Freeborn & Peters LLP

January 12, 2006

JAN 13 2006
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VIA FEDERAL EXPRESS
Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

215555

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Re: ***Surface Transportation Board Docket No. AB-6 (Sub-No. 435X); Docket No. AB-987X; The Burlington Northern and Santa Fe Railway Company Abandonment of Albany, Illinois***

215554

Dear Secretary Williams:

In reply to the Village of Albany's letter to you dated January 3, 2006, BNSF does not object to the issuance of a Notice of Interim Trails Use.

Sincerely,

Michael A. Smith

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Public Record

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In Reply Refer
to File No.
Albany

JAN 13 2006
RECEIVED

January 3, 2006

The Honorable Vernon Williams
Surface Transportation Board
1925 K Street, N.W., Suite 715
Washington, DC 20423-0001

Re: STB Docket No. AB-6 (Sub-No. 435X), BNSF Railway Company Abandonment Exemption – In Whiteside County, IL
STB Docket No. AB-987X, Iowa, Chicago & Eastern Railroad Corporation – Abandonment Exemption – In Whiteside County, IL

Dear Secretary Williams:

This request is filed on behalf of the Village of Albany, which is an Illinois Municipality interested in natural resources and recreation, hereinafter referred to as "proponent."

Proponent requests issuance of a Public Use Condition as well s an Interim Trail Use Condition rather than an outright abandonment authorization between the southerly boundary line of the proponent and the Northerly boundary line of the proponent.

A. Request for Public Use Condition

Proponent asks the STB 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. Justification for this condition is: The rail corridor in question is along a scenic river and will connect an existing bike trial. The corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and open space and its preservation as a recreational trail is consistent with those

purposes. The trail is near an important Indian archeological area that should be preserved. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to assemble or to review title information, complete a trail plan, or begin 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. Request for Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME

FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C § 1247(d), and 49 CFR § 1152.29, the Village of Albany is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of the trail, but the Village of Albany should be immune from liability and in which case will only indemnify the railroad against any potential liability and for payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by BNSF Railway Company.

The property, known s the BSNF Railway extends from Railroad Mile Post 20.31 near Cordova, Rock Island County, Illinois, to Railroad Mile Post 25.40 near Albany, Whiteside County, Illinois, a distance of 5.09 miles in Rock Island County and Whiteside County, Illinois. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-6 (Sub-No. 435X).

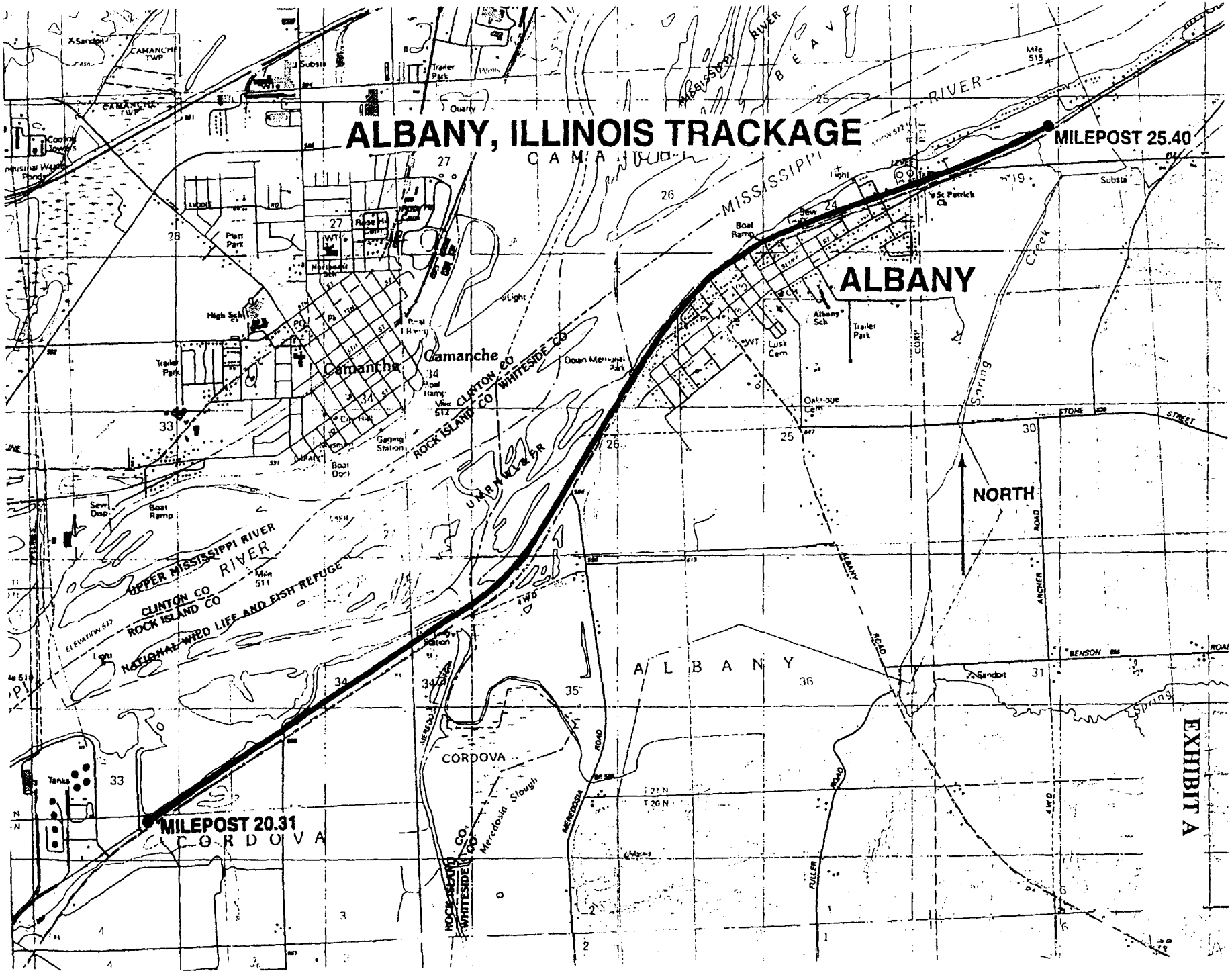
A map depicting the right-of-way is attached.

Proponant acknowledges that use of the right-of-way is subject to the user's continuing to met its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature, I certify service upon BNSF Railway Company by U.S. Mail, postage repaid, first class, this 3rd day of January, 2006.

Respectfully submitted,

William R. Shirk
on behalf of the Village of Albany


ALBANY, ILLINOIS TRACKAGE
MILEPOST 25.40
MILEPOST 20.31
ALBANY
NORTH
CORDOVA
Camanche
MISSISSIPPI RIVER
UPPER MISSISSIPPI RIVER
CLINTON CO
ROCK ISLAND CO
WHITESIDE CO
NATIONAL WILD LIFE AND FISH REFUGE
Meredosia Slough
Spring Creek
Boat Ramp
Trailer Park
High Sch
Tanks
Sandpit
Substa
Quarry
Light
Lusk Cem
Oakridge Cem
Albany Sch
St Patrick Ch
Mile 515
Mile 511
Mile 512
T 21 N
T 20 N
ALBANY ROAD
MEREDOSIA ROAD
FULLER ROAD
ARCHER ROAD
BENSON ROAD
STONE STREET
CAMANCHE TWP
Cooling Towers
Industrial Waste Ponds
Platt Park
Rose Hill Cem
Northwest Sch
Gaging Station
Boat Dock
Sew Disp
Oolan Memorial Park
Sew Dep
Tanks
EXHIBIT A