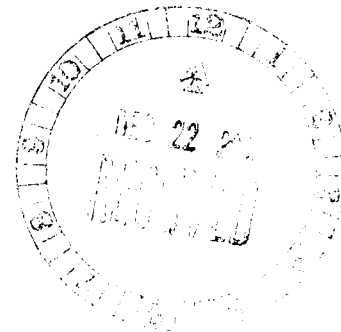


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THOMAS F. McFARLAND

215 411

December 21, 2005

By UPS overnight mail

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Docket No. AB-1066X, *Central Illinois Railroad Company -- Discontinuance of Service Exemption -- in Peoria County, Illinois*

Dear Mr. Williams:

Enclosed please find an original and 10 copies of Reply In Opposition To Request To Hold In Abeyance Pending Compliance With The National Environmental Policy Act of 1969, for filing with the Board in the above referenced matter.

Very truly yours,

Tom McFarland

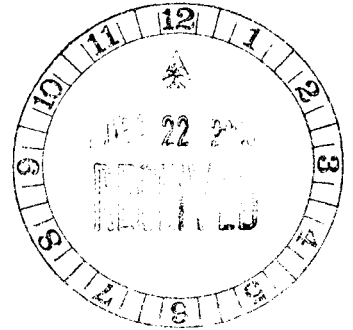
Thomas F. McFarland
Attorney for Petitioner

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BEFORE THE
SURFACE TRANSPORTATION BOARD

CENTRAL ILLINOIS RAILROAD
COMPANY -- DISCONTINUANCE OF
SERVICE EXEMPTION -- IN PEORIA
COUNTY, ILLINOIS

)
) DOCKET NO. AB-1066X
)
)



**REPLY IN OPPOSITION TO REQUEST TO HOLD IN
ABEYANCE PENDING COMPLIANCE WITH THE
NATIONAL ENVIRONMENTAL POLICY ACT OF 1969**

CENTRAL ILLINOIS RAILROAD COMPANY
P.O. Box 259
Granville, IL 61326

Petitioner

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorney for Petitioner

DATE FILED: December, 2005

BEFORE THE
SURFACE TRANSPORTATION BOARD

CENTRAL ILLINOIS RAILROAD	)	
COMPANY -- DISCONTINUANCE OF	)	DOCKET NO. AB-1066X
SERVICE EXEMPTION -- IN PEORIA	)	
COUNTY, ILLINOIS	)	

**REPLY IN OPPOSITION TO REQUEST TO HOLD IN
ABEYANCE PENDING COMPLIANCE WITH THE
NATIONAL ENVIRONMENTAL POLICY ACT OF 1969**

Pursuant to 49 U.S.C. § 1114.13(a), Petitioner CENTRAL ILLINOIS RAILROAD COMPANY ("CIRY") hereby replies in opposition to a Request to Hold in Abeyance Pending Compliance with the National Environmental Policy Act of 1969 ("Request") filed by Pioneer Industrial Railway Co. ("PIRY") on December 20, 2005.

REPLY

Leaving aside the untimeliness of PIRY's Request^{1/} and PIRY's lack of standing to make the Request,^{2/} the Request is plainly without merit. PIRY's Request might have merit if the Board had jurisdiction over abandonment of the rail line under consideration. However, the

^{1/} The Petition for Exemption was filed on September 12, 2005. A decision on the Petition is due to be issued on December 30, 2005 (*see* procedural decision served September 30, 2005). PIRY's Request is filed more than three months after the Petition was filed and only 10 days before the decision date. The Request makes no attempt to justify that tardiness.

^{2/} PIRY's own operating authority over this rail line was adversely discontinued by the Board in *City of Peoria, et al. -- Adverse Discontinuance -- Pioneer Industrial Railway Company*, 2005 STB LEXIS 360 (Docket No. AB-878, decision served Aug. 10, 2005). PIRY gains nothing of value for itself if the Board's decision in the case at hand is delayed. The motivation for PIRY's filing is simply "sour grapes".

Board does not have such jurisdiction. As the Board said in an earlier decision in this proceeding served November 21, 2005, at 2:

Specifically, it does not appear that the Board has jurisdiction over the abandonment of any portion of the Kellar Branch. The line was fully abandoned when the Cities acquired it. *See Chicago, R.I & P.R. Co. Abandonment*, 363 I.C.C. 150 (1980) . . .

The prior approval of abandonment of the rail line by the Board's predecessor is the reason why environmental and historic review and approval are not required for the partial abandonment of the line that will occur without the need for Board approval. Abandonment of the rail line was subject to environmental and historic review and approval when abandonment of the Branch was previously approved. There is no legal requirement for a second such review and approval at this time.

Here, abandonment of the Kellar Branch by the Chicago, Rock Island & Pacific Railroad Company was previously approved and consummated. Then the Branch was acquired by municipalities, who contracted with CIRY to operate it. CIRY's operation and discontinuance of service are subject to Board jurisdiction. The latter is before the Board in this proceeding. But abandonment of the Branch by the municipalities is not subject to Board jurisdiction. Such an abandonment is thus not a Federal action that requires review under the National Environmental Policy Act. *See, e.g., Iowa Southern R. Co. -- Exemption -- Abandonment*, 5 I.C.C.2d 496, 503-504 (1989), and cases there cited. If abandonment of the Branch is not subject to environmental review and approval, it follows that discontinuance of rail service incidental to such abandonment is also not subject to environmental review and approval.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, for the reasons stated, PIRY's Request should be denied. The Board's decision in this proceeding should be issued on December 30, 2005, as scheduled.

Respectfully submitted,

CENTRAL ILLINOIS RAILROAD COMPANY
P.O. Box 259
Granville, IL 61326

Petitioner

Thomas F. McFarland

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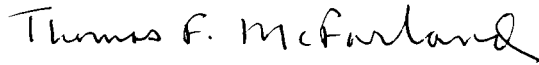
DATE FILED: December 22, 2005

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2005, I served the foregoing document, Reply In Opposition To Request To Hold In Abeyance Pending Compliance With The National Environmental Policy Act of 1969, by UPS overnight mail, on the following:

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