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Office of Proceedings
February 24, 2017
Part of
Public Record

February 24, 2017

By e-filing

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: Finance Docket No. 36103, *Hussey Terminal Railroad Company and 2nd & Main, LLC -- Acquisition and Operation Exemption -- at North Chicago, Lake County, IL*

Dear Ms. Brown:

Hereby transmitted is a Supplement to Notice Of Exemption Under 49 C.F.R. § 1150.31 for filing with the Board in the above referenced matter.

Please notice the revised caption to take into account the class exemption for 2nd & Main, LLC to acquire the involved rail line and transfer it to Hussey Terminal Railroad Company.

Very truly yours,



Thomas F. McFarland
Attorney for Applicants

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BEFORE THE
SURFACE TRANSPORTATION BOARD

HUSSEY TERMINAL RAILROAD)
COMPANY AND 2ND & MAIN, LLC --) FINANCE DOCKET
ACQUISITION AND OPERATION) NO. 36103
EXEMPTION -- AT NORTH CHICAGO,)
LAKE COUNTY, IL

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

2ND & MAIN, LLC
1900 Marquette Street
North Chicago, IL 60062

HUSSEY TERMINAL RAILROAD COMPANY
360 Lake Street
Antioch, IL 60064-1404

Applicants

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1666
Chicago, IL 60604-1228
(312) 236-0204 (ph)
mcfarland@aol.com

Attorney for Applicants

Date Filed: February 24, 2017

BEFORE THE
SURFACE TRANSPORTATION BOARD

HUSSEY TERMINAL RAILROAD	)	
COMPANY AND 2 ND & MAIN, LLC --	)	FINANCE DOCKET
ACQUISITION AND OPERATION	)	NO. 36103
EXEMPTION -- AT NORTH CHICAGO,	)	
LAKE COUNTY, IL		

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

The Notice of Exemption in this proceeding filed on February 16, 2017 is hereby supplemented to include notice of a class exemption from 49 U.S.C. § 10901 for 2nd & Main, LLC (2nd) for its acquisition and operation of the involved Rail Line, which it will convey to Hussey Terminal Railroad Company (HTRC). 2nd acquired the Rail Line in June, 2014, but was not aware that its acquisition and operation required a notice of class exemption from 49 U.S.C. § 10901. This Supplement is filed to cure that oversight.

INFORMATION ABOUT 2ND 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;

Supplemental Applicant is 2nd & Main, LLC, (2nd) 1900 Marquette Street, North Chicago, IL 60062.

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

2nd's representative is Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, #1666, Chicago, IL 60604-1228, 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 between 2nd and HTRC for the latter's acquisition and operation of the Rail Line.

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

The operator of the property will be HTRC.

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

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

The transferor of the property will be 2nd, who will become a rail carrier by virtue of this Notice. 2nd acquired the Rail Line in 2014 from Norland North Chicago, LLC (Norland), 1601 North Lewis Avenue, Waukegan, IL 60085-1761. Norland is thought to have acquired the Rail Line in bankruptcy as a secured lender of a prior owner, Edward Hines Lumber Company, who was later involuntarily dissolved.

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

The transaction will be consummated shortly after the exemption for the transaction becomes effective.

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

The Rail Line does not have milepost numbers.

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

Approximately 540 feet of rail line is proposed to be acquired and operated.

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

A plat showing the Rail Line 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.*

2nd's projected revenues would not exceed those that would qualify it as a Class III rail carrier. *See* the Verification of Philip N. Dahl, President of HTRC, attached to this Supplement to Notice as Appendix 2.

- (h) *Interchange Commitments.*

There are no interchange commitments.

ADDITIONAL INFORMATION

Annual Revenues

In compliance with 49 C.F.R. § 1150.32(e), Supplemental Applicant states that the projected annual revenue of 2nd created by the prior transaction did not exceed \$5 million. *See* Appendix 2.

CAPTION SUMMARY

The Caption Summary required by 49 C.F.R. § 1150.34 is attached as Appendix 3.

LABOR PROTECTION

By virtue of 49 U.S.C. § 10901(c), labor protective conditions are not to be imposed in regard to the proposed exemption.

ENVIRONMENTAL AND HISTORIC CONSIDERATIONS

By virtue of 49 C.F.R. § 1106(c) and 49 C.F.R. § 1105.8(b)(1), no environmental or historic reporting is required in regard to the proposed exemption.

VERIFICATION

The verification of Philip N. Dahl, President of HTRC, is attached to this Supplement to Notice as Appendix 2.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, the Board should publish notice of the filing of this Supplement to Notice of Exemption in the Federal Register no more than 16 days after filing of the Notice. *See* 49 C.F.R. § 1150.32(b).

Respectfully submitted,

2ND & MAIN, LLC
1900 Marquette Street
North Chicago, IL 60062

HUSSEY TERMINAL RAILROAD COMPANY
360 Lake Street
Antioch, IL 60064-1404

Applicants



THOMAS F. McFARLAND
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mcfarland@aol.com

Attorney for Applicant

Date Filed: February 24, 2017

EXHIBIT A
PLAT

Appendix 1

Of that part of the N. 1/2 of the N.W. 1/4 of Sec. 4 T. 44. N.
R. 12 E of 3rd P.M. Lying South of the E. J. & E. Ry.^{2d}
East of the C. & N.W. Ry.

