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November 6, 2015

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**BY HAND**

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.,  
Washington, D.C. 20423-0001

**RE: FD 35969, Motive Rail, Inc. d/b/a Missouri North Central  
Railroad-Lease and Operation Exemption-Illinois Central Railroad  
Company**

Dear Ms. Brown:

On behalf of Motive Rail, Inc., d/b/a Missouri North Central Railroad, I am enclosing for filing in the above-captioned proceeding an original and ten copies of a verified notice of exemption under 49 U.S.C. §10902 and 49 CFR §1150.41.

Also I am submitting a copy of this filing on a computer disk as well as a filing fee check payable to the Board for \$1,900.

Please date stamp and return one copy of this filing for our records.

Sincerely yours,



John D. Heffner

Enclosures

cc: Mr. Luke Respondek  
Thomas Healey, Esq.

FEE RECEIVED  
November 6, 2015  
SURFACE

FILED  
November 6, 2015  
SURFACE  
TRANSPORTATION BOARD

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TRANSPORTATION BOARD

**Strasburger & Price, LLP**

**ORIGINAL**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**FD 35969**

**MOTIVE RAIL, INC.  
d/b/a MISSOURI NORTH CENTRAL RAILROAD  
—LEASE AND OPERATION EXEMPTION—  
ILLINOIS CENTRAL RAILROAD COMPANY**



**-----**  
**VERIFIED NOTICE OF EXEMPTION  
PURSUANT TO 49 U.S.C. §10902 and 49 CFR §1150.41**

Submitted By:

John D. Heffner  
Strasburger & Price, LLP  
1025 Connecticut Avenue, N.W.  
Suite 717  
Washington, D.C. 20036  
(202) 742-8607

Counsel for Petitioner

Dated: November 6, 2015

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**FD 35969**

**MOTIVE RAIL, INC.  
d/b/a MISSOURI NORTH CENTRAL RAILROAD  
—LEASE AND OPERATION EXEMPTION—  
ILLINOIS CENTRAL RAILROAD COMPANY**

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**VERIFIED NOTICE OF EXEMPTION  
PURSUANT TO 49 U.S.C. §10902 and 49 CFR §1150.41**

Motive Rail, Inc., d/b/a Missouri North Central Railroad (“MNCR”), an existing Class III short line railroad, files this Notice of Exemption, pursuant to 49 C.F.R. Part 1150, Subpart D – Exempt Transactions, with the Surface Transportation Board (the “Board”) to permit it to lease and operate approximately 1.6 miles of track (“the Line”) presently owned by the Illinois Central Railroad Company (“ICRR”).<sup>1</sup> The Line known as the CN Eldorado Subdivision extends between MP 110.9 and MP 112.5 in Galatia, IL. A map illustrating the Line is attached as Exhibit A.

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<sup>1</sup> ICRR is a subsidiary of the Canadian National Railway.

INFORMATION REQUIRED BY 49 CFR §1150.43

Name and Address of Applicant 49 CFR §1150.43(a)  
Motive Rail, Inc.  
937 N. Cape Rock Drive,  
Cape Girardeau, MO 63701

Applicant's Representative 49 CFR §1150.43(b)  
John D. Heffner  
Strasburger & Price, LLP  
1025 Connecticut Ave., N.W.  
Suite 717  
Washington, D.C. 20036  
(202) 742-8607

Statement of Agreement 49 CFR §1150.43(c)

MNCR has executed a lease and operating agreement with ICRR to provide common carrier rail service over the Line.

Operator of the Property 49 CFR §1150.43(d)

While MNCR will provide common carrier railroad service on the Line, ICRR will continue to serve a customer at the end of the Line.

Brief Summary of Transaction 49 CFR §1150.43(e)

MNCR is an existing Class III common carrier short line railroad that holds authority from the Board to operate about 7.75 miles of track in northern Missouri and to operate a terminal switching operation on Michigan's Upper Peninsula.

MNCR is owned by Motive Rail, Inc., which provides railroad switching services under contract for numerous clients including port authorities, industrial parks, and

railroad shippers in Missouri, Indiana, and Kentucky. The purpose of this specific transaction is to facilitate the ability and desire of the principal shipper at Galatia, American Coal, to accommodate longer trains and have MNCR switch those trains.

