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ATTORNEYS AT LAW

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November 27, 2019

300076

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

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

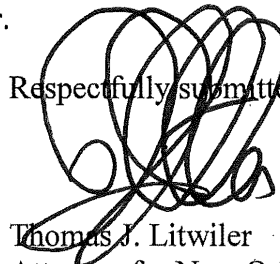
Re: **Docket No. FD 36362**
New Orleans Public Belt Railroad Corporation -- Lease
Exemption -- Line of Illinois Central Railroad Company

Dear Ms. Brown:

Attached for filing in the above-captioned proceeding is the **Verified Notice of Exemption of New Orleans Public Belt Railroad Corporation Pursuant to 49 C.F.R. § 1150.42**, dated November 27, 2019. The sum of \$2,100, representing the appropriate fee for this filing, has been tendered electronically via Pay.gov.

If you have any questions regarding this filing, please feel free to contact me.
Thank you for your assistance on this matter.

Respectfully submitted,



Thomas J. Litwiler
Attorney for New Orleans Public Belt
Railroad Corporation

FEE RECEIVED
November 29, 2019
SURFACE
TRANSPORTATION BOARD

TJL:tl

Attachment

FILED
November 29, 2019
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36362

NEW ORLEANS PUBLIC BELT RAILROAD CORPORATION
-- LEASE EXEMPTION --
LINE OF ILLINOIS CENTRAL RAILROAD COMPANY

**VERIFIED NOTICE OF EXEMPTION
OF
NEW ORLEANS PUBLIC BELT RAILROAD CORPORATION
PURSUANT TO 49 C.F.R. § 1150.42**

Thomas J. Litwiler
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

**ATTORNEY FOR NEW ORLEANS PUBLIC
BELT RAILROAD CORPORATION**

Dated: November 27, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. FD 36362

NEW ORLEANS PUBLIC BELT RAILROAD CORPORATION
-- LEASE EXEMPTION --
LINE OF ILLINOIS CENTRAL RAILROAD COMPANY

**VERIFIED NOTICE OF EXEMPTION
OF
NEW ORLEANS PUBLIC BELT RAILROAD CORPORATION
PURSUANT TO 49 C.F.R. § 1150.41**

Pursuant to 49 C.F.R. § 1150.41, et seq., New Orleans Public Belt Railroad Corporation (“NOPB”), a Class III rail carrier, hereby files this Verified Notice of Exemption to lease an approximately 3.36-mile line of railroad of Illinois Central Railroad Company (“IC”) near New Orleans, Louisiana (the “Subject Line”). Based on projected revenues for the Subject Line, NOPB will remain a Class III rail carrier after consummation of the transaction proposed herein.

In accordance with the requirements of 49 C.F.R. § 1150.43, NOPB submits the following information:

Name and Address of Applicant: 49 C.F.R. § 1150.43(a)

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

New Orleans Public Belt Railroad Corporation
4822 Tchoupitoulas Street
New Orleans, Louisiana 70115
(504) 896-7410

Applicant's Representative: 49 C.F.R. § 1150.43(b)

NOPB's representative to whom correspondence regarding this transaction should be sent is as follows:

Thomas J. Litwiler
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1508

Statement Concerning Agreement: 49 C.F.R. § 1150.43(c)

NOPB and IC will shortly execute a Track Lease Agreement providing for NOPB's lease and operation of the Subject Line.

Operation of the Property: 49 C.F.R. § 1150.43(d)

NOPB will operate the Subject Line being leased from IC in this proceeding, including providing local service and conducting maintenance on the line.¹ Existing trackage rights operations of Union Pacific Railroad Company and The Kansas City Southern Railway Company on the Subject Line, as well as operations of the National Railroad Passenger Corporation (Amtrak) on the line, will not be affected by the proposed transaction. IC will continue to perform dispatching on the Subject Line and will retain rights to operate its own trains.

¹ NOPB currently conducts overhead operations on a portion of the Subject Line pursuant to trackage rights previously granted by IC. *See New Orleans Public Belt Railroad – Trackage Rights Exemption – Illinois Central Railroad Company*, Docket No. FD 33182 (STB served Oct. 30, 1996).

