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ENTERED
Office of Chief Counsel
April 7, 2026
Part of
Public Record

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April 7, 2026

VIA E-FILING
49 C.F.R. §1150.42(e) WAIVER REQUESTED

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20024

Re: STB Docket No. FD 36890
Tazewell & Peoria Railroad, Inc.
- Lease and Operation Exemption -
Peoria and Pekin Union Railway Company

Dear Chief of Case Administration:

Enclosed for e-filing on behalf of Tazewell & Peoria Railroad, Inc. is a Notice of Exemption being filed in accordance with 49 CFR 1150.41. Included within this Notice of Exemption is a request for waiver of the notice requirements of 49 C.F.R. §1150.42(e).

The filing fee was paid using Pay.gov. Please let me know if there are any questions regarding this filing.

Sincerely,

Justin J. Marks
Counsel for Tazewell & Peoria Railroad, Inc.

Enclosure

FEE RECEIVED
April 7, 2026
SURFACE TRANSPORTATION BOARD

FILED
April 7, 2026
SURFACE TRANSPORTATION BOARD

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36890

TAZEWELL & PEORIA RAILROAD, INC.
– LEASE AND OPERATION EXEMPTION –
PEORIA AND PEKIN UNION RAILWAY COMPANY

VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10902

(includes color images)

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Dated: April 7, 2026

*Attorneys for Tazewell & Peoria Railroad,
Inc.*

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. FD 36890

TAZEWELL & PEORIA RAILROAD, INC.
–LEASE AND OPERATION EXEMPTION –
PEORIA AND PEKIN UNION RAILWAY COMPANY

VERIFIED NOTICE OF EXEMPTION
UNDER 49 U.S.C. §10902

Tazewell & Peoria Railroad, Inc. (“TZPR”), a Class III railroad, files this Notice of Exemption under 49 U.S.C. § 10902 to exempt from regulation TZPR’s entry into a lease agreement (the “Lease Agreement”) with Peoria and Pekin Union Railway Company (“PPU”) to replace a prior lease agreement between TZPR and PPU for TZPR to lease and operate as a common carrier the entirety of PPU’s rail lines (referred to collectively herein as the “Rail Lines”) totaling 19.3 miles of mainline and connecting track described as: (1) approximately milepost 4.5 (at or near Bridge Junction) to approximately milepost 12.2 (at or near IC Junction); (2) the Peoria Uptown Subdivision extending from approximately milepost 0.0 (at or near Bridge Junction) to approximately milepost 5.4 (at or near Iowa Interstate Junction); (3) the Southern Subdivision extending from approximately milepost 0.0 (at or near UP Junction) to approximately milepost 4.50 (at or near Bridge Junction); and (4) the Nickel Plate Sub extending from approximately milepost 0.0 (at or near Wesley Junction) to approximately milepost 1.7 (at or near P&PU Junction). A map of the Rail Lines is included as Exhibit A.

Notice

In accordance with 49 C.F.R. §1150.43, TZPR hereby provides the following information:

- (a) The full name and address of Applicant: Tazewell & Peoria Railroad, Inc., 301

Wesley Road, Creve Coeur, IL 61610.

(b) Applicant's Representatives:

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(c) TZPR has entered into the Lease Agreement with PPU for TZPR to lease and operate the Rail Lines as a common carrier. Under the terms of the Lease Agreement, it will be effective upon the effective date of this notice of exemption.

(d) TZPR currently operates the Rail Lines under an existing lease with PPU, and will continue doing so until the Lease Agreement becomes effective.¹

(e) Brief Summary of the Proposed Transaction:

TZPR has entered into the Lease Agreement with PPU to continue operating the Rail Lines. The term of the Lease Agreement is twenty years and allows for two five-year extensions. TZPR currently operates the Rail Lines via a lease agreement previously entered into with PPU in 2004.²

(1) The owner of the Rail Lines is Peoria and Pekin Union Railway Company.

¹ PPU and TZPR have entered into four short-term extensions to the current lease during the negotiations of the Lease Agreement. TZPR is not seeking after-fact authority for those short extensions.

² *Tazewell & Peoria Railroad, Inc. – Lease and Operation Exemption – Peoria and Pekin Union Railway Company*, STB Finance Docket No. 34544 (decided Sept. 28, 2004).

Its address is: Peoria and Pekin Union Railway Company c/o Hocker, Fitzjarrald & Richardson, P.C. 143 W. Chestnut St. Canton, IL 61520.

- (2) The Lease Agreement will be effective upon the effective date of this Notice of Exemption, thirty days after filing (or upon the grant of the requested labor notice waiver).
- (3) The mileposts of the Rail Lines are: (1) approximately milepost 4.5 (at or near Bridge Junction) to approximately milepost 12.2 (at or near IC Junction); (2) the Peoria Uptown Subdivision extending from approximately milepost 0.0 (at or near Bridge Junction) to approximately milepost 5.4 (at or near Iowa Interstate Junction); (3) the Southern Subdivision extending from approximately milepost 0.0 (at or near UP Junction) to approximately milepost 4.50 (at or near Bridge Junction); and (4) the Nickel Plate Sub extending from approximately milepost 0.0 (at or near Wesley Junction) to approximately milepost 1.7 (at or near P&PU Junction).³
- (4) The total distance of the Rail Lines is approximately 19.3 miles of common carrier track.
- (f) Attached as Exhibit A to this Notice of Exemption is a map of the Rail Lines.
- (g) TZPR certifies that its projected revenues as a result of the transaction will not exceed those that would qualify it as a Class III carrier.
- (h) TZPR certifies that the Lease Agreement does not include an interchange commitment.
- (i) In addition to the information set forth above, TZPR certifies that its revenues

³ The mileposts have been renumbered since TZPR's 2004 notice of exemption.

currently exceed \$5,000,000. However, no employees will be affected by the transaction because TZPR has operated the Rail Lines since 2004. TZPR is therefore requesting a waiver of the labor notice requirements under 49 C.F.R. §1150.42(e). *See* request for waiver set forth below.

