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File No. 33733-001

303775

February 9, 2022

VIA E-FILING ONLY

Cynthia T. Brown
Chief of the Section of Administration
Office of Proceedings
Surface Transportation Board
395 F Street, SW
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings
February 9, 2022
Part of
Public Record

Re: Union Pacific Railroad -- Abandonment Exemption --
Fulton and Peoria Counties, IL AB 33 (Sub-No. 262X)

Dear Ms. Brown:

This letter is on behalf of Village of Hanna City, Illinois, ("Hanna City"). The Notice of Interim Trail Use in this proceeding was issued in favor of Illinois Department of Natural Resources ("IDNR"). IDNR did not complete negotiation of a railbanking agreement with abandonment-applicant Union Pacific Railroad. Hanna City has nearly completed negotiation of a purchase contract with Union Pacific Railroad, and will be seeking to substitute itself as the railbanking entity and to complete negotiations.

We anticipate filing Hanna City's Motion for Substitute NITU and Extension shortly. In the interim, we are e-filing the attached Statement of Willingness.

It is my understanding that filing fees associated with statements of willingness (and potential time extensions on NITUs) are waived for local government entities, such as Hanna City, pursuant to 49 C.F.R. 1002.2(f), and have been waived for IDNR to date. If any fees are required, or if there is anything else I can do to facilitate this filing, please let me know.

Thank you for your assistance in this matter.

Very truly yours,



Janaki Nair
jnair@emrslaw.com

JN/jh
Attachment: Statement of Willingness
cc: See Certificate of Service
922-0092

BEFORE THE SURFACE TRANSPORTATION BOARD

Union Pacific Railroad Company –)

Abandonment Exemption –) AB-33 (Sub.-no. 262X)

In Fulton and Peoria Counties, IL)

**STATEMENT OF WILLINGNESS TO ASSUME
FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and railbanking under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, Village of Hanna City (“Hanna City” or “Interim Trail User”) 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 Hanna City and operated by same. The right-of-way property, known as the Union Pacific Elm Industrial Lead, is an approximately 24.7 mile line (hereinafter “Line”) that runs from Milepost (“MP”) 461.5 near Middle Grove to Milepost 486.2 at Molitor Junction. The Line is located in Fulton and Peoria Counties, IL. The right of way is part of a line of railroad proposed for abandonment in STB docket AB-33 (Sub.-no. 262X).

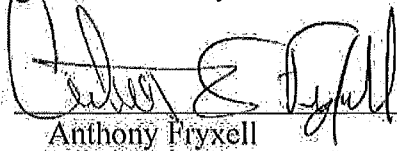
A map of the property depicting the right of way is attached.¹

Hanna City 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.

¹ The map is the same used by Union Pacific in connection with its notice of exemption in AB 33 (Sub.-no. 262X).

Village of Hanna City

By:



