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October 31, 2019  
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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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STB Docket No. FD 33990

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**C & C RAILROAD, INC.  
– OPERATION EXEMPTION –  
CENTERPOINT PROPERTIES, L.L.C.**

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**MOTION FOR LEAVE TO WITHDRAW NOTICE OF EXEMPTION**

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Michael A. Abramson  
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**ATTORNEYS FOR C & C RAILROAD, LLC**

Dated: October 31, 2019

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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– OPERATION EXEMPTION –  
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C & C Railroad, LLC (“C&C” – previously organized as C & C Railroad, Inc.)<sup>1</sup> – has resolved its dispute with Union Pacific Railroad Company (“UP”), and, for the reasons provided herein, requests leave to withdraw its class exemption notice in this proceeding. The railroad track located within the warehouse facility now generally bounded by UP’s Global 2 facility, although not previously regarded as federally-regulated railroad lines, historically *did* connect with the interstate rail network. But C&C never re-connected the warehouse track to the interstate network. Moreover, as the record in this proceeding reflects, C&C never acted upon the class exemption that it invoked, because C&C never commenced common carrier service, and, accordingly, it never effectuated the permissive authority extended to it under applicable Board procedures. C&C hereby acknowledges that it is not a rail common carrier.

In keeping with agency precedent, because C&C’s exemption authority was permissive and yet C&C never acted on that authority to function as a common carrier, C&C

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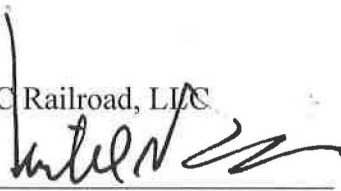
<sup>1</sup> C & C Railroad Inc. – Reincorporation Exemption – C & C Railroad LLC, Docket No. 34062 (STB served Jul. 23 2001).

may seek leave under the circumstances to withdraw its class exemption notice, and the Board should grant C&C's request.<sup>2</sup>

WHEREFORE, C&C, a non-carrier by virtue of having never acted upon the exemption authority it had invoked to operate over trackage not previously considered to be federally-regulated lines of railroad, requests that the Board grant it leave to withdraw its notice of exemption in this proceeding, and thereby for the Board to terminate proceedings in this docket entirely.

Respectfully submitted,

C&C Railroad, LLC

By: 

Michael A Abramson  
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180 North LaSalle, Suite 3300  
Chicago, Illinois 60601  
(312) 754-7400

**ATTORNEY FOR C & C RAILROAD, LLC**

Dated: August 29, 2019

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<sup>2</sup> See, e.g., Rocky Mountain Railcar and Repair, Inc. – Acquisition and Operation Exemption – Line of Railroad in Tooele County, Utah, Docket No. FD 35478 (STB served Apr. 13, 2018) at 1 (and cases cited therein).

## CERTIFICATE OF SERVICE

I hereby certify that, on this ~~30<sup>th</sup>~~ day of October, 2019, a copy of the foregoing **PETITION TO TERMINATE EXEMPTION OF C & C RAILROAD, LLC** was served by U.S. Mail, first class postage prepaid, or by more expeditious means of delivery, upon all parties of record.

A handwritten signature in black ink, appearing to read 'Michael A. Abramson', written over a horizontal line.

Michael A Abramson