

FEE RECEIVED
JUL 29 2010
SURFACE
TRANSPORTATION BOARD

KARL MORELL

BALL JANIK LLP
ATTORNEYS

1455 F STREET, NW, Suite 225
WASHINGTON, D.C. 20005
www.balljanik.com
TELEPHONE 202-638-3307
FACSIMILE 202-783-6947

ENTERED
Office of Proceedings

JUL 29 2010

Part of
Public Record

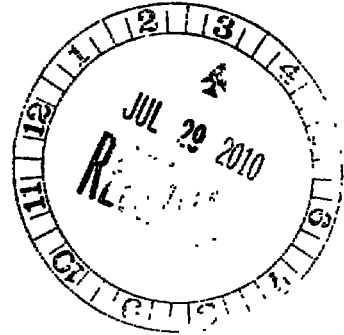
kmorell@dc.bjllp.com

July 29, 2010

BY HAND DELIVERY

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-001

FILED
JUL 29 2010
SURFACE
TRANSPORTATION BOARD



Re: STB Docket No. AB-1066 (Sub-No. 2X), Central Illinois Railroad Company – Discontinuance Of Service Exemption – In Cook County, IL

Dear Ms. Brown:

Attached for filing are the original and ten copies of a Petition for Exemption under 49 U.S.C. § 10502. Also attached is a check covering the \$6,300 filing fee and a disk containing a draft Federal Register Notice.

Please time and date stamp the extra copy of the Petition and return it with our messenger.

If you have any questions, please call me.

Sincerely,

Karl Morell

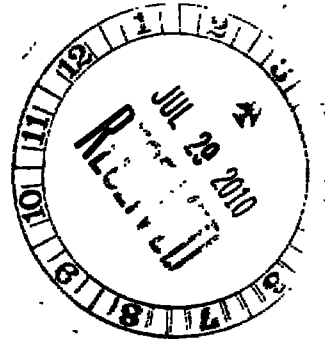
Enclosures

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-1066 (Sub-No. 2X)

CENTRAL ILLINOIS RAILROAD COMPANY
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN COOK COUNTY, IL

PETITION FOR EXEMPTION



ENTERED
Office of Public Information
JUL 29 2010
Part of
Public Record

FILED
JUL 29 2010
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
JUL 29 2010
SURFACE
TRANSPORTATION BOARD

Karl Morell
Of Counsel
Ball Janik LLP
1455 F Street, N.W.
Suite 225
Washington, D.C. 20005
(202) 638-3307

Attorneys for:
CENTRAL ILLINOIS RAILROAD
COMPANY

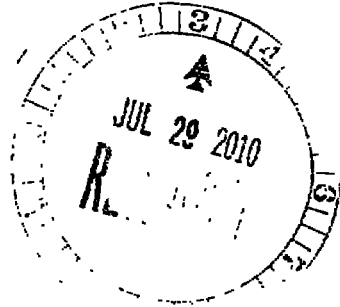
Dated: July 29, 2010

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-1066 (Sub-No. 2X)

CENTRAL ILLINOIS RAILROAD COMPANY
-- DISCONTINUANCE OF SERVICE EXEMPTION --
IN COOK COUNTY, IL

PETITION FOR EXEMPTION



Central Illinois Railroad Company ("CIRY") petitions the Surface Transportation Board ("STB" or "Board") to exempt, under 49 U.S.C. § 10502, from the prior approval requirements of 49 U.S.C. § 10903, CIRY's discontinuance of service over approximately 5.9 miles of main line track and approximately 12.47 miles of sidetrack owned by BNSF Railway Company ("BNSF") in Chicago, Cook County, IL (the "Lines").

PROPOSED TRANSACTION

CIRY proposes to discontinue its lease and all operations over the Lines. The Lines traverse U.S. Postal Service Zip Codes 60608 and 60616. Maps of the Lines are attached as Exhibit A.

BNSF has represented to CIRY that the Lines do not contain any federally granted right-of-way. Any documentation in CIRY's possession regarding the Lines will be made available to those requesting it. To the best of CIRY's knowledge, there are no stations on the rail lines over which service is being discontinued by CIRY.

STATEMENT OF FACTS

In November 2000, BNSF and CIRY entered into an Agreement For The Lease Of The Lumber District And A Portion Of The Illinois Northern Line ("Lease Agreement") pursuant to which CIRY leases and operates approximately 5.9 miles of main line track and approximately 12.47 miles of sidetrack, referred to as the Lumber District and the Illinois Northern Line, in the vicinity of BNSF's Western Avenue Yard in Chicago, Cook County, IL.¹ The Board authorized CIRY's lease of the Lines in STB Finance Docket No. 33960, *Central Illinois Railroad Company – Lease and Operation Exemption – Lines of the Burlington Northern and Santa Fe Railway Company at Chicago, Cook County, IL* (not printed), notice served December 5, 2000. The term of the Lease Agreement was set to expire in November 2010. The parties, however, have recently reached an agreement whereby the Lease Agreement will terminate on the close of business August 9, 2010. BNSF, as the owner of the Lines, will resume rail service on August 10, 2010.

EXEMPTION REQUESTED

A rail carrier may not discontinue service over non-excepted rail lines without the prior approval of the Board. 49 U.S.C. § 10903(d); *see also Thompson v. Texas Mexican Ry. Co.*, 328 U.S. 134 (1946).

¹ The Lumber District is located between a point 300 feet south of the point of the frog on BNSF's crossover to the main line of the Norfolk Southern Railway Company, which point is south of the wye track that enters the west end of BNSF's Western Avenue Yard, and the end of BNSF's ownership at Lumber Street approximately 500 feet east of Canal Street, including trackage that extends north from Cermak Road parallel to Sangamon Street ending at a point of the frog at Track No. 7 even with Milepost 2.0 on BNSF's main line east of Western Avenue Yard. The Illinois Northern Line is located between a point 10 feet north of the Chicago Sanitary and Ship Canal and a point 100 feet west of the westernmost railroad diamond near 26th and Western Avenue.

Under 49 U.S.C. § 10502, however, the Board must exempt a transaction from regulation when it finds that:

- (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and
- (2) either:
 - (a) the transaction is of limited scope; or
 - (b) regulation is not necessary to protect shippers from the abuse of market power.

The legislative history of Section 10502 reveals a clear Congressional intent that the STB should liberally use its exemption authority to free certain transactions from the administrative and financial costs associated with continued regulation. In enacting the Staggers Act of 1980, Pub. L. No. 96-448, 94 Stat. 1895, Congress encouraged the STB's predecessor to liberally use the expanded exemption authority under former Section 10505:

The policy underlying this provision is that while Congress has been able to identify broad areas of commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemption from remaining regulation.

H.R. Rep. No. 1430, 96th Cong. 2d Sess. 105 (1980). *See also Exemption From Regulation – Boxcar Traffic*, 367 I.C.C. 424, 428 (1983), *vacated and remanded on other grounds, Brae Corp. v. United States*, 740 F.2d 1023 (D.C. Cir. 1984). Congress reaffirmed this policy in the conference report accompanying the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat.

803, which re-enacted the rail exemption provisions as Section 10502. H.R. Rep. 422, 104th Cong., 1st Sess. 168-69 (1995).