Summary of the Transaction: 49 C.F.R. § 1150.43(e)

NOPB is a Class III switching and terminal railroad that provides terminal, interline and intermediate switching services to local shippers and six Class I railroads in the New Orleans area. NOPB began operations in 2018 upon acquisition of all of the railroad operating assets of the Public Belt Railroad Commission of the City of New Orleans. *See New Orleans Public Belt Railroad Corporation -- Acquisition and Operation Exemption -- Public Belt Railroad Commission of the City of New Orleans*, Docket No. FD 36149 (STB served Dec. 27, 2017). NOPB is a wholly-owned subsidiary of the Board of Commissioners of the Port of New Orleans.

IC is a Class I common carrier by rail which owns and operates rail lines extending generally between Chicago and New Orleans in the states of Illinois, Kentucky, Tennessee, Mississippi, Louisiana and Alabama. IC is an indirect subsidiary of Canadian National Railway Company. *See Canadian National Ry. Co. -- Control -- Illinois Central Corp.*, 4 S.T.B. 122 (1999).

Pursuant to the Track Lease Agreement to be executed by the parties, NOPB will lease and operate IC's rail line extending from approximately IC milepost 906.1 at Central Avenue near East Bridge Jct. in Shreveport, Louisiana to the end-of-track at approximately IC milepost 908.8 in Jefferson Parish, Louisiana, and from approximately IC milepost 921.8 at Iris Avenue (approximately IC milepost 908.5 on the first segment) to approximately IC milepost 921.14 at Dakin Street near Lampert Jct. in Jefferson Parish, a total distance of approximately 3.36 miles. Between East Bridge Jct. and Iris Avenue the Subject Line consists of parallel tracks known as the Main Track and the A2 Track. NOPB's existing lines connect with the Subject Line at East Bridge Jct., Iris Avenue and Lampert Jct.

The complete name and address of the entity leasing the Subject Line to NOPB is as follows:

Illinois Central Railroad Company
17641 South Ashland Avenue
Homewood, Illinois 60430

NOPB intends to consummate its lease of the Subject Line from IC on or shortly after December 31, 2019.

Map: 49 C.F.R. § 1150.43(f)

A map showing the Subject Line and the surrounding area is attached as Exhibit A to this Notice.

Certificate of Compliance: 49 C.F.R. § 1150.43(g)

A Certificate of Compliance with the provisions of 49 C.F.R. § 1150.43(g) is attached as Exhibit B to this Notice.²

Interchange Commitments: 49 C.F.R. § 1150.43(h)

NOPB's proposed lease of the Subject Line does not involve any provision or agreement that would limit future interchange with a third-party connecting carrier.

Advance Notice: 49 C.F.R. § 1150.42(e)

On October 31, 2019, NOPB posted the 60-day notice of this transaction required by 49 C.F.R. § 1150.42(e) at the workplaces of current IC employees on the Subject Line, served the notice on the national offices of the labor unions for those employees, and certified both

² As a switching and terminal railroad, NOPB is presumptively designated a Class III carrier pursuant to 49 C.F.R. § 1201(1-1)(d). NOPB nonetheless certifies that its projected annual rail revenues do not exceed the Class II/Class III revenue threshold.

actions to the Board. A copy of the 60-day notice and certification as filed with the Board is attached as Exhibit C to this Notice.

Environmental and Historic Preservation Data: 49 C.F.R. § 1105

Under 49 C.F.R. § 1105.6(c)(2), NOPB's proposed lease and operation of the Subject Line is exempt from environmental reporting requirements. The proposed transaction will not result in significant changes in carrier operations, i.e., changes that exceed the thresholds established in 49 C.F.R. § 1105.7(e)(4) or (5).

Under 49 C.F.R. § 1105.8(b)(1), NOPB's lease of the Subject Line also is exempt from historic preservation reporting requirements. The proposed transaction is for the purpose of continued rail operations. Further Surface Transportation Board approval is required to abandon or discontinue any service and there are no plans to dispose of or alter properties subject to Board jurisdiction that are fifty years old or older.

