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March 28, 2019

Surface Transportation Board
395 E. Street, SW
Washington, DeSoto County 20423

ENTERED
Office of Proceedings
March 29, 2019
Part of
Public Record

RE: Finance Docket 36233
Herrin Railroad, Williamson County, Illinois
Decision dated March 15, 2019

Dear Sir or Madam:

This correspondence shall serve to supplement the referenced decision. Herrin Railroad, LLC (“HR”) has contacted the City of Herrin, IL (“City”) in an effort to obtain information regarding the City’s ownership of the subject lines. According to the City, ownership of the subject lines has been retained by the City in all dealings with Crab Orchard & Egyptian Railroad Company (“COER”) and Progressive Rail Incorporated (“PGR”). See letter dated March 21, 2019 from Steve Frattini, Mayor of the City of Herrin to Michael Higgins attached as **Exhibit “A”**.

Upon information and belief, the City acquired ownership of the subject lines through Interstate Commerce Commission Decision on Docket No. AB-43 Sub-No. 142 from Illinois Central Gulf Railroad dated September 4, 1986. See Decision attached as **Exhibit “B”**. The City has never conveyed ownership of the subject lines in its dealings with COER or PGR. Any reference in FD 35656 to the “purchase” of the subject lines from the City by PGR is incorrect. The City was not aware of such characterization of the transaction by PGR in its filing of its Notice of Exemption. PGR no longer operates the subject lines.

Based on the above, HR renews its request to acquire by lease and operate the subject lines. By copy of this letter, I am confirming the above with Mayor Frattini.

Sincerely,

s/Barry W. Bridgforth, Jr.
Barry W. Bridgforth, Jr.

BWB, JR. | kh
cc: Herrin Railroad, LLC
cc: Steve Frattini, Mayor of the City of Herrin

Shelly Huggins, *City Clerk*

David Shoemake
Sheila Ahlgren
ALDERMEN WARD 1

Paul York
Randy Crompton
ALDERMEN WARD 2



CITY OF HERRIN
STEVE FRATTINI, MAYOR
300 N. PARK AVE • HERRIN, IL 62948
(618) 942-6166 Fax (618) 942-2296

Carl Goodwin, *City Treasurer*

Steve Miller
Scott Kinley
ALDERMEN WARD 3

Bill Sizemore
Marilyn Ruppel
ALDERMEN WARD 4

March 21, 2019

Michael Higgins, Esq.
Deputy Director
Surface Transportation Board
395 E. Street SW
Washington, DC 20423
Michael.higgins@stb.gov

RE: Surface Transportation Board Decision
Finance Docket 36233
Herrin Railroad, LLC
Acquisition and Operation Exemption, City of Herrin, IL Dated March 15, 2019

Dear Mr. Higgins:

This correspondence shall serve as a response to the referenced decision. At all relevant times, the City of Herrin, Illinois has maintained ownership of the rail line within the Herrin District between Milepost 10.7 and Milepost 13.4, and north of the wye tract between Milepost No. C94 and Milepost No. C93 at Herrin, in Williamson County, Illinois. Any reference to the ownership of these lines by Crab Orchard & Egyptian Railroad Company or Progressive Rail, Inc. is not accurate, including any reference in FD 35656, on the submission dated September 21, 2012. The City of Herrin has retained ownership of said rail line in conjunction with any dealings with Crab Orchard & Egyptian Railroad Company and Progressive Rail, Inc.

Should you have any questions, or if I can be of further assistance with this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Frattini", is written over a faint, stylized graphic of a signature.

Mayor Steve Frattini
City of Herrin, Illinois

DO

INTERSTATE COMMERCE COMMISSION

SERVICE DATE

SEP 9 1986

DECISION

Docket No. AB-43 (Sub-No.142)

ILLINOIS CENTRAL GULF RAILROAD COMPANY -- ABANDONMENT
IN JACKSON AND WILLIAMSON COUNTIES, IL

Decided: September 4, 1986

By certificate and decision served August 8, 1986, Illinois Central Gulf Railroad Company (ICG) was authorized to abandon a 15.79-mile line of railroad between (a) Carbondale (milepost 0.9) and Herrin, IL (milepost 12.57), and (b) between Herrin (milepost 94.0) and milepost 89.88 north of Herrin, in Jackson and Williamson Counties, IL. The City of Herrin, IL (City) timely filed an offer of financial assistance to purchase the following line segments totaling 2.57 miles: (a) milepost 11.0 to milepost 12.57, a distance of 1.57 miles in Herrin; and (2) milepost 93.0 to milepost 94.0, a distance of 1.0 miles in Herrin.

Since I determined in my decision of August 21, 1986, that the offer was bona fide, and a reasonable one to initiate negotiations, the effectiveness of a certificate authorizing abandonment of those line segments was postponed, and the parties were given time to negotiate the sale of the line segments. The parties have notified the Commission that they reached an agreement.

When a carrier and a person offering to purchase a line enter an agreement for continued rail service, the Commission is required to approve the transaction and dismiss the abandonment application. 49 U.S.C. 10905(e). Accordingly, to the extent this application involves abandonment of the line segment indicated above, the application is dismissed, and the transfer of that property to the offeror will be authorized.

This action will not significantly affect either the quality of the human environment or energy conservation.

It is ordered:

1. Under 49 U.S.C. 10905(e), the offeror is authorized to acquire the line segments indicated above, totaling 2.57 miles.
2. Under 49 U.S.C. 10905(e), to the extent the application involves abandonment of the line segments indicated above, the application is dismissed effective on consummation of the sale.
3. This decision is effective on the date of service.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

KATHLEEN M. KING
ACTING SECRETARY

(SEAL)

EXHIBIT "B"