A. The Application Of 49 U.S.C. § 10903 Is Not Necessary to Carry Out The Rail Transportation Policy

Detailed scrutiny of this transaction is not necessary to carry out the rail transportation policy. An exemption would minimize the unnecessary expenses associated with the filing of a formal discontinuance application and expedite regulatory decisions [49 U.S.C. § 10101(2)]. *See, e.g., Norfolk & W. Ry. Co. – Abandonment Exem. – Cinn., Hamilton County, OH*, 3 S.T.B. 110 (1998); STB Docket No. AB-367 (Sub-No. 2X), *Georgia Central Railroad, L.P. – Abandonment Exemption – In Chatham County, GA* (not printed), served September 17, 1997 (“*Georgia Central*”). Granting the exemption will thus foster sound economic conditions and encourage efficient management. CIRY will be able to terminate its common carrier obligation to provide service over the Lines which, as of August 10, 2010, will be operated by BNSF, the owner of the Lines. 49 U.S.C. § 10101(5) and (9). *See, e.g., STB Docket No. AB-318 (Sub-No. 4X), Louisiana & Delta Railroad, Inc. – Abandonment Exemption – In Lafourche and Assumption Parishes, LA* (not printed), served August 26, 1997; STB Docket No. AB-364 (Sub-No. 15X), *Mid-Michigan Railroad, Inc. – Discontinuance of Service Exemption – In Kent and Ottawa Counties, MI* (not printed), served June 1, 2009.

Prior to November 2000, BNSF was the exclusive operator over the Lines. Since that time, CIRY has been the exclusive operator over the Lines. Once the Lease Agreement terminates on August 9, 2010, BNSF will again become the exclusive operator over the Lines. CIRY is in poor financial condition and is operating the Lines at a financial loss which it cannot continue to sustain.

Thus, the proposed transaction will substitute a financially sound carrier for one that is ailing and ensure service for the customers on the Lines. In addition, BNSF will assume the maintenance responsibilities on the Lines which BNSF can afford to perform.

Consequently, the proposed transaction will help promote a safe and efficient rail transportation system [49 U.S.C. § 10101(3)], ensure the continuation of a sound rail transportation system with effective competition among rail carriers [49 U.S.C. § 10101(4)], foster sound economic conditions in transportation and ensure effective competition [49 U.S.C. § 10101(5)], encourage honest and efficient management [49 U.S.C. § 10101(9)], and promote energy conservation [49 U.S.C. § 10101(14)]. Other aspects of the rail transportation policy will not be affected adversely. For example, competition is not affected since BNSF will assume CIRY's operations on the Lines and continue the marketing functions which BNSF performed for CIRY during the past 10 years. Also, customers on the Lines will continue to be open to reciprocal switching after BNSF resumes operations over the Lines. Consequently, the public will continue to receive rail service *albeit* from a different rail carrier.

B. This Transaction Is Of Limited Scope

In determining whether a proposed transaction is of limited scope, the Board considers a variety of factors, such as the length of the rail line, the number of shippers on the line and the traffic volume. *See, e.g.*, Docket No. AB-347 (Sub-No. 1X), *Florida West Coast Railroad Company – Abandonment Exemption – Gilchrist and Levy Counties, FL* (not printed), served January 16, 1992; Docket No. AB-6 (Sub-No. 349X), *Burlington Northern Railroad Company – Abandonment Exemption – In Greene and Polk Counties, MO* (not printed), served August 27, 1993.

The proposed transaction is clearly of limited scope. CIRY is seeking to discontinue its lease operations over 5.9 miles of main line track and 12.47 miles of sidetrack located in one county in Illinois. The shortness of the Lines and the limited geographic area involved demonstrate the limited scope of the proposed discontinuance. *See, e.g.,* Docket No. AB-397 (Sub-No. 3X), *Tulare Valley Railroad Company – Abandonment Exemption – In Tulare And Fresno Counties, CA* (not printed), served February 9, 1995.

C. This Transaction Will Not Result In An Abuse of Market Power

The proposed discontinuance will not reduce the number of competitive rail options available to any shipper. BNSF will replace CIRY as the operator on the Lines. Therefore, regulation is not necessary to protect shippers from an abuse of market power. *See, e.g.,* STB Docket No. AB-55 (Sub-No. 576) *CSX Transportation, Inc. – Abandonment Exemption – In Guernsey County, OH* (not printed), served November 22, 1999; STB Docket No. AB-55 (Sub-No. 563X), *CSX Transportation, Inc. – Abandonment Exemption – In Harrison County, WV* (not printed), served September 25, 1998; *Georgia Central*.

The proposed discontinuance poses no threat of market power abuse by any carrier. *See, e.g.,* Docket No. AB-6 (Sub-No. 340X), *Burlington Northern R. Co. – Discontinuance of Trackage Rights Exemption – Between East Dubuque, IA* (not printed), served September 1, 1992 (regulation not necessary to protect shippers from abuse of market power where service would continue under car haulage agreement). The Lease Agreement granted BNSF the authority to market the Lines and establish the rates for all traffic moving to and from the Lines. BNSF will continue to perform these functions once it resumes operations over the Lines. Likewise, BNSF will keep all customers on the Lines open to reciprocal switching.

ENVIRONMENTAL AND HISTORIC REPORTING REQUIREMENTS

This proceeding is excepted from environmental reporting requirements under 49 C.F.R. § 1105.6(c)(2) because the Lines will continue to be operated. Since BNSF owns and will operate the Lines, no historic documentation is required pursuant to 49 C.F.R. § 1105.8(b).

FEDERAL REGISTER NOTICE

A draft Federal Register notice is attached to this Petition as Exhibit B.

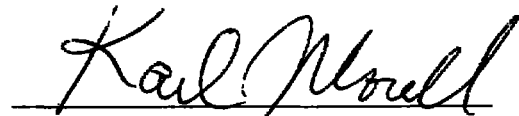
LABOR PROTECTION

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protection conditions in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

CONCLUSION

Application of the regulatory requirements and procedures of 49 U.S.C. § 10903 is not required to carry out the rail transportation policy set forth in 49 U.S.C. § 10101, as previously described in this Petition. Nor is STB regulation required to protect shippers from the abuse of market power. Moreover, the proposed discontinuance is of limited scope. Accordingly, CIRY respectfully urges the Board to grant the discontinuance.

Respectfully submitted,

A handwritten signature in cursive script, reading "Karl Morell", written over a horizontal line.

Karl Morell
Of Counsel
Ball Janik LLP
1455 F Street, N.W.
Suite 225
Washington, D.C. 20005
(202) 638-3307

Attorneys for:
CENTRAL ILLINOIS RAILROAD
COMPANY

Dated: July 29, 2010

TRACKING NO.

