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Office of Proceedings
December 22, 2015
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Public Record

December 22, 2015

Ms. Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: *Connex Railroad LLC—Lease and Operation Exemption—Line of Buzzi Unicem
USA in College Park, Georgia, STB Docket No. FD 35986*

Dear Ms. Brown:

Enclosed for filing in the above-captioned matter is the verified notice of exemption under 49 C.F.R. § 1150.31 for Connex Railroad LLC.

I am enclosing a payment form for payment by credit card of the filing fee in the amount of \$1,900.00

If you have any questions, please do not hesitate to contact me.

Regards,



David H. Coburn

Enclosures

FEE RECEIVED
December 22, 2015
SURFACE
TRANSPORTATION BOARD

FILED
December 22, 2015
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. FD 35986

**CONNEX RAILROAD LLC—
LEASE AND OPERATION EXEMPTION—
LINE OF BUZZI UNICEM USA IN COLLEGE PARK, GEORGIA**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1150.31**

David H. Coburn
Kathryn J. Gainey
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036
(202) 429-8063

Attorneys for Connex Railroad LLC

December 22, 2015

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. FD 35986

**CONNEX RAILROAD LLC—
LEASE AND OPERATION EXEMPTION—
LINE OF BUZZI UNICEM USA IN COLLEGE PARK, GEORGIA**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO 49 C.F.R. § 1150.31**

Pursuant to the provisions of 49 U.S.C. § 10502 and 49 C.F.R. § 1150.31(b), Connex Railroad LLC (“Connex”) files this Verified Notice of Exemption from the requirements of 49 U.S.C. § 10901 for Connex to lease, operate, and maintain a line of railroad from Buzzi Unicem USA (“Buzzi”), a non-carrier. Upon consummation of the transaction, Connex will become a Class III common carrier railroad. The line at issue consists of approximately 1,500 feet of track in College Park, Georgia (“the Line”).

Connex anticipates that it will consummate a lease agreement with Buzzi in the near future. Connex anticipates that proposed lease transaction will become effective on or after the date when this Notice of Exemption becomes effective.

In support of this Notice of Exemption, Connex submits the following information as required by 49 C.F.R. § 1150.33:

Name and Address of Applicant: 49 C.F.R. § 1150.33(a)

The full name and address of the rail carrier applicant is as follows:

Connex Railroad LLC
720 East Butterfield Road, Suite 300
Lombard, Illinois 60148

Attn: Kenneth P. Westbrook
Executive Manager & President
(630) 382-1120

Applicant's Representative: 49 C.F.R. § 1150.33(b)

Any questions concerning this Notice should be sent to Connex's representative at the following address:

David H. Coburn
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036
dcoburn@steptoe.com
(202) 429-8063

Statement Concerning Agreement: 49 C.F.R. § 1150.33(c)

A Lease Agreement between Connex and Buzzi will be reached in the near future under which Connex will lease the Line and have exclusive rights to operate over the Line to conduct common carrier freight operations. Buzzi will retain the right to use the track for its business.

Operation of the Property: 49 C.F.R. § 1150.33(d)

The Line is owned by non-carrier Buzzi. Pursuant to the anticipated Lease Agreement, Connex will lease, operate, and maintain the Line, for the purpose of offering common carrier service over the track. Connex intends to use the Line for, among other purposes, originating and terminating freight traffic, loading and unloading operations, storage of rail cars and equipment, including cars and equipment of third parties.

Summary of the Transaction: 49 C.F.R. § 1150.33(e)

1. The name and address of the entity transferring the subject property to the Class III applicant:

Buzzi Unicem USA
2214 W. Point Avenue
College Park, GA 30337

2. Connex anticipates that, subject to obtaining the necessary regulatory approvals, the proposed schedule for consummation of the lease transaction will be on or after the date when the notice of exemption becomes effective.

3. Connex is leasing the Line from Buzzi, which includes 1,500 feet of track and track corridor. The track is identified as Buzzi Unicem Track ID XXB012. The track has no mileposts. The track crosses West Point Avenue and connects to a CSX mainline track in College Park, Georgia at mile Post 12 of the CSX Old Atlanta West Point Subdivision. The track in the proposed transaction includes 1,200 feet of track plus 300 feet of storage track for a total 1,500 feet of track. Upon consummation of this proposed lease transaction, Connex will operate over the Line as a common carrier and become a Class III railroad. Buzzi will retain the right to use the track for the conduct of its own business. Under the proposed lease transaction, Buzzi will not unreasonably interfere with Connex's operations on the Line.