Caption Summary: 49 C.F.R. § 1150.44

A caption summary in appropriate form is attached as Exhibit D to this Notice.

Respectfully submitted,

By: _____

Thomas J. Litwiler

Fletcher & Sippel LLC

29 North Wacker Drive

Suite 800

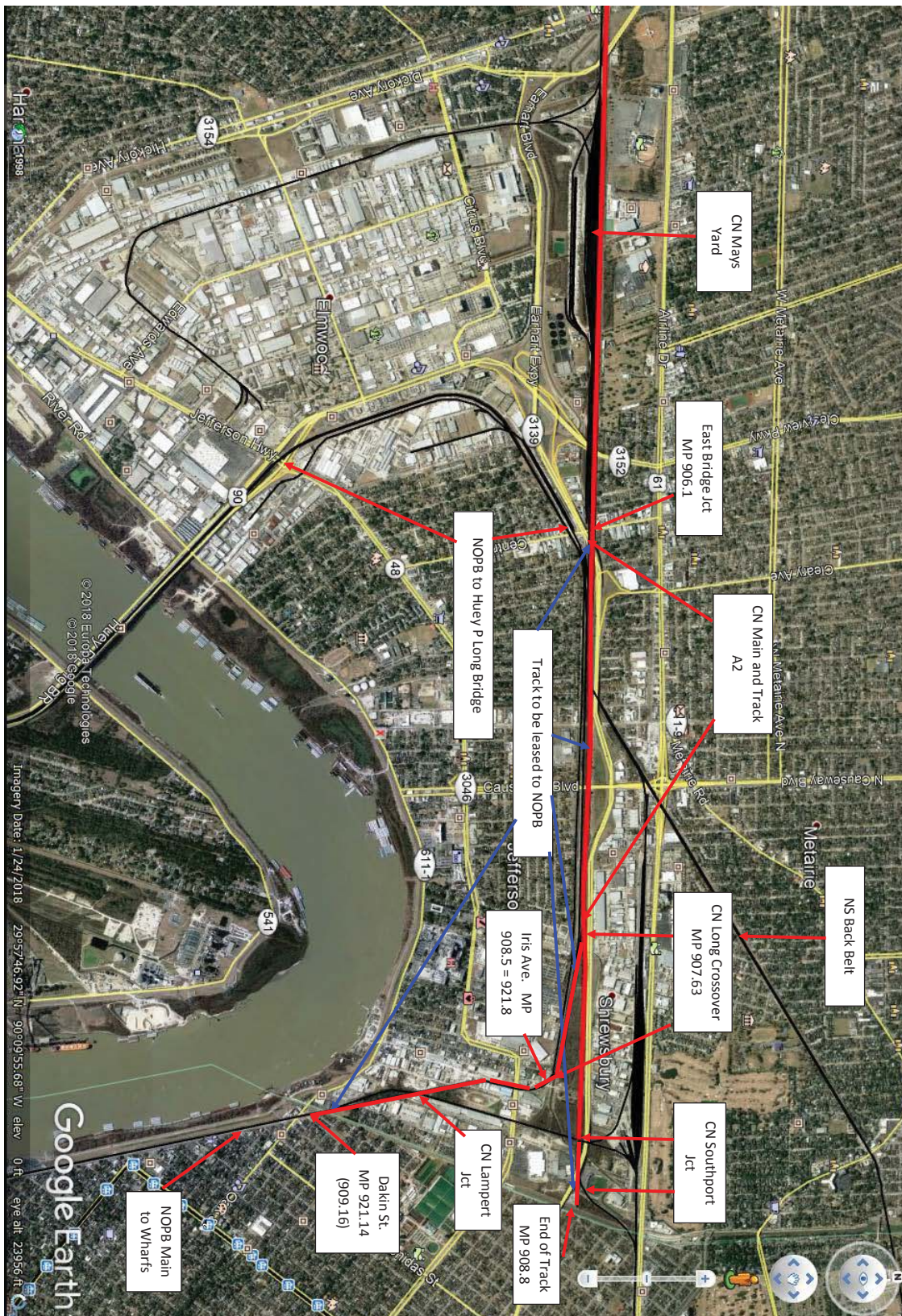
Chicago, Illinois 60606-3208

(312) 252-1500

**ATTORNEY FOR NEW ORLEANS PUBLIC
BELT RAILROAD CORPORATION**

Dated: November 27, 2019

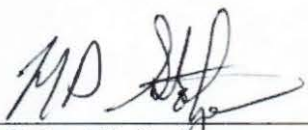
Exhibit A



CERTIFICATION

State of Louisiana)
) ss:
Parish of Orleans)

Michael D. Stolzman, being duly sworn, hereby certifies that the projected annual rail revenues of New Orleans Public Belt Railroad Corporation as a result of the transaction proposed herein would not result in the creation of a Class II or a Class I rail carrier under the provisions of 49 C.F.R. § 1201 (1-1).



Michael D. Stolzman
General Manager

SUBSCRIBED AND SWORN TO
before me this 27 day
of November, 2019.



Notary Public

My Commission expires:

Gina M. Palermo, Esq.
Notary Public
State of Louisiana
La. Bar Roll No. 33307
La. Notary No. 92682
My Commission is for Life

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. LITWILER
(312) 252-1508
tlitwiler@fletcher-sippel.com

October 31, 2019

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

Re: **Docket No. FD 36362**
New Orleans Public Belt Railroad Corporation – Lease
Exemption – Line of Illinois Central Railroad Company

Dear Ms. Brown:

Pursuant to 49 C.F.R. § 1150.42(e), New Orleans Public Belt Railroad Corporation (“NOPB”) hereby certifies that on October 31, 2019 the attached Notice was posted at the following workplaces of employees of Illinois Central Railroad Company (“IC”):