3F 16113

EXHIBIT "A"

ATTACHED TO CONTRACT BETWEEN

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
AND

The Central Illinois Railroad Company

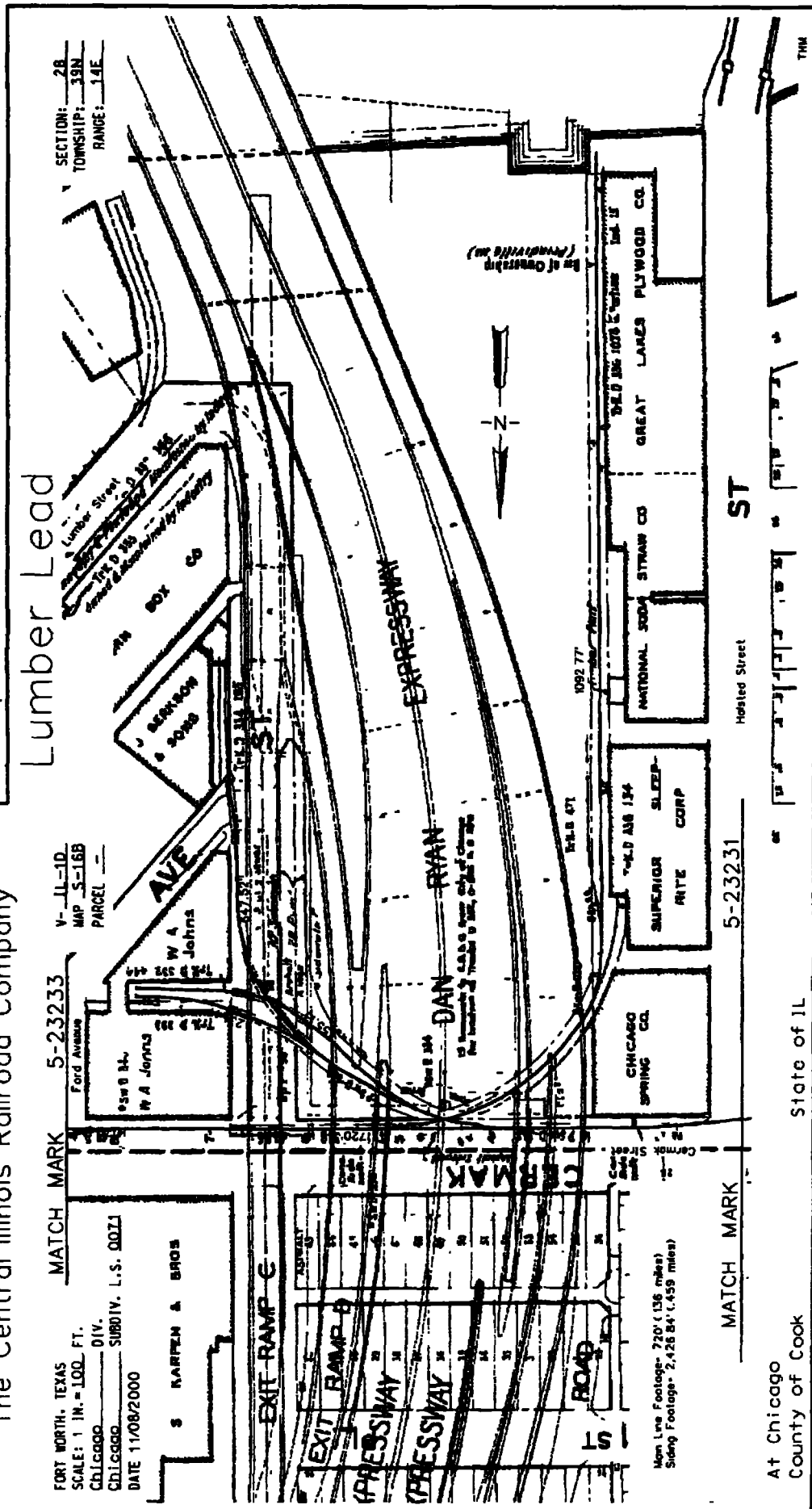
FORT WORTH, TEXAS
SCALE: 1 IN. = 100 FT.
CHICAGO DIV.
CHICAGO SUBDIV. L.S. 0021
DATE 11/08/2000

MATCH MARK 5-23233

V-11-1D
MAP 5-16B
PARCEL -

Lumber Lead

SECTION: 28
TOWNSHIP: 39N
RANGE: 14E



At Chicago
County of Cook

State of IL

5-23231

ST

Hobbs Street

DRAWING NO. 3-23232

THM

MAP REF. 850314

TRACKING NO.

ATTACHED TO CONTRACT BETWEEN

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

AND

The Central Illinois Railroad Company

FORT WORTH, TEXAS
SCALE: 1 IN. = 100 FT.
Chicago DIV.
Chicago SUB
DATE 11/08/2000 MATC

DATE 11/08/2000

MARK **123234**

MATCH

DATE 11/08/2000

V-
MAP
PARCEL

SECTION: 30
TOWNSHIP: 39n
RANGE: 14e

MAP REF. B50312

MAIN LINE FOOTAGE-1.589' (0.29 MILES)
SIDING FOOTAGE-1.042' (0.20 MILES)

LUMBER LEAD

At Chicago
County of Cook

State of IL

KIC

DRAWING NO. 5-23224

SE 14012

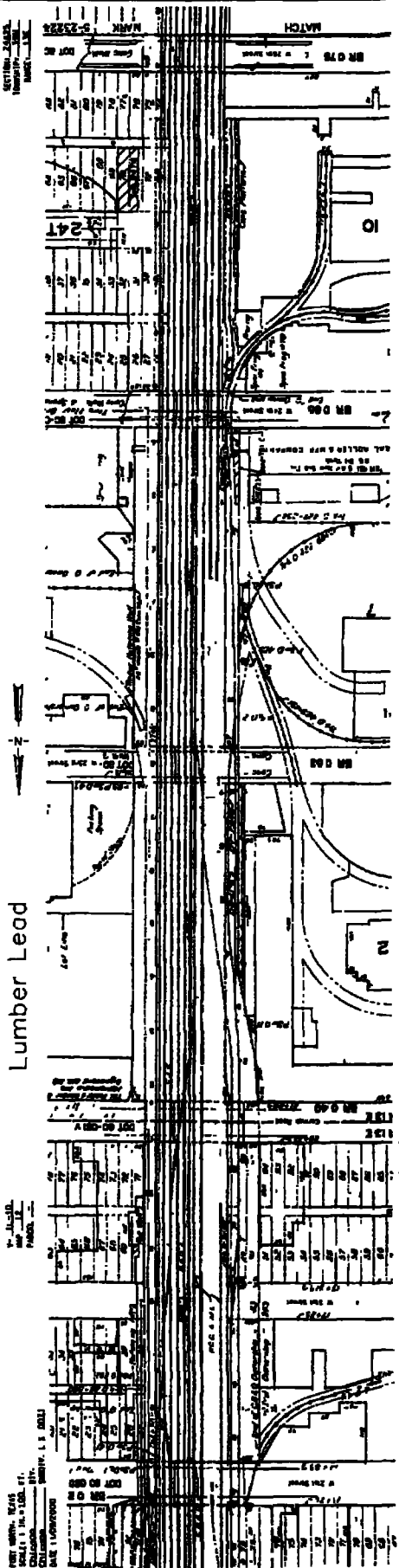
ENGINE NO.