4. Connex is leasing 1,500 feet of track and will be operating the Line and all ancillary property.

Maps of Subject Property: 49 C.F.R. § 1150.33(f)

A map of the Line is attached hereto as Exhibit A to this Notice.

Applicant's Class III Revenue Certification: 49 C.F.R. § 1150.33(g)

The projected annual revenue of Connex as a result of this transaction will not exceed the annual revenue of a Class III railroad. Applicant certifies that the projected annual revenue to be created by the proposed transaction does not exceed \$5 million. The Applicant's certification is attached hereto as Exhibit B.

Interchange Commitments: 49 C.F.R. § 1150.33(h)

The proposed transaction does not involve any provision or agreement that would limit

future interchange with a third-party connecting carrier.

Historic Preservation:

Applicant's lease and operation of 1,500 feet of rail trackage from Buzzi is exempt from historic preservation reporting requirements of 49 C.F.R. § 1105.8(b)(1) because further STB approval would be required to abandon any service, and there are no plans to dispose of or alter properties subject to STB jurisdiction that are 50 years old or older.

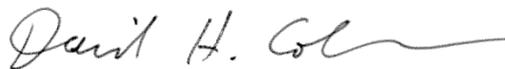
Environmental Impacts:

The proposed transaction will not result in operating changes that exceed the thresholds in 49 C.F.R. § 1105.7(e)(4) or (5). Accordingly, no environmental documentation is required under the criteria of 49 C.F.R. § 1105.6(b)(4) and (c)(2).

Caption Summary: 49 C.F.R. § 1105.34

A caption summary of the proposed transaction suitable for publication in the Federal Register is attached hereto as Exhibit C.

Respectfully submitted,



David H. Coburn
Kathryn J. Gainey
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036
(202) 429-8063

Attorneys for Connex Railroad LLC

December 22, 2015

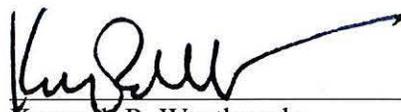
VERIFICATION

State of Illinois)

County of DuPage)

Kenneth P. Westbrook, being duly sworn, deposes and says that he is the Executive Manager & President of Connex Railroad LLC, that he has read the foregoing Notice of Exemption, that he has personal knowledge of the facts asserted therein, and that he certifies the same are true as stated.

Executed on December 21, 2015.