Mays Yard
2351 Hickory Avenue
Harahan, LA 70123

8022 Ashland Road
Geismar, LA 70734

410 North Cate Street
Hammond, LA 70401

2400 North Riverside
Baton Rouge, LA 70802

NOPB also certifies that on October 31, 2019, the attached Notice was served by first class mail, postage prepaid, on the national offices of the labor unions representing IC employees on the subject rail line, at the following addresses:

Mr. Dennis R. Pierce
National President
Brotherhood of Locomotive Engineers and Trainmen, IBT
7061 East Pleasant Valley Road
Independence, OH 44131

FLETCHER & SIPPEL LLC

Ms. Cynthia T. Brown
October 31, 2019
Page 2

Mr. John Previsich
President, Transportation Division
International Association of Sheet Metal, Air, Rail &
Transportation Workers
24950 Country Club Road, Suite 340
North Olmsted, OH 44070-5333

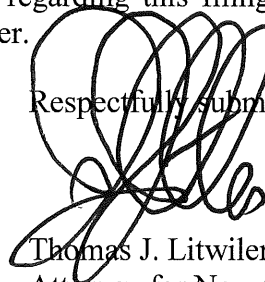
Mr. Freddie N. Simpson
President
Brotherhood of Maintenance of Way Employees Division, IBT
41475 Gardenbrook Road
Novi, MI 48375-1328

Mr. Floyd E. Mason
President
Brotherhood of Railroad Signalmen
917 Shenandoah Shores Road
Front Royal, VA 22630

Mr. Richard A. Johnson
General President, Carmen Division
Transportation•Communications Union/IAM
3 Research Place
Rockville, MD 20850

If you have any questions regarding this filing, please feel free to contact me.
Thank you for your assistance on this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas J. Litwiler', is written over the typed name and title.