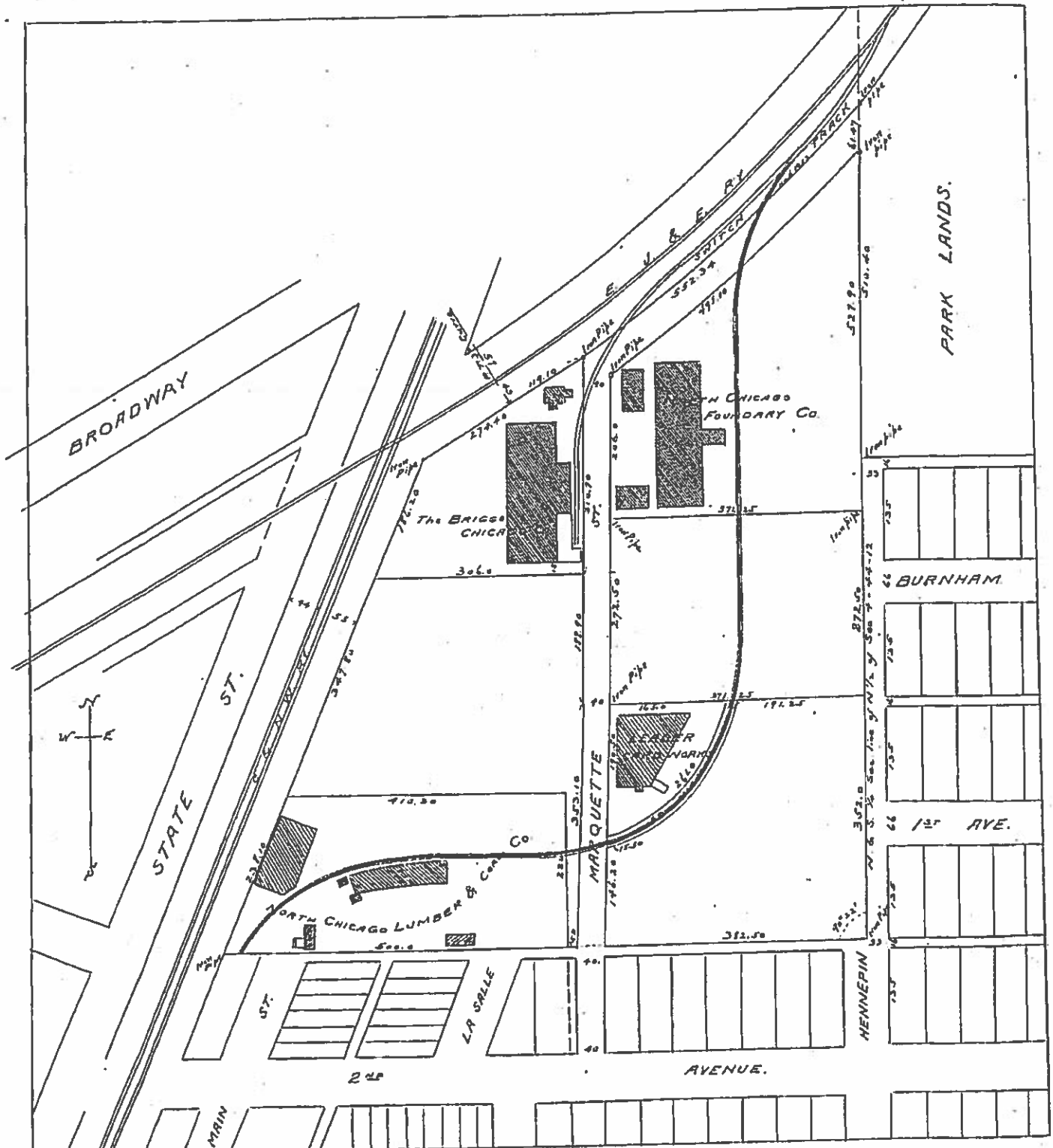
NORTH CHICAGO, ILL.

Scale 100 feet per inch

Oct 1915

R. J. Smith, C.E.

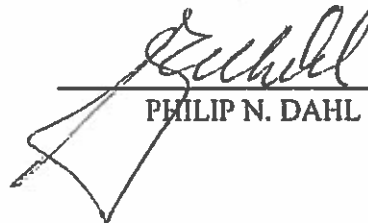
pg 60
Mentioned in
Plan of
Chicago
16 x 20
1/2
1/2



VERIFICATION

STATE OF ILLINOIS)
) SS:
COUNTY OF LAKE)

PHILIP N. DAHL, being duly sworn, states that he is President of Hussey Terminal Railroad Company (HTRC) and 2nd & Main, LLC (2nd); that he has read the foregoing Supplement to Notice of Exemption under 49 C.F.R. § 1150.31; that the projected revenues of HTRC and 2nd would not exceed those that would qualify them as Class III rail carriers; that the projected annual revenue of HTRC and 2nd to be created by the proposed acquisition and operation would not exceed \$5 million; and that all other facts set forth in the Supplement to Notice of Exemption are true and correct.



PHILIP N. DAHL

SUBSCRIBED and SWORN to
before me this 24th day of
February, 2017.



Notary Public

My Commission Expires: 1/19/21



CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

STB Finance Docket No. 36103

*Hussey Terminal Railroad Company and 2nd & Main, LLC -- Acquisition
and Operation Exemption -- at North Chicago, Lake County, IL*

As supplemented, Hussey Terminal Railroad Company (HTRC) and 2nd & Main, LLC (2nd) have filed a Notice of Exemption for HTRC to acquire and operate approximately 540 feet of rail line at North Chicago, Lake County, Illinois (the Rail Line). The Rail Line does not have milepost numbers. Comments must be filed with the Board and served on HTRC's and 2nd'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