EXHIBIT "A"
STATIONED TO CORRECT RECORD
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
AND
The Central Illinois Railroad Company

PORT MAP, REAS
FILED IN 11-1-1911
CHICAGO
DATE 11-1-1911
RECORD, L. S. KELLY

NO. 14012
PAGE 1

Lumber Lead



At Chicago
County of Cook

State of IL

11-1-1911

11-1-1911

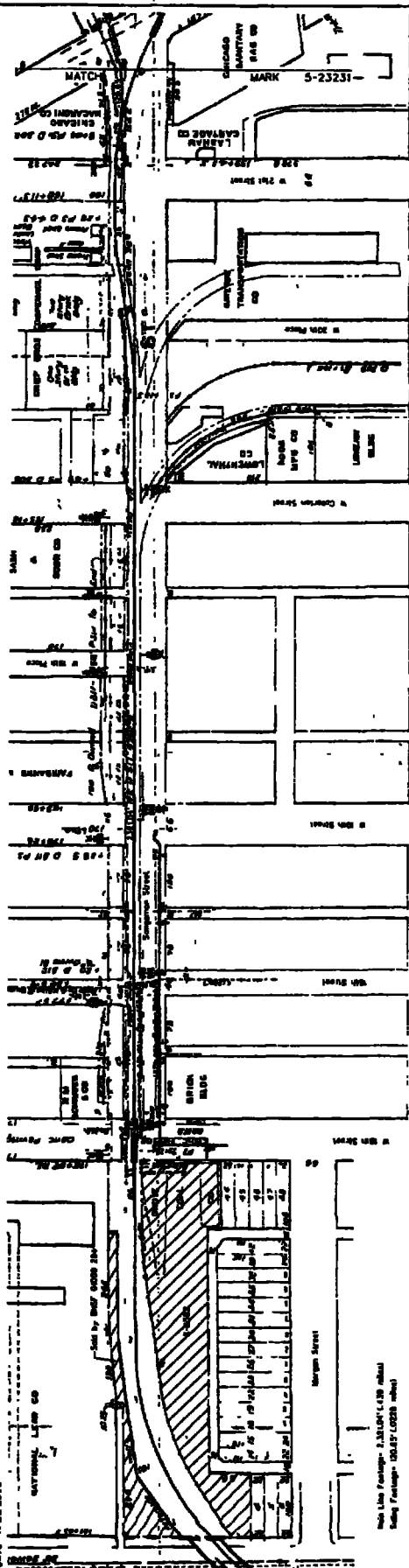
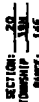
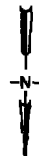
— 30 —

ATTACHED TO CONTRACT BETWEEN

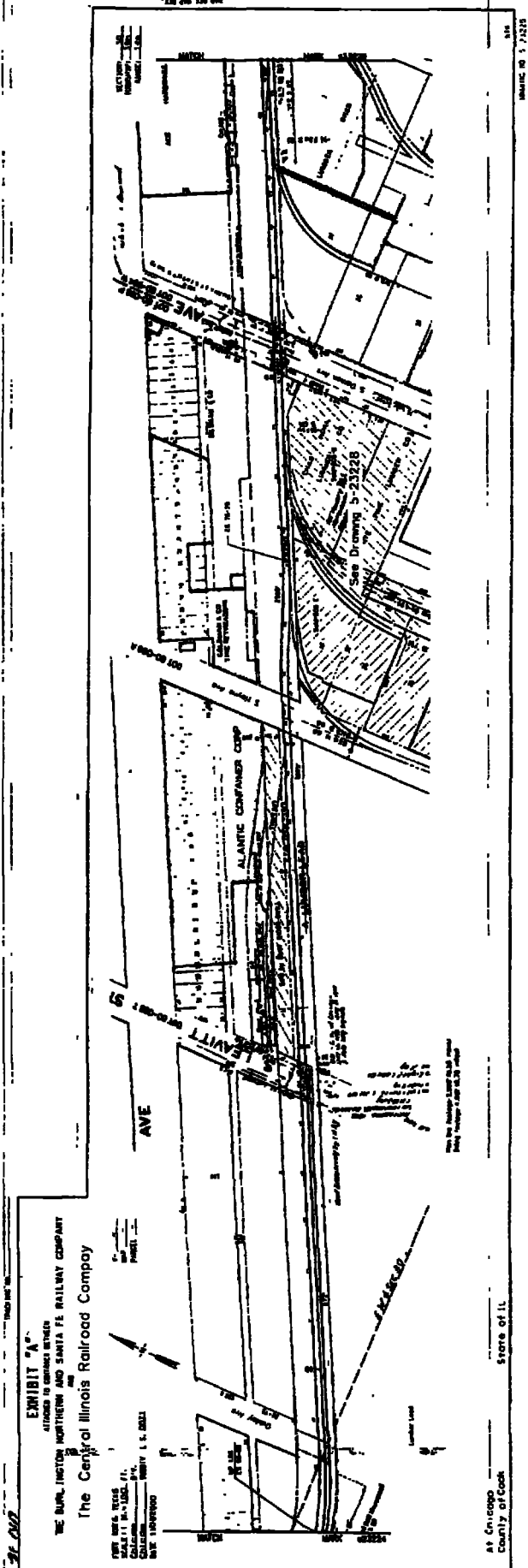
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
AND
The Central Illinois Railroad Company

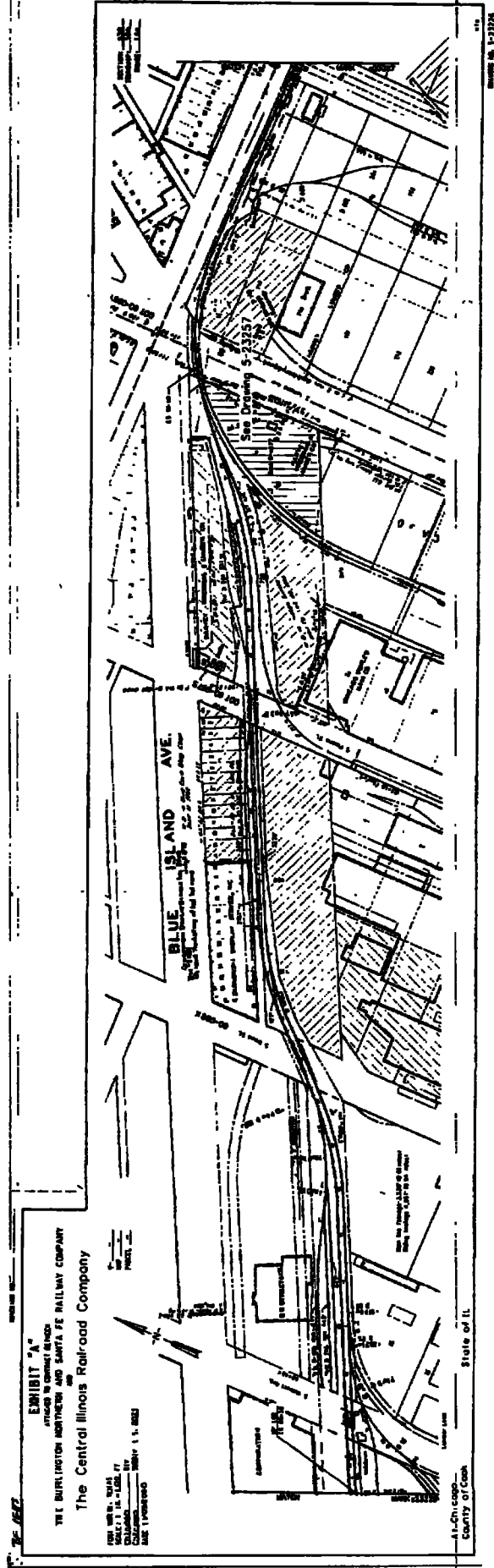
FORT MTH. LEAS
 SCALE 1 IN = 100 FT.
 COLLEGE DIV.
 DATE 11/08/2000
 SHEET 1 OF 1