Kenneth P. Westbrook
Executive Manager & President
Connex Railroad LLC

SUBSCRIBED AND SWORN TO

Before me this 21st day of December, 2015



Notary Public

My commission expires: 10-2-17



EXHIBIT A

ATTACHED MAP OF RAIL LINE

TO BE LEASED FROM

BUZZI UNICEM USA IN COLLEGE PARK,

GEORGIA

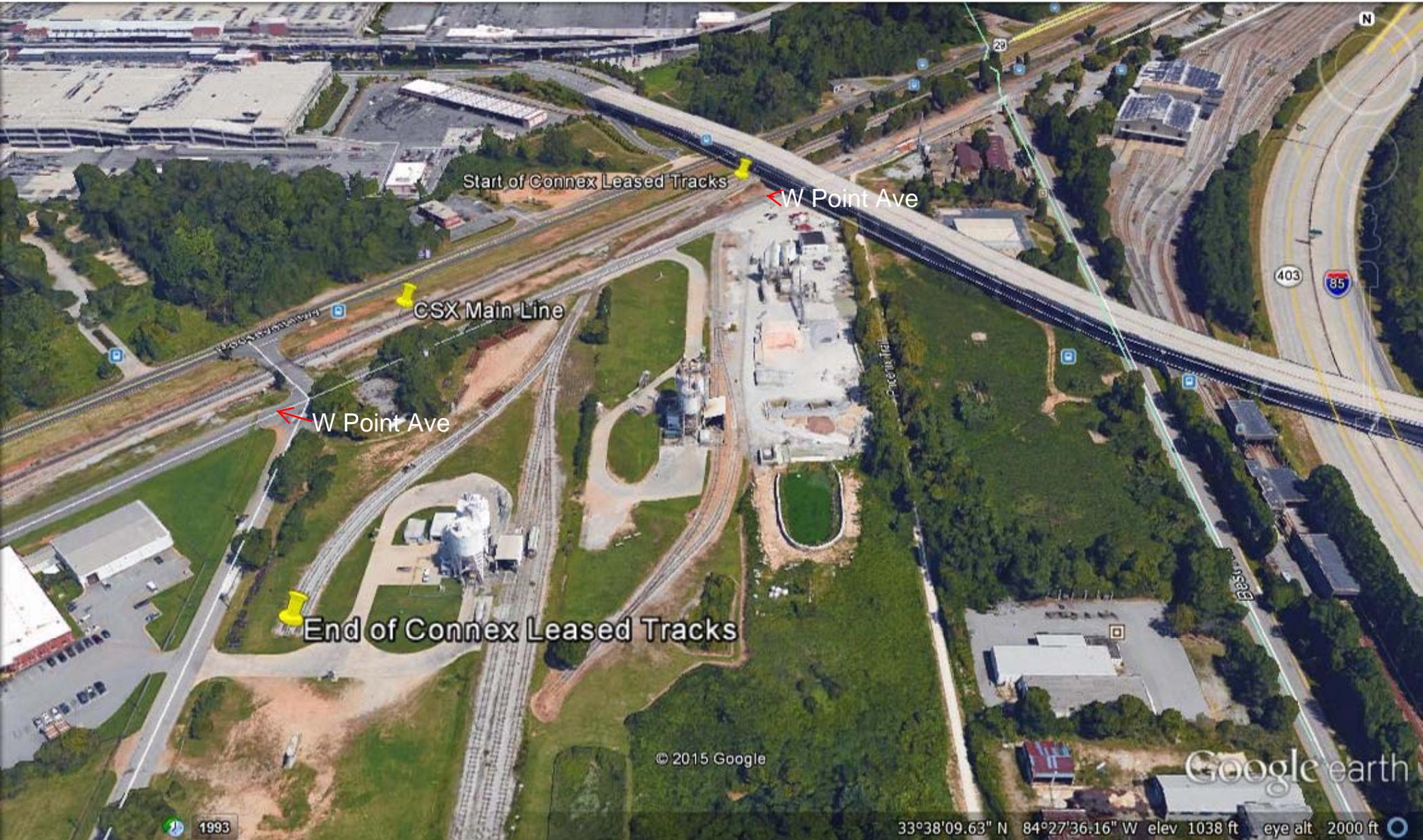
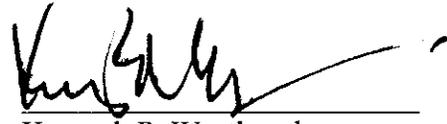


EXHIBIT B

CERTIFICATION

CERTIFICATION

Kenneth P. Westbrook, Executive Manager & President of Connex Railroad LLC, being duly sworn certifies that the projected revenues for Connex Railroad LLC upon consummation of the proposed lease transaction do not exceed those that would qualify it as a Class III carrier and that the projected annual revenue to be created by the proposed transaction will not exceed \$5,000,000.



Kenneth P. Westbrook
Executive Manager & President
Connex Railroad LLC

Dated: December 21, 2015

EXHIBIT C

ATTACHED NOTICE OF EXEMPTION

Surface Transportation Board

Notice of Exemption

STB Finance Docket No. 35986

Connex Railroad LLC – Lease and Operation Exemption –

Line of Buzzi Unicem USA in College Park, Georgia

Connex Railroad LLC (“Connex”), has filed a Verified Notice of Exemption under 49 C.F.R. § 1150.31 to lease, operate, and maintain 1,500 feet of rail line owned by Buzzi Unicem USA (“Buzzi”) in College Park, Georgia. The 1,500 feet of track is identified as Buzzi Unicem Track ID XXB012. The leased track has no mileposts. CSX Transportation, Inc. owns the connecting main line. Upon consummation of the proposed transaction, Connex will become a Class III short line railroad common carrier.

Connex expects that proposed lease agreement with Buzzi will be consummated in the near future and that the proposed transaction will become effective on or after the date when the notice of exemption becomes effective.

Pursuant to the Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, § 193, 121 Stat. 1844 (2007), nothing in this decision authorizes the following activities at any solid waste rail transfer facility: collecting, storing or transferring solid waste outside of its original shipping container; or separating or processing solid waste (including baling, crushing, compacting and shredding). The term “solid waste” is defined in § 1004 of the Solid Waste Disposal Act, 42 U.S.C. § 6903.

The notice is filed under 49 C.F.R. § 1150.31. 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. Petitions for stay must be filed no later than _____ (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. FD 35986, must be filed with the Surface Transportation Board, Cynthia Brown, Chief, Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Connex's representative, David H. Coburn, Steptoe & Johnson LLP, 1330 Connecticut Ave., Washington, DC 20036; e-mail address: dcoburn@steptoe.com; telephone number (202) 429-8063.

Board decisions and notices are available on our website at www.stb.dot.gov.

Decided: December ____, 2015

By the Board, Rachel D. Campbell, Office of Proceedings