Labor Protection

TZPR is a Class III carrier and pursuant to 49 U.S.C. §10902(d), approval of this transaction may not be subjected to labor protection conditions. Additionally, since TZPR is the current operator of the Rail Lines, no employees will be adversely affected by the transaction.

Environmental and Historic Reports

This transaction is for continued rail operations that will not result in operational changes that will exceed the thresholds established in 49 C.F.R. §1105.7(e)(4) or (5). Further Board approval is required for TZPR to abandon or discontinue service on the Rail Lines. Because TZPR does not own the Rail Lines, it will have no authority to dispose of or alter properties subject to the Board's jurisdiction that are 50 years old or older. Accordingly, no environmental or historic documentation is required. *See* 49 C.F.R. §1105.6(c)(2); 49 C.F.R. §1105.8(b)(1).

Caption Summary

Attached hereto as Exhibit B is the caption summary required by 49 C.F.R. §1150.44.

Request for Waiver of Notice Requirements of 49 C.F.R. §1150.42(e)

As noted above, TZPR's total revenues exceed \$5,000,000. Under the Board's regulations at 49 C.F.R. §1150.42(e), TZPR would be required to give sixty days' notice to employees working on the Rail Lines (and the national offices of their collective bargaining representatives). However, the Board has held: "The purpose of 49 CFR 1150.42(e) is to ensure that rail labor unions and employees who would be affected by the transfer of a line are given sufficient notice of the

transaction before consummation.” *Louisiana & Delta Railroad, Inc. – Lease Amendment and Lease and Operation Exemption – Union Pacific Railroad Company*, STB Finance Docket No. 36379, slip op. at 2 (served Mar. 4, 2020). *See also Acquisition of Leased Lines under 49 USC 10901 and 10902 – Advance Notice of Proposed Transactions* (“*Advanced Notice of Proposed Transactions*”), 2 STB 592 (1997). In adopting the notice requirement, the Board specifically recognized that “exceptional situations may occur necessitating acquirer requests for waiver of the 60-day notice provision ...” *Advanced Notice of Proposed Transactions*, *supra* at 601.

In this instance, TZPR should not be required to comply with the requirements of Section 1150.42(e) because there will be no changes for any employees working on the Rail Lines. TZPR already operates the Rail Lines and has been the sole operator providing local service over the Rail Lines since 2004. The Lease Agreement supersedes and replaces the current lease agreement. Under the Lease Agreement, TZPR will continue to be the sole (common carrier) operator of the Rail Lines. PPU does not conduct rail operations on the Rail Lines and therefore it has no railroad employees who will be affected or have to make any career choices as a result of the Lease Agreement. Posting notices on the Rail Lines would not provide notice to any PPU railroad employees since it has none operating on the Rail Lines.⁴ Thus, under the circumstances of this transaction, compliance with the notice requirements will not further the purposes of the rule and should be waived. Granting TZPR a waiver would be consistent with other circumstances in which the Board has granted waivers from the labor notice requirements when a common carrier has filed to operate a line it was previously operating and to remain as the common carrier operator on the

⁴ Notwithstanding that there will be no effect on employees of TZPR, TZPR is providing notice of the Lease Agreement to the national office of the union that represents employees working on the Rail Lines by serving a copy of this Notice of Exemption as shown in the attached Certificate of Service.

line. *See Savannah Port Terminal Railroad, Inc. Lease and Operation Exemption – Georgia Ports Authority*, STB Finance Docket No. 36558 (served Dec. 27, 2021). *See also Louisiana Southern Railroad, LLC – Lease Exemption containing Interchange Commitment – The Kansas City Southern Railway Company*, STB Docket No. FD 35983 (served Feb. 18, 2016). TZPR asks that the waiver of the labor notice requirements be granted expeditiously so that this Notice of Exemption can become effective as scheduled 30 days after it was filed.

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Conclusion

Accordingly, TZPR requests that the Board issue a notice allowing the Lease Agreement to become effective 30 days after the date that TZPR files this notice of exemption and grant the requested waiver of the labor notice requirements.

Respectfully submitted,



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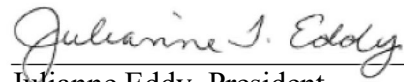
Attorneys for Tazewell & Peoria Railroad, Inc.

Dated: April 7, 2026

VERIFICATION

I hereby verify on behalf of Tazewell & Peoria Railroad, Inc., under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on April 7, 2026.



Julianne Eddy, President

EXHIBIT A

MAP



EXHIBIT B

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB Docket No. FD 36890

**TAZEWELL & PEORIA RAILROAD, INC.
- LEASE AND OPERATION EXEMPTION –
PEORIA AND PEKIN UNION RAILWAY COMPANY**

VERIFIED NOTICE OF EXEMPTION

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Comments must be filed with the Board and served on TZPR’s representative, Justin Marks, Esq., Clark Hill, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004, (202) 772 0916, jmarks@clarkhill.com.

The Notice is filed under 49 C.F.R. §1150.41. If the Notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. §10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Board decisions and notices are available at www.stb.gov.

Decided: April __, 2026.

By the Board, Anika S. Cooper, Chief Counsel, Office of Chief Counsel.

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing document was served by email or U.S. first class mail, postage pre-paid on the following national representative of TZPR employees working on the Rail Lines:

David Wier, Jr. SMART-TD
6060 Rockside Woods Blvd. N., Suite 325
Independence, OH 44131.
dwierjr@smart-union.org



Justin J. Marks

Dated: April 7, 2026