December 21, 2009, may file with the Surface Transportation Board its protest of, or written comments concerning, the proposed abandonment identifying it by the proceeding's docket number. These filings are due 45 days from the date of filing of the application. All interested persons should be aware that following any abandonment of rail service and salvage of the line, the line may be suitable for railbanking and interim recreational trail use. Any request for a trail use condition under 16 U.S.C. § 1247(d) (§ 1152.29 of the Board's rules) must also be filed within 45 days from the date of filing of the application. Persons who may oppose the abandonment, but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses containing detailed evidence, should file comments. Persons interested in seeking trail use conditions should also file comments. Persons opposing the proposed abandonment who wish to

participate actively and fully in the process should file a protest. Protests must contain that party's entire case in opposition including the following: (1) the protestant's name, address and business, (2) the protestant's interest in the proceeding, including their use of the line or the public interest represented, (3) the protestant's reasons for protesting or commenting on the proposed abandonment, including their reliance on the involved service, and (4) any rebuttal of material submitted in the application. Protests or comments need to be notarized or verified, and an unbound original and ten copies are required to be filed with the Chief, Section of Administration, of the Board's Office of Proceedings, at 395 E Street, S.W., Washington, DC 20024, together with a certificate of service attesting that copies of the comments or protests have been served on the City's counsel in this matter, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, phone 312-236-0204, fax 312-201-9695, mcfarland@aol.com. Except as otherwise set forth in 49 C.F.R. § 1152, each document filed with the Board must be served on all parties to the abandonment proceeding. Protests and comments will be considered by the Board in determining what disposition to make of the application. A commenting party or protestant may participate in the proceeding as its interests may appear.

If an oral hearing is desired, the requester must make a request for an oral hearing and provide reasons why an oral hearing is necessary. Oral hearing requests must be filed with the Board no later than 10 days after that application is filed.

Those parties filing protests to the proposed abandonment should be prepared to participate actively either in an oral hearing or through the submission of their entire opposition

case in the form of verified statements and arguments at the time they file a protest. Parties seeking information concerning the filing of protests should refer to 49 C.F.R. § 1152.25.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Service at (202) 245-0230 or refer to the text of the abandonment regulations at 49 C.F.R. § 1152.1, *et seq.*

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Board's Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

The City hereby certifies that a copy of this Notice is being served on:

Big Bay Lumber Company, Inc.  
1017 West Division Street  
Chicago, IL 60642-4298

Sipi Metals Corporation  
1720 North Elston Avenue  
Chicago, IL 60642-1579

General Iron Industries, Inc.  
1909 North Clifton Avenue  
Chicago, IL 60614-4803

A. Finkl & Son Company  
2011 N Southport Avenue  
Chicago, IL 60614-4079

(by certified mail)

Hon. Pat Quinn  
Governor  
Office of the Governor  
207 State House  
Springfield, IL 62706

Illinois Department of Transportation  
2300 S. Dirksen Parkway  
Springfield, IL 62764

U.S. Dept. of Defense (SDDCTEA)  
Attn: Railroads for National Defense  
709 Ward Drive  
Bldg. 1990, Room 2E264  
Scott AFB, IL 62225

U.S. Railroad Retirement Board  
844 Rush Street  
Chicago, IL 60611

Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

Mara S. Georges <sup>TM</sup>  
Steven J. Holler <sup>TM</sup>

MARA S. GEORGES, Corporation Counsel  
STEVEN J. HOLLER, Deputy Corporation Counsel  
City of Chicago, Law Department  
121 North LaSalle Street, Room 600  
Chicago, IL 60602

DATED: November 23, 2009

(by certified mail & overnight mail)

Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20024

Joseph C. Szabo, Administrator  
Federal Railroad Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

U.S. Department of Interior  
National Park Service  
Cultural Resources, Rm. 3126  
1849 C Street, N.W.  
Washington, DC 20240

U.S. Department of Agriculture  
Chief of the Forest Service  
4<sup>th</sup> Floor N.W., Auditor's Building  
14<sup>th</sup> Street & Independence Ave., SW  
Washington, DC 20250

John D. Heffner, Esq.  
Attorney for Chicago Terminal Railroad  
1750 K Street, NW, Suite 350  
Washington, DC 20006

Thomas F. McFarland

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Attorney for the City of Chicago