

MAY 20 2010

Part of
Public Record

BEFORE THE SURFACE TRANSPORTATION BOARD

Central Illinois Railroad)
Company - Discontinuance of) Dkt. No. AB-1066 (Sub-no. 1X)
Service Exemption - Line)
in Peoria County, IL)

227122

Notice of Railbanking Agreement

On April 16, 2010, this Board served a Decision in this proceeding authorizing (on the one hand) City of Peoria and Village of Peoria Heights (herein jointly referred to as "Cities"), and (on the other hand) The Pleasure Driveway and Park District of Peoria Illinois (herein referred to as "Peoria Park District" or "District") to negotiate an interim trail use and railbanking agreement pursuant to 16 U.S.C. 1247(d) for the portion of the "Kellar Branch" between M.P. 2.78 and M.P. 8.50, that segment being coterminous with the portion of the Kellar Branch over which Central Illinois Railroad Company ("CIRY") sought discontinuance of service authority in this proceeding.¹ As this Board has indicated in many prior decisions, the Cities own the Kellar Branch.

This Notice is to inform the Board that the Cities as owners of the Kellar Branch reached a railbanking agreement with the Park District on May 18, 2010, and, on May 20, 2010, closed that transaction. The portion of the Kellar Branch between M.P. 2.78 and M.P. 8.50 is now railbanked pursuant to 16 U.S.C. 1247(d).

¹ Pioneer Industrial Railway Company ("PIRY") also obtained discontinuance authority for the line in question in this proceeding in the same Decision. See Pioneer Industrial Railway Co. - Discontinuance of Service Exemption - Line in Peoria County, IL, AB-1056X, served April 16, 2010.

The Park District is the interim trail manager. The parties understand that no further action is necessary for railbanking of M.P. 2.78 to M.P. 8.50.

Notices of consummation of discontinuance authority by CIRY and PIRY for the trackage in question pursuant to the May 20 closing will be submitted to the Board in hard copy. However, nothing therein should be construed as contrary to railbanking under 16 U.S.C. 1247(d).

Respectfully submitted,

S/
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Village of Peoria Heights

Certificate of Service

By my signature below, I certify service of the foregoing and attachment by deposit in the U.S. Mail, postage pre-paid, first class, this 20th day of May, 2010, upon William A. Mullins, Esq., 2401 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20037, and Michael R. Ascher, 2500 S. Highland Ave., Suite 360, Lombard, IL 60148.

S/
Charles H. Montange