



City of Chicago
Richard M. Daley, Mayor

Department of Transportation

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Ms Anne K Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Michael J Barron, Jr
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 920
Chicago, IL 60606-2832

Re: Illinois Central Railroad Company--Abandonment
Exemption--in Cook County, IL, STB Docket No AB-43
(Sub-No 184X)

October 6, 2008



ENTERED
Office of Proceedings

OCT 15 2008

Part of
Public Record

Dear Ms Quinlan

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 between Station 0+00 (main line milepost 3.00 - Throop Street) and Station 58+63 (main line milepost 2.00 - Cermak Road)

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 justification for this condition is that the City of Chicago's bikeway facilities development plan, *The Chicago Trails Plan*, recommends establishing a trail along this rail corridor. The rail line runs along the Chicago River and is part of the proposed alignment for the South Branch Riverwalk. The east end of the rail line terminates at the intersection of West Cermak Road and South Grove Street, a few hundred feet from



Ping Tom Park The conversion of this rail corridor to recreational trail use is also consistent with the *Greenways and Trails Plan* of the Chicago Metropolitan Agency for Planning 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, complete a trail plan or commence negotiations with the carrier.

- 2 An order barring removal or destruction of 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 Illinois Central Railroad Company and operated by Illinois Central Railroad Company

The property, an industrial spur that may once have been part of the Chicago and Alton Railroad's main line in Chicago, extends from Station 0+00 (main line milepost 3.00 – Throop Street) to Station 58+63 (main line milepost 2.00 – Cermak Road), a distance of approximately 5,863 feet (approximately 1.1 miles) in Cook County, Illinois The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No AB-43 (Sub-No 184X)

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. By my signature below, I certify service upon Illinois Central Railroad Company, Attn: Thomas J. Healey, 17641 South Ashland Avenue, Homewood, Illinois 60430-1339, by U.S. Mail, postage prepaid, ~~first-class~~, this day of October, 2008. *Priority Mail 6th*

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 

Thomas G. Byrne
Commissioner of Transportation