

National Association of Reversionary Property Owners (NARPO)
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Washington, DC 20423

RE AB 33-262X Union Pacific Railroad Abandonment Exemption in Fulton and Peoria
Counties, Illinois

On February 22, 2022, The Village of Hanna City, Illinois (Hanna) requested that the NITU issued in 2008 by the STB to INDR be changed from the IDNR to Hanna. Hanna also requested the NITU be extended until December of 2022 or April of 2023.

NARPO opposes any further extension of this NITU no matter who the trail manager is. This has been going on since 2008 which is now over 14 years and running. Under EP 749 and 749-1, a NITU holder has four years from the NITU issuance to complete the trail use agreement. The STC has already extended the four years one additional year due to the COVID problems. That extra year expires on April 15, 2022.

Hanna's attorney seems to think that the reversionary property owners who own the underlying fee title to the railroad right of way in question have already gotten just compensation from the federal government so these reversionary property owners do not have any title to the right of way. The attorney is not correct. Just because the federal government pays just compensation for a taking, does not give title to the NITU holder, railroad, the federal government or anyone else. The reversionary property owner still owns fee title to the underlying property of the right of way even if they got just compensation for the taking of their property.

The takings case emanating from the NITU issued in AB 33-262X is still pending before the U.S. Court of Claims. That case was filed in 2013 and has still not been settled.

NARPO requests the STB to terminate the NITU in AB 33-262X per the STB rules in EP749 and EP749-1 on April 15, 2022.

All Parties of Record have been served via email on 2/22/2022

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