

242858

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings
March 27, 2017
Part of
Public Record

INDIANA BUSINESS RAILROAD, INC.,)
d.b.a. UNION CITY TERMINAL)
RAILROAD -- LEASE AND OPERATION)
-- IN OBION COUNTY, TN)

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



INDIANA BUSINESS RAILROAD, INC.,
d.b.a. UNION CITY TERMINAL RAILROAD
4800 Rosebud Lane
Newburgh, IN 47630

Applicant

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1228
(312) 236-0204 (ph)
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Attorney for Applicant

Date Filed: March 27, 2017

FILED
March 27, 2017
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
March 27, 2017
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

INDIANA BUSINESS RAILROAD, INC.,)	
d.b.a. UNION CITY TERMINAL)	FINANCE DOCKET
RAILROAD -- LEASE AND OPERATION)	NO. 36108
-- IN OBION COUNTY, TN)	

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



Pursuant to 49 U.S.C. § 10502(a) and 49 C.F.R. § 1150.31, *et seq.*, INDIANA BUSINESS RAILROAD, INC. (IBR), d.b.a. UNION CITY TERMINAL RAILROAD (UCTR), a noncarrier, hereby provides notice of its class exemption from 49 U.S.C. § 10901 for its lease from Illinois Central Railroad Company (IC)^{1/} and operation of a rail line known as IC's Union City Spur that extends between Milepost No. 442.2 at or near Rives and Milepost No. 450.0 at or near Union City, a distance of approximately 7.8 miles in Obion County, Tennessee (the Rail Line).

INFORMATION REQUIRED BY 49 C.F.R. § 1150.33

The following is furnished pursuant to 49 C.F.R. § 1150.33:

(a) *The full name and address of the applicant;*

Applicant is Indiana Business Railroad, Inc. (IBR), d.b.a. Union City Terminal Railroad (UCTR), 4800 Rosebud Lane, Newburgh, IN 47630.

^{1/} IC is a wholly owned subsidiary of Canadian National Railway Company.

- (b) *The name, address, and telephone number of the representative of the applicant who should receive correspondence;*

Applicant's representative is Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, #1666, Chicago, IL 60604-1228, ph 312-236-0204.

- (c) *A statement that an agreement has been reached or details about when an agreement will be reached;*

An agreement has been reached for IBR's lease from IC and operation (d.b.a.. UCTR) of the Rail Line.

- (d) *The operator of the property;*

IBR will be the operator of the property, d.b.a. UCTR.

- (e) *A brief summary of the proposed transaction, including:*

- (1) *The name and address of the railroad transferring the subject property;*

The transferor is IC, 17641 Ashland Avenue, Homewood, IL 60430-1345.

- (2) *The proposed time schedule for consummation of the transaction;*

The transaction will be consummated on or after the date on which the exemption in this proceeding becomes effective.

- (3) *The mileposts of the subject property, including any branch lines; and*

The Rail Line extends between Milepost No. 442.2 at or near Rives and Milepost No. 450.0 at or near Union City, TN.

- (4) *The total route miles being acquired;*

A total of 7.8 miles of rail line is proposed to be leased and operated.

- (f) *A map that clearly indicates the area to be served, including origins, termini, stations, cities, counties, and States; and*

The required map is attached to this Notice as Appendix 1.

- (g) *A certificate that applicant's projected revenues do not exceed those that would qualify it as a Class III rail carrier.*

Attached to this Notice as Appendix 2 is the verification of Mr. John DiDomizio, President of IBR, attesting that Applicant's projected revenues do not exceed those that would qualify it as a Class III rail carrier. Appendix 2 is also a general verification of all factual statements in this Notice.

- (h) *Interchange Commitments.*

The proposed lease and operation are not subject to any interchange commitments.

INFORMATION REQUIRED BY 49 C.F.R. § 1150.32(e)

- (e) *If the projected annual revenue of the carrier to be created by a transaction under this exemption exceeds \$5 million, applicant must, at least 60 days before the exemption becomes effective, post a notice of intent to undertake the proposed transaction at the workplace of the employees on the affected line(s) and serve a copy of the notice on the national offices of the labor unions with employees on the affected line(s), setting forth the types and numbers of jobs expected to be available, the terms of employment and principles of employee selection, and the lines that are to be transferred, and certify to the Board that it has done so.*

The required certification is contained in the attached Appendix 2 (revenues will not exceed \$5 million per year).

CAPTION SUMMARY REQUIRED BY 49 C.F.R. § 1150.34

The required Caption Summary is attached to this Notice as Appendix 3.

ENVIRONMENTAL AND HISTORIC CONSIDERATIONS

Pursuant to 49 C.F.R. § 1150.6(c) and 49 C.F.R. § 1105.8(b)(1), no environmental or historic reporting is required for the proposed lease and operation.

LABOR PROTECTION NOT REQUIRED

Pursuant to 49 U.S.C. § 10901(c), labor protective conditions are not required for the proposed lease and operation.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, for the reasons stated in compliance with 49 C.F.R. § 1150.32(b), the Board should publish a notice of this Verified Notice in the Federal Register within 16 days of the filing of such Verified Notice.