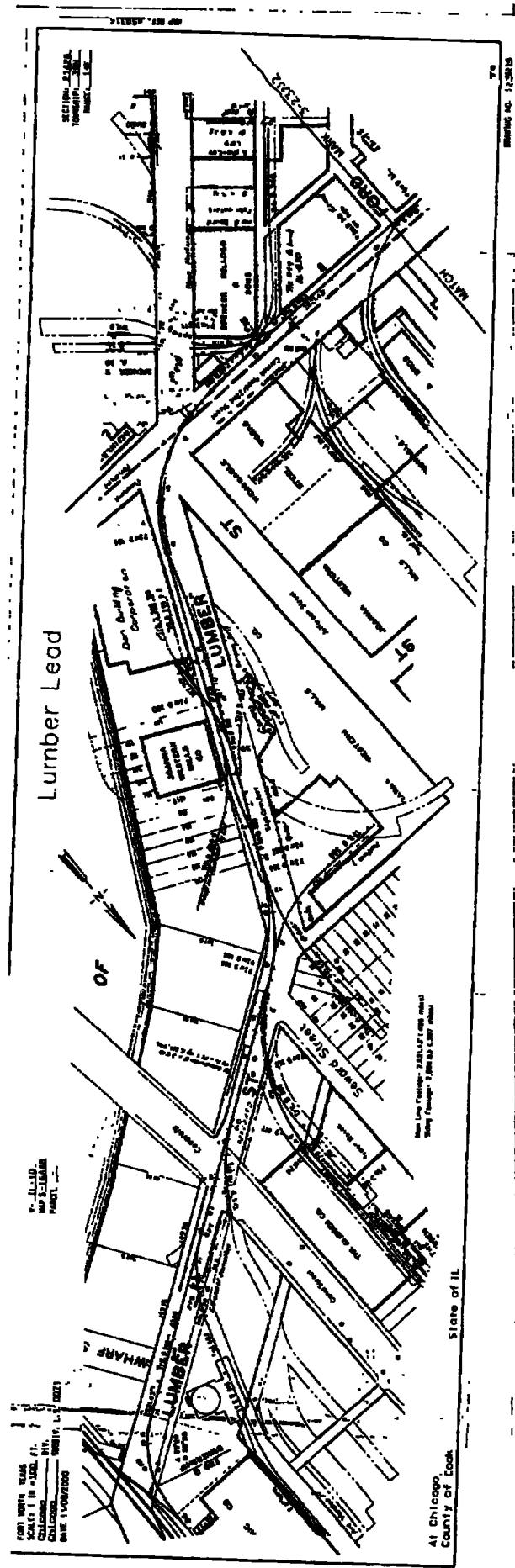
Lumber Lead



At Chicago ----- State of IL
County of Cook







5-23226

EXHIBIT "A"

ATTACHED TO CONTRACT BETWEEN

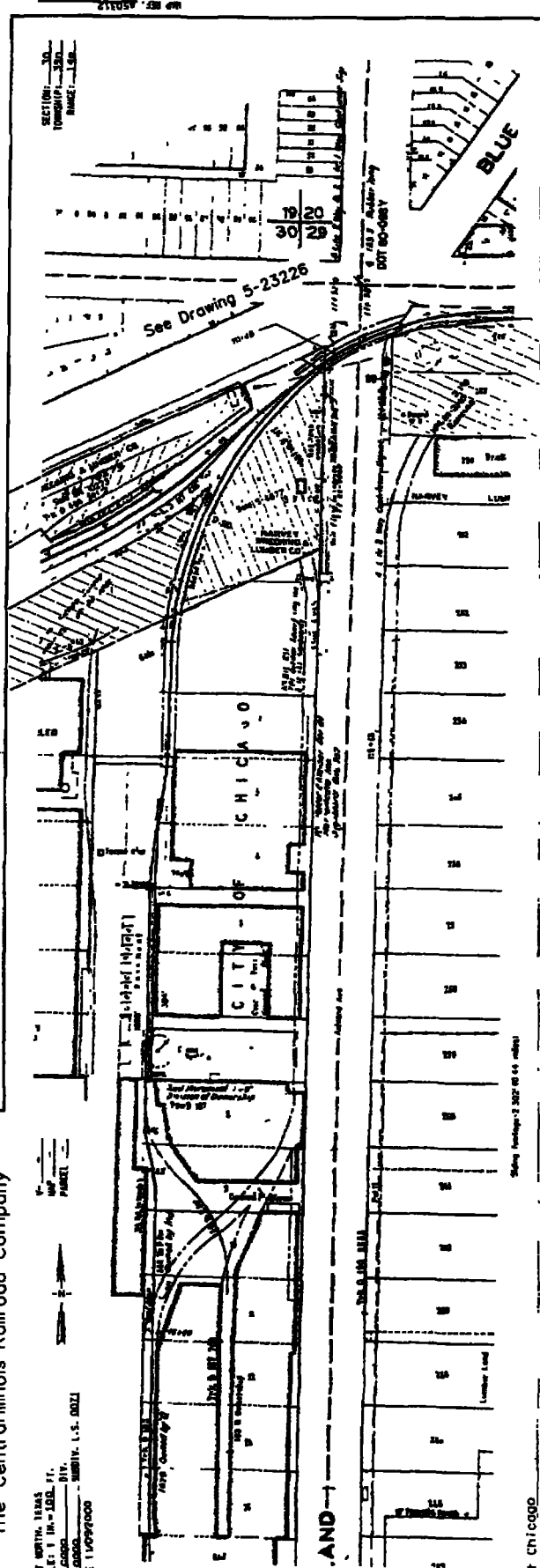
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

AND

The Central Illinois Railroad Company

FORT WORTH, TEXAS
SCALE: 1 IN. = 1000 FT.
CHICAGO, ILL.
DATE: 11/10/1900

MAP
PAGE 1



At Chicago
County of Cook

State of IL

DRAWING NO. 5-23226

BF 16113

TRACKING NO.

EXHIBIT "A"

ATTACHED TO CONTRACT BETWEEN

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
AND

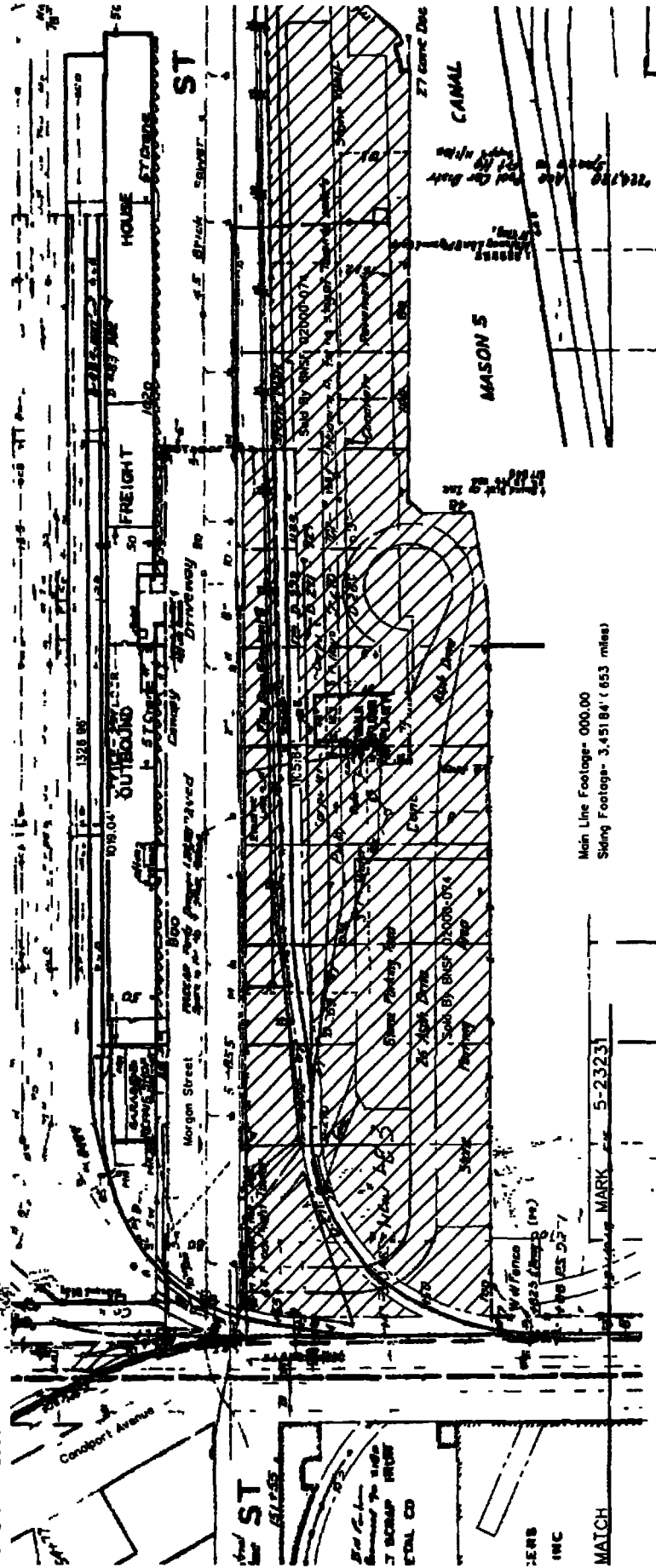
The Central Illinois Railroad Company

FORT WORTH, TEXAS
SCALE: 1 IN. = 100 FT.
CHICAGO DIV.
CHICAGO SUBDIV. L.S. 0021
DATE 11/09/2000

V-11-10
MAP 16A
PARCEL -

Lumber Lead

SECTION: 29
TOWNSHIP: 19N
RANGE: 14E



Main Line Footage= 000.00
Siding Footage= 3,451.84' (653 miles)

MARK 5-23231

At Chicago
County of Cook

State of IL

DRAWING NO. 3-23230

THM

BF 14113

ATTACHED TO CONTRACT BETWEEN

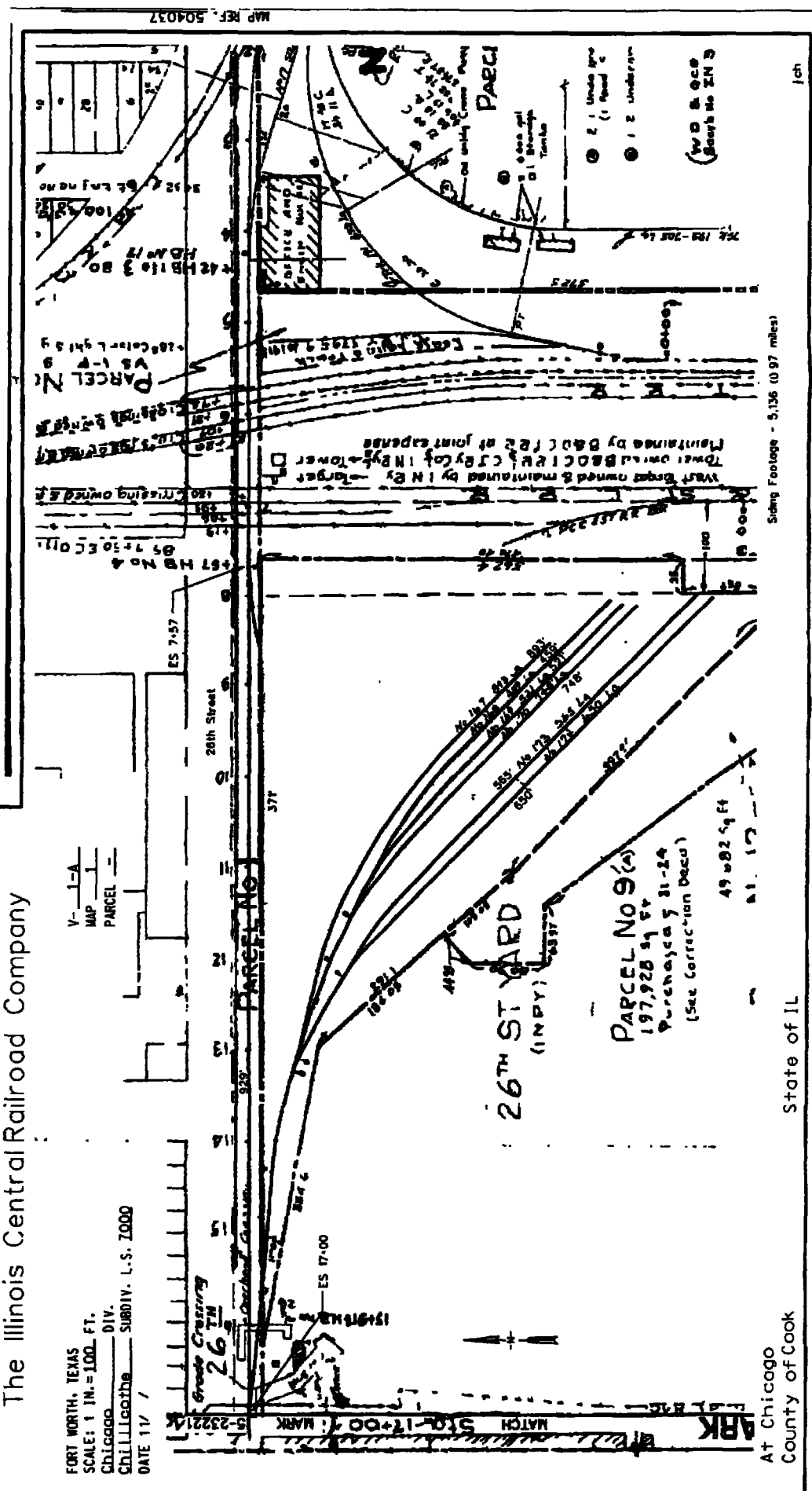
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

AND

The Illinois Central Railroad Company

FORT WORTH, TEXAS
SCALE: 1 IN. = 100 FT.
Chicago DIV.
Chillicothe SUBD
DATE 11 /

V- 1-A
MAP 1
PARCEL -



At Chicago
County of Cook

State of IL

3

DRAWING NO. 5-23222

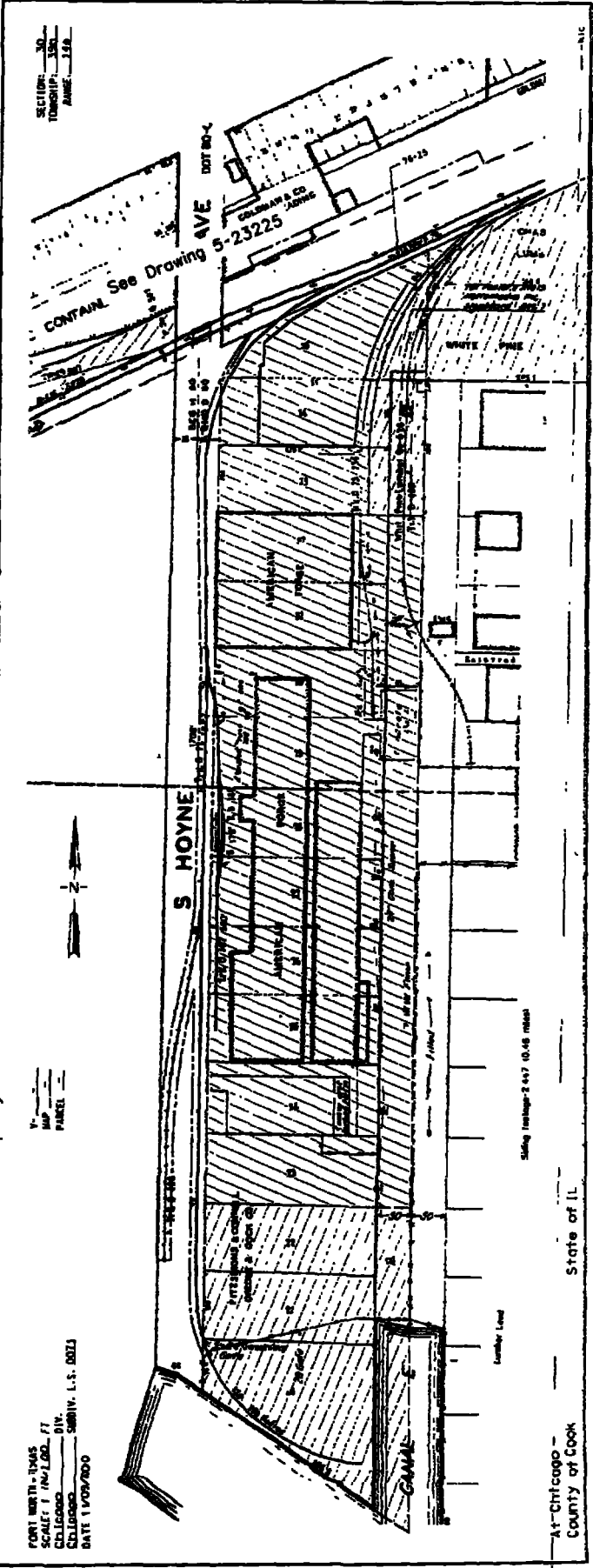
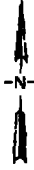
RF 16613

TRACING NO.

EXHIBIT "A"
ATTACHED TO CONTRACT BETWEEN
THE MRLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
AND
The Central Illinois Railroad Company

FORT NORTH - TEXAS
SCALE: 1 IN. = 1,000 FT.
CHICAGO, ILL.
DATE 11/09/2020
SHEET NO. 1 OF 1

MAP
PARCEL



A- Chicago -
County of Cook

State of IL

DRAWING NO. 5-23225

kg

kg

3F 16113

FILE NO.

EXHIBIT "A"

ATTACHED TO CONTRACT BETWEEN

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

AND

The Central Illinois Railroad Company

FORT WORTH, TEXAS

SCALE: 1 IN. = 100. FT.

Chicago DIV.

Chillicothe SUBDIV. L.S. 7000

DATE 11/08/2000

V-1-A
MAP 4
PARCEL -

CHICAGO BOARD OF EDUCATION

P.S.W. ES 78-79
See Drawing 5-23208

CROWN STEEL SALES CO

CROWN STEEL SALES CO

ARCO

ARCO

San River

Receiving & Shipping

Coal Bin

Gas Plant

BRANCH

At Chicago
County of Cook

State of IL

Siding Footage - 3,722 (0 70 miles)

Job

DRAWING NO. 5-23255

MAP REF. 504040

RE 16119

EXHIBIT "A"

ATTACHED TO CONTRACT BETWEEN

THE BURLINGTON, NORTHERN AND SANTA FE RAILWAY COMPANY
AND

The Central Illinois Railroad Company

FORT WORTH, TEXAS

SCALE: 1 IN. = 100 FT.

Chicago, ILL.

Chillicothe, ILL.

SUBDIV. L.S. 2000

DATE 1/10/2000

V-1-A
MAP 4

30 T PARCEL

STREET

120

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

STREET

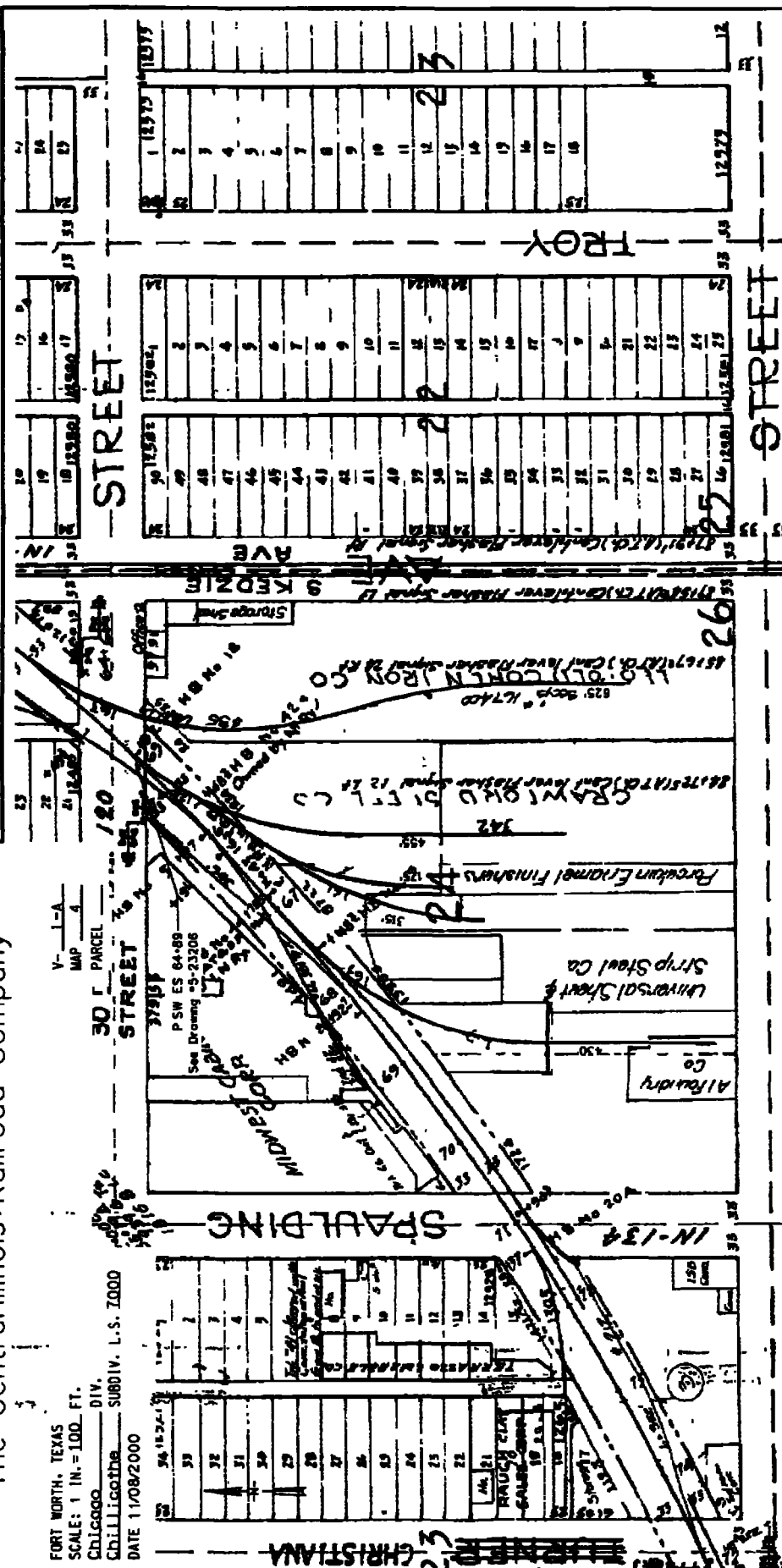
STREET

STREET

STREET

STREET

STREET



At Chicago
County of Cook

State of IL

Siding Footage - 2,000 (0.37 miles)

Jch

DRAWING NO. 5-23270

MAP REF. 504040

BE 16113

FILE NO.

EXHIBIT "A"

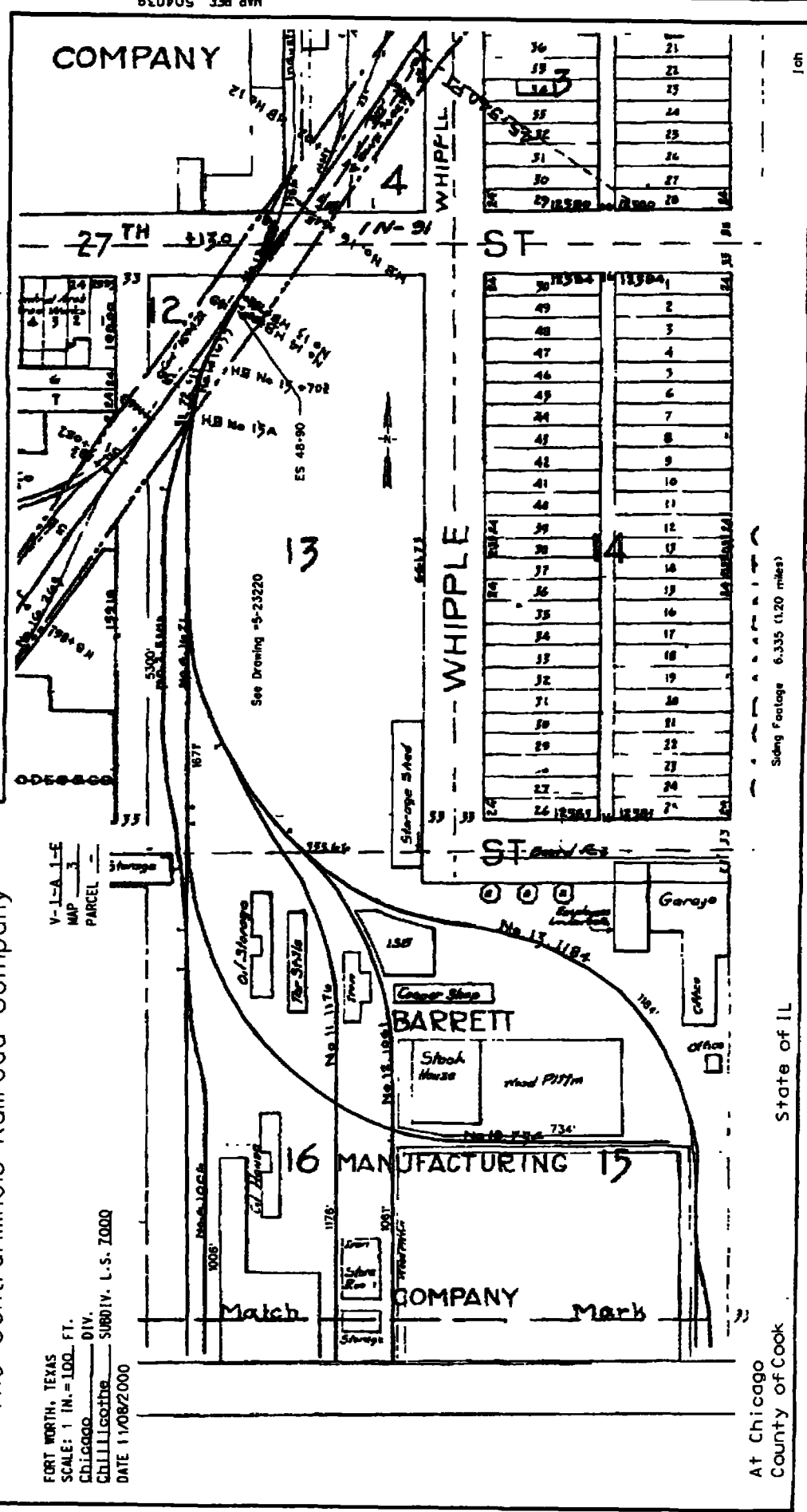
ATTACHED TO CONTRACT BETWEEN

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
AND

The Central Illinois Railroad Company

FORT WORTH, TEXAS
SCALE: 1 IN. = 100 FT.
Chicago DIV.
Chillicothe SUBDIV. L.S. 7000
DATE 11/08/2000

V-L-A, L-E
MAP 3
PARCEL 1



At Chicago
County of Cook

State of IL

Siding Footage 6,335 (1.20 miles)

100

DRAWING NO. 3-23223

MAP REF. 504039

BF 16113

FILE NO.

EXHIBIT "A"

ATTACHED TO CONTRACT BETWEEN

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

AND

The Central Illinois Railroad Company

FORT WORTH, TEXAS

SCALE: 1 IN. = 100. FT.

Chicago DIV.

Chillicothe SUBDIV. L.S. 2000

DATE 11/07/2000

V-L-A-I-E
MAP 5
PARCEL

ELESCO SMELTING CORP