Thomas J. Litwiler
Attorney for New Orleans Public Belt
Railroad Corporation

TJL:tl

Attachment

NEW ORLEANS PUBLIC BELT RAILROAD CORPORATION
4822 Tchoupitoulas Street
New Orleans, LA 70115

NOTICE

Pursuant to regulations of the Surface Transportation Board (“STB”) at 49 C.F.R. § 1150.42(e), New Orleans Public Belt Railroad Corporation (“NOPB”), a Class III rail carrier, hereby gives notice to employees of Illinois Central Railroad Company (“IC”) that on or about December 31, 2019, NOPB intends to lease and thereafter operate IC’s line of railroad extending from approximately IC milepost 906.1 at Central Avenue near East Bridge Jct. in Shrewsbury, Louisiana to the end-of-track at approximately IC milepost 908.8 in Jefferson Parish, Louisiana, and from approximately IC milepost 921.8 at Iris Avenue (approximately IC milepost 908.5 on the first segment) to approximately IC milepost 921.14 at Dakin Street near Lampert Jct. in Jefferson Parish, a total distance of approximately 3.36 miles. Between East Bridge Jct. and Iris Avenue the IC line consists of parallel tracks known as the Main Track and the A2 Track.

Existing Amtrak operations and trackage rights operations of Union Pacific Railroad Company and The Kansas City Southern Railway Company will not be affected by the proposed transaction.

A notice of exemption to authorize the proposed transaction will be filed with the STB on or shortly before November 27, 2019 in Docket No. FD 36362.

NOPB does not expect to hire any additional employees as a result of the proposed transaction. IC employees desiring further information regarding the transaction may contact NOPB’s Manager – Human Relations at (504) 896-7416.

10/31/19

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

DOCKET NO. FD 36362

NEW ORLEANS PUBLIC BELT RAILROAD CORPORATION
-- LEASE EXEMPTION --
LINE OF ILLINOIS CENTRAL RAILROAD COMPANY

New Orleans Public Belt Railroad Corporation (“NOPB”), a Class III rail carrier, has filed a Verified Notice of Exemption to lease and operate a line of railroad of Illinois Central Railroad Company (“IC”) extending from approximately IC milepost 906.1 at Central Avenue near East Bridge Jct. in Shrewsbury, Louisiana to the end-of-track at approximately IC milepost 908.8 in Jefferson Parish, Louisiana, and from approximately IC milepost 921.8 at Iris Avenue (approximately IC milepost 908.5 on the first segment) to approximately IC milepost 921.14 at Dakin Street near Lampert Jct. in Jefferson Parish, a total distance of approximately 3.36 miles (the “Subject Line”). Between East Bridge Jct. and Iris Avenue the Subject Line consists of parallel tracks known as the Main Track and the A2 Track.

NOPB certifies that its projected revenues will not exceed those that would qualify it as a Class III rail carrier. NOPB further certifies, as required by 49 C.F.R. § 1150.42(e), that on October 31, 2019, it posted a 60-day notice of this transaction at the workplaces of current IC employees on the Subject Line and served the notice on the national offices of the labor unions for those employees. NOPB states that the proposed transaction does not involve any provision or agreement that would limit future interchange with a third-party connecting carrier.

The proposed transaction may be consummated on or after December 30, 2019, the effective date of the exemption (60 days after the § 1150.42(e) requirements were satisfied).

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 transaction. Petitions for stay must be filed no later than December 23, 2019 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36362, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on NOPB's representative, Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, Illinois 60606-3208.

According to NOPB, this action is categorically excluded from environmental review under 49 C.F.R. § 1105.6(c) and from historic reporting requirements under 49 C.F.R. § 1105.8(b).

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

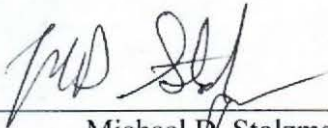
Decided: December __, 2019

By the Board, Allison C. Davis, Director, Office of Proceedings.

VERIFICATION

State of Louisiana)
) ss:
Parish of Orleans)

Michael D. Stolzman, being duly sworn, deposes and says that he is General Manager of New Orleans Public Belt Railroad Corporation, that he has read the foregoing Notice of Exemption and knows the facts asserted therein, and that the same are true as stated.



Michael D. Stolzman

SUBSCRIBED AND SWORN TO
before me this 27 day
of November, 2019.



Notary Public

My Commission expires:

Gina M. Palermo, Esq.
Notary Public
State of Louisiana
La. Bar Roll No. 33307
La. Notary No. 92682
My Commission is for Life