Respectfully submitted,

INDIANA BUSINESS RAILROAD, INC.,
d.b.a. UNION CITY TERMINAL RAILROAD
4800 Rosebud Lane
Newburgh, IN 47630

Applicant

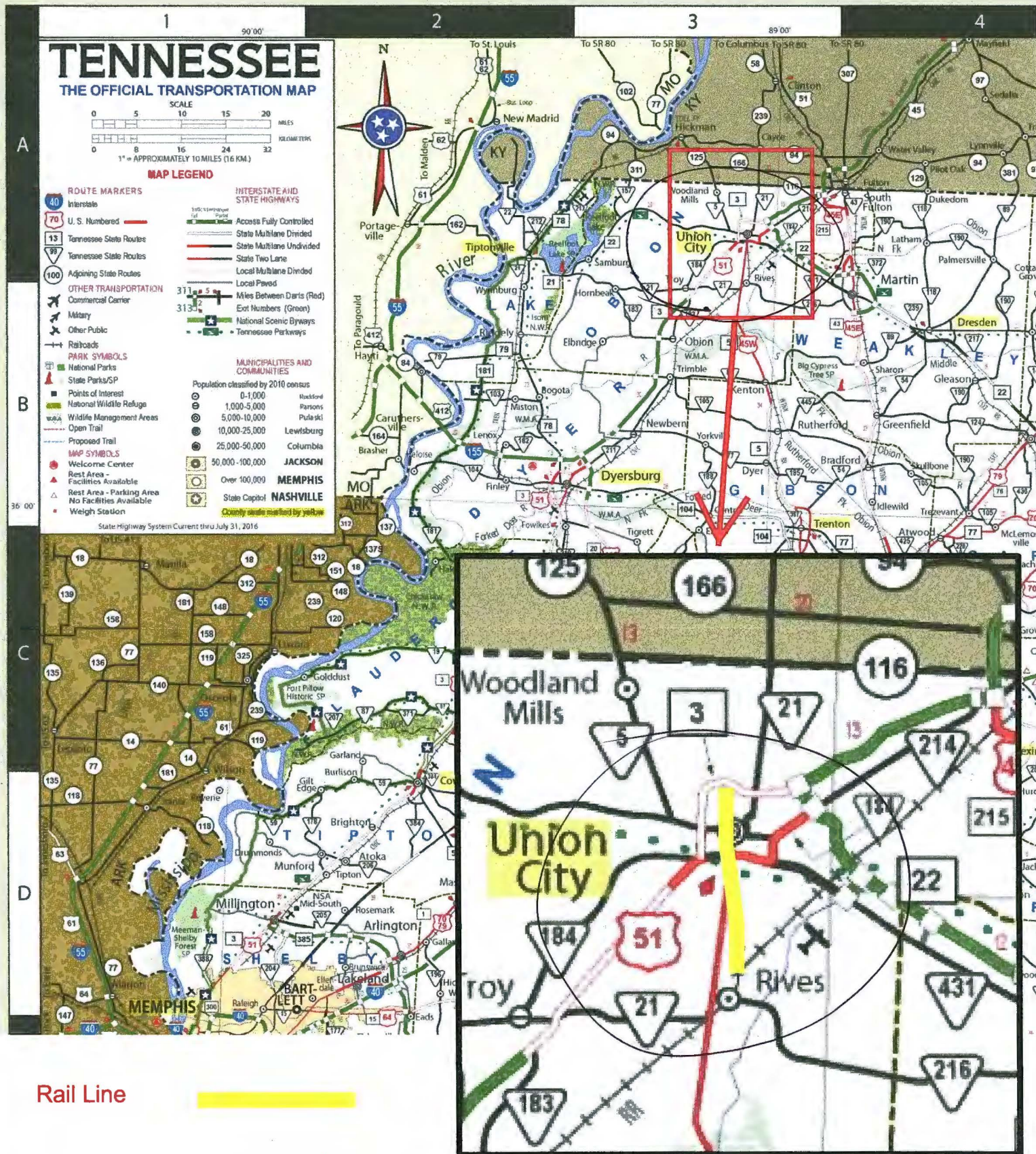


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Attorney for Applicant

Date Filed: March 27, 2017

Appendix 1: Map



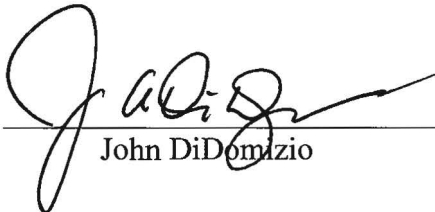
Finance Docket No. 36108

Appendix 2

VERIFICATION

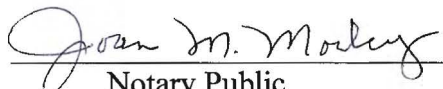
STATE OF INDIANA)
) SS:
COUNTY OF WARRICK)

John DiDomizio, being duly sworn, states that he is President of Indiana Business Railroad, Inc. (IBR); that he has read the foregoing Notice of Exemption under 49 C.F.R. § 1150.31; that the projected revenues of IBR would not exceed those that would qualify it as a Class III rail carrier; that the projected annual revenue of IBR to be created by the proposed lease and operation would not exceed \$5 million; and that all other facts set forth in the Notice of Exemption are true and correct.



John DiDomizio

SUBSCRIBED and SWORN to
before me this 22nd day of
March, 2017.



Notary Public

My Commission Expires: 5-3-2017



Appendix 3

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Verified Notice of Exemption

STB Finance Docket No. 36108

*Indiana Business Railroad, Inc. d.b.a. Union City Terminal
Railroad -- Lease and Operation Exemption -- in Obion County, TN*

Indiana Business Railroad, Inc. d.b.a. Union City Terminal Railroad (IBR), a noncarrier, has filed a Verified Notice of Exemption to lease from Illinois Central Railroad Company and operate 7.8 miles of rail line known as IC's Union City Spur that extends between Milepost No. 442.2 at or near Rives and Milepost No. 450.0 at or near Union City, a distance of approximately 7.8 miles in Obion County, Tennessee (the Rail Line).

Comments must be filed with the Board and served on IBR's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1666, Chicago, IL 60604-1228, ph 312-236-0204.

The Notice is filed under 49 C.F.R. § 1150.31 *et seq.* 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.

By the Board