Other information required

(1) Name and address for the party transferring the subject property:

Illinois Central Railroad:  
17641 South Ashland Avenue,  
Homewood, IL 60430-1345

(2) The proposed time schedule for consummation of the transaction:

MNCR intends to consummate this transaction 30 days from the date of this notice, probably around early December 2015.

The mileposts of the subject property, including any branch lines:

The Line extends between MP 110.9 and MP 112.5 in Galatia, IL.

Map 49 CFR §1150.43(f)

A map depicting the railroad trackage to be operated is attached as Exhibit A.

Certificate of Carrier Classification 49 CFR §1150.43(g)

MNCR certifies that with this transaction its projected annual revenues will be less than \$5,000,000. A certificate complying with the provisions of 49 CFR §1150.43(g) is attached as Exhibit B to this notice.

Transactions Imposing Interchange Commitments 49 CFR §1150.43(h)

Not applicable. There are no agreements applicable to the Line imposing any interchange commitments.

Labor Protection

Labor protective conditions are not applicable to transactions under 49 U.S.C. §10902.

Caption Summary            49 CFR §1150.44

A caption summary in the prescribed form is attached as Exhibit C to this Notice.

Environmental and Historic Preservation Data            49 CFR §1105

Pursuant to 49 CFR §1105.6(c) (2), the proposed transaction is exempt from environmental review under 49 CFR §1105(c) (2) (i), because the actions proposed herein will not cause any operating changes that exceed the thresholds established in 49 CFR §1105.7(e) (4) or (5).

In addition, this transaction is exempt from historic review under 49 CFR §1105.8(b) (1). Under this section, a sale, lease or transfer of a rail line is exempt if rail operations will continue. Further Board approval is required for the parties to abandon service, and there are no plans to dispose of or alter the properties subject to Board jurisdiction.

Submitted By:



John D. Heffner  
Strasburger & Price, LLP  
1025 Connecticut Avenue, N.W.  
Suite 717  
Washington, D.C. 20036  
(202) 742-8607

Counsel for Petitioner

Dated: November 6, 2015

## **EXHIBIT A**

# EXHIBIT A

CN Eldorado Subdivision Lease to The American Coal Company in Galatia, IL between Mileposts 110.9 and 112.5 as shown in the diagram below.