Anthony Fryxell

Title: Village President/Mayor

Address: 313 N First Street

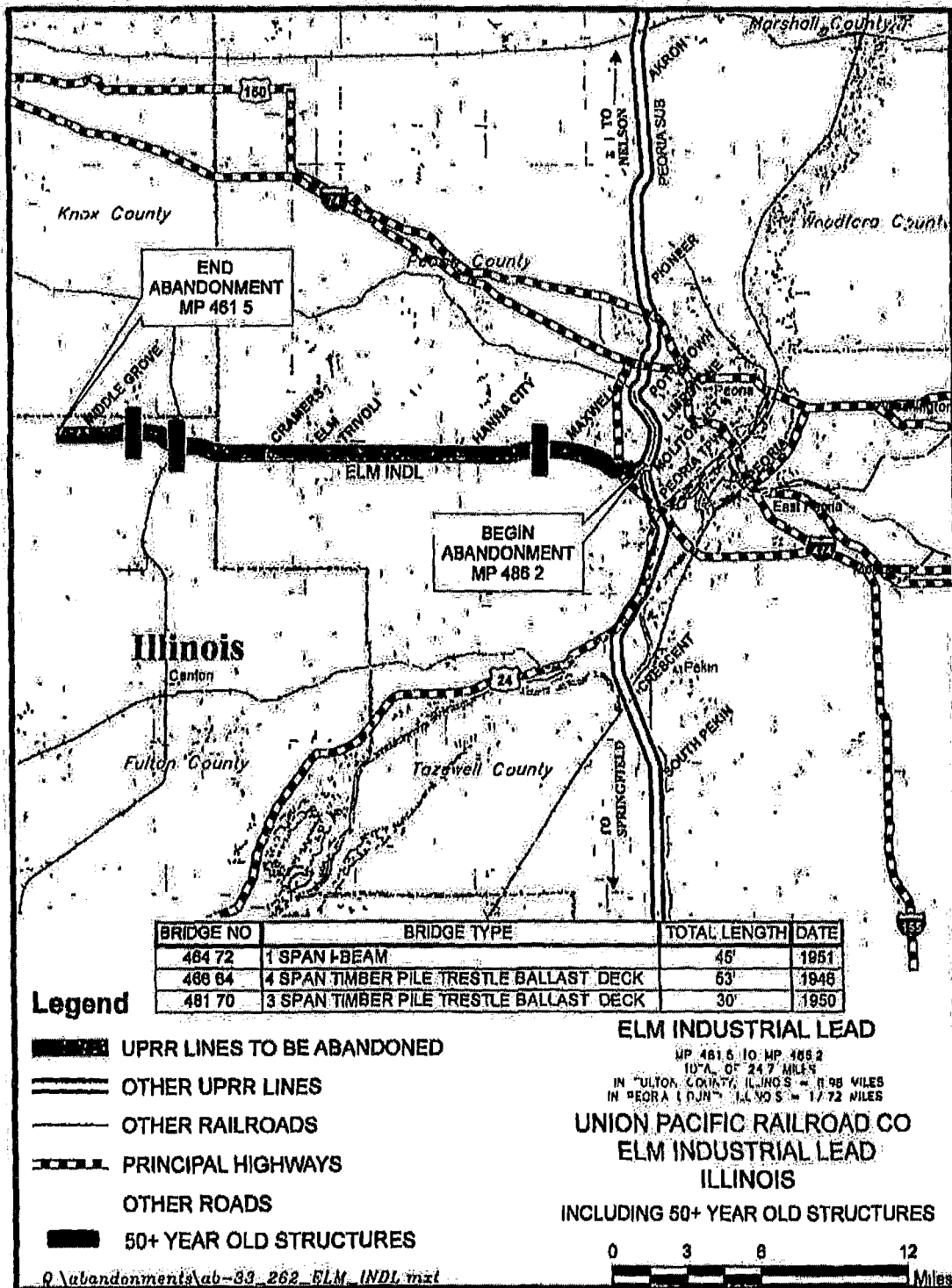
PO Box 492

Hanna City, IL 61536

Tel: 309.565.7411

Email: mayor@hannacityil.com

For filing: 2/9/2022



Certificate of Service

The undersigned hereby certifies that she has caused the foregoing document to be served in the manner set forth below, on the below-listed entities and individuals, including all parties of record reflected in the docket.

VIA ELECTRONIC MAIL:

Javonna Ackerman,
Illinois Department of Natural Resources – Legal Counsel Office
Email: javonna.ackerman@illinois.gov

Rick Harris
Union Pacific RR (Manager – Real Estate)
Email: rharris@up.com

Jeremy Berman, Esq.
Union Pacific RR (Sr. General Attorney)
Email: jmberman@up.com

VIA U.S. FIRST CLASS MAIL:

Party of Record: Stanley Yonkauskis, Jr.
One Natural Resources Way
Springfield, IL 62702-1271
United States

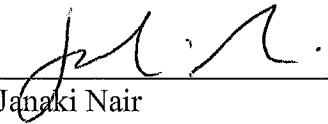
Party of Record: Mitchell L. Cohen
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United States

Party of Record: Whitney Larkin
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