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 GRANTED Office of Proceedings	DECISION ID NO.: <u>52264</u>
	DECIDED DATE: <u>8/26/2024</u>
	SERVED DATE: <u>8/26/2024</u>
	APPROVED:  Acting Director
<input checked="" type="checkbox"/> Extended to 10/3/25.	

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ENTERED
Office of Proceedings
August 23, 2024
Part of
Public Record

August 23, 2024

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

Re: STB Docket No. AB 6 (Sub-No. 500X), BNSF Railway Company—Abandonment Exemption—In Cook County, Ill.

Dear Ms. Brown,

I write on behalf of BNSF Railway Company (“BNSF”) regarding the above-captioned abandonment class exemption proceeding to respectfully request that you grant a one-year extension of the consummation deadline in this proceeding, to October 3, 2025.

By a decision served in this proceeding on October 3, 2022, the Surface Transportation Board (“Board”) authorized the abandonment of the subject rail line, effective November 2, 2022. That decision states, “[i]f consummation has not been effected by BNSF’s filing of a notice of consummation by October 3, 2023, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.” Slip op. at 3.

In a decision served on November 1, 2022, the Board stated that the Office of Environmental Analysis is not recommending that any conditions be imposed in this proceeding, and the Board found that “[a]bandonment of the Line will have no significant effect on the quality of the human environment and conservation of energy resources or on historic resources.” Slip op. at 1, 2.

On September 1, 2023, BNSF filed a letter requesting that the Board grant a one-year extension of the consummation deadline in this proceeding, to October 3, 2024. BNSF explained that BNSF and the City of Chicago (“City”) continued to negotiate the sale of BNSF’s interest in

the subject property from BNSF to the City. Those negotiations, in part, are dependent upon resolution of access issues related to removal of a bridge located on the subject property. BNSF stated that it was preparing its application for a permit to utilize City right-of-way to remove the bridge located on the subject property. BNSF further stated that remaining third-party preparation of the application, and expected processing and resolution of conditions associated with the permit, were expected to take several months, and the actual work to remove the bridge was expected to last through June 2024. BNSF therefore requested that the Board grant a one-year extension of the consummation deadline, to October 3, 2024. By a decision served on September 5, 2023, the Board granted BNSF's request for a one-year extension of the consummation deadline, to October 3, 2024.

The Board's rules, 49 C.F.R. § 1152.29(e)(2), provide that, "[f]or good cause shown, a railroad may file a request for an extension of time to file a notice so long as it does so sufficiently in advance of the expiration of the deadline for notifying the Board of consummation to allow for timely processing."

As stated above, the negotiations between BNSF and the City regarding the sale of BNSF's interest in the subject property from BNSF to the City are, in part, dependent upon resolution of access issues related to removal of a bridge located on the subject property. BNSF has procured the necessary opening permit and detour/occupancy permit related to removal of the bridge. However, the start date of the bridge removal project has been pushed back until at least August 26, 2024, after the Democratic National Convention in Chicago. BNSF expects to begin the work to remove the bridge after August 26, 2024 and expects to finish the work within 60 days. BNSF plans to finish the work by mid-November 2024, when asphalt plants in Chicago typically close for the winter.

Out of an abundance of caution, BNSF requests that the Board grant a one-year extension of the consummation deadline, to October 3, 2025.

Please contact me with any questions.

Sincerely,

/s/ Peter W. Denton

Peter W. Denton

Attorney for BNSF Railway Company

CERTIFICATE OF SERVICE

I certify that I have, on August 23, 2024, served copies of this letter on all parties of record in this proceeding.

/s/ Sally Mordi

Sally Mordi

Attorney for BNSF Railway Company