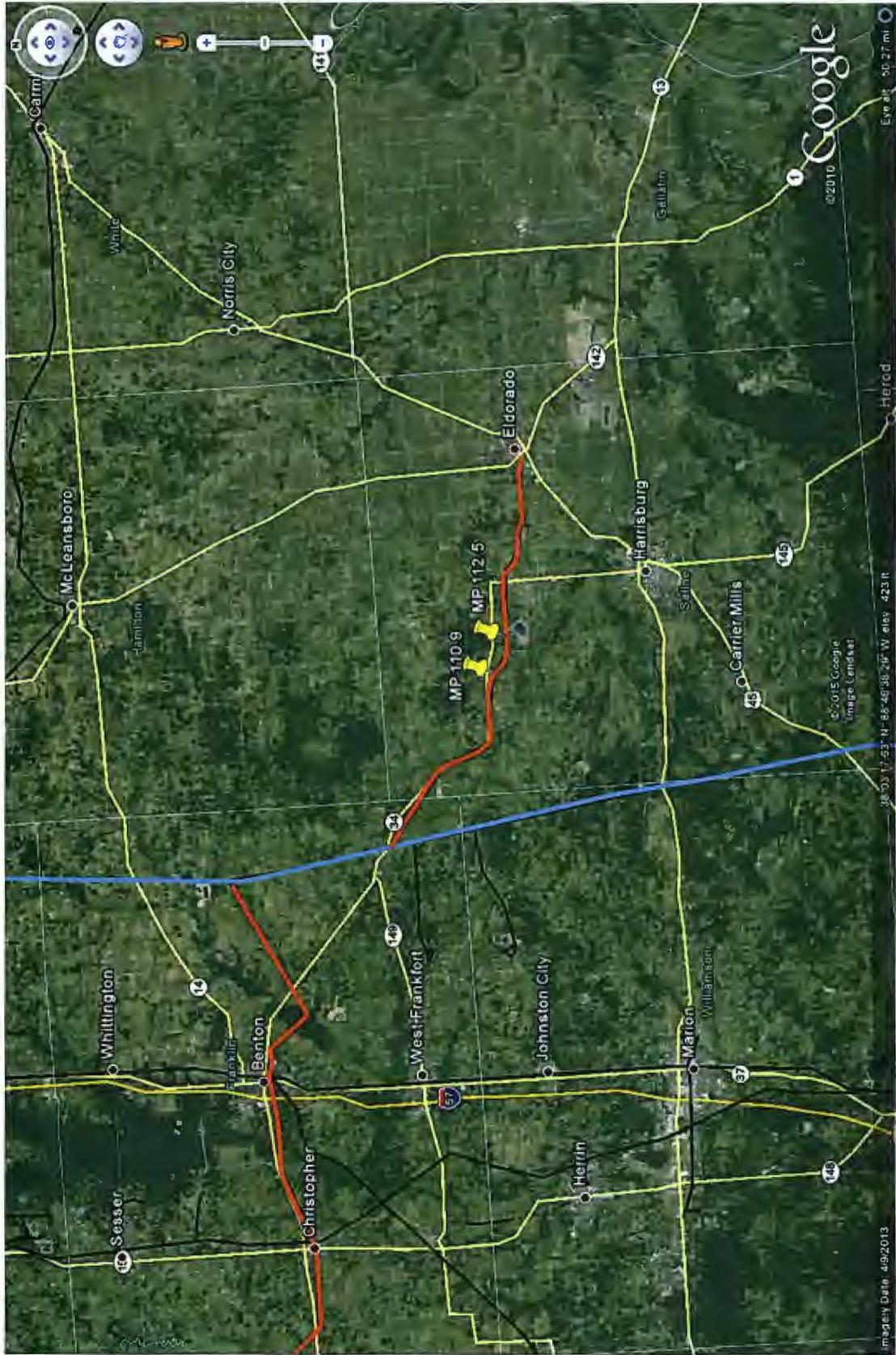


Exhibit B

**Certification**

I, Lucas Respondek certify that I am Secretary/treasurer (state position) of Motive Rail, Inc - DBA - Missouri North Central (name of carrier) and that applicant's projected revenues will not exceed \$5 million annually and will not result in the applicant becoming a Class I or Class II carrier under the provisions of 49 CFR 1201(1-1).

Dated: 10-13, 2015

Signature



## **EXHIBIT C**

**FD 35969**

**MOTIVE RAIL, INC.  
d/b/a MISSOURI NORTH CENTRAL RAILROAD  
—LEASE AND OPERATION EXEMPTION—  
ILLINOIS CENTRAL RAILROAD COMPANY**

**VERIFIED NOTICE OF EXEMPTION  
PURSUANT TO 49 U.S.C. §10902 and 49 CFR §1150.41**

Motive Rail, Inc., d/b/a Missouri North Central Railroad (“MNCR”), an existing Class III short line railroad, files this Notice of Exemption, pursuant to 49 C.F.R. Part 1150, Subpart D – Exempt Transactions, with the Surface Transportation Board (the “Board”) to permit it to operate pursuant to a track lease and an operating agreement approximately 1.6 miles of track between MP 110.9 and MP 112.5 in Galatia, IL (“the Line”) presently owned by the Illinois Central Railroad Company.

MNCR certifies that its projected annual revenues as a result of this transaction would not exceed those that would qualify it as a Class III rail carrier and further certifies that its projected annual revenues will not exceed \$5 million. If the verified 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 effectiveness of the exemption. Petitions for stay must be filed no later than November 30, 2015 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to FD 35969, must be filed with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423 0001. In addition, one copy of each pleading must be served on John D. Heffner, Esq., Strasburger & Price, 1025 Connecticut Ave., N.W. – Suite 717, Washington, D.C. 20036, Telephone: (202) 742-8607, counsel for MNCR, and Thomas Healey, Esq., counsel for Illinois Central Railroad, 17641 South Ashland Avenue, Homewood, IL 60430-1345.

Board decisions and notices are available on our website at [WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).

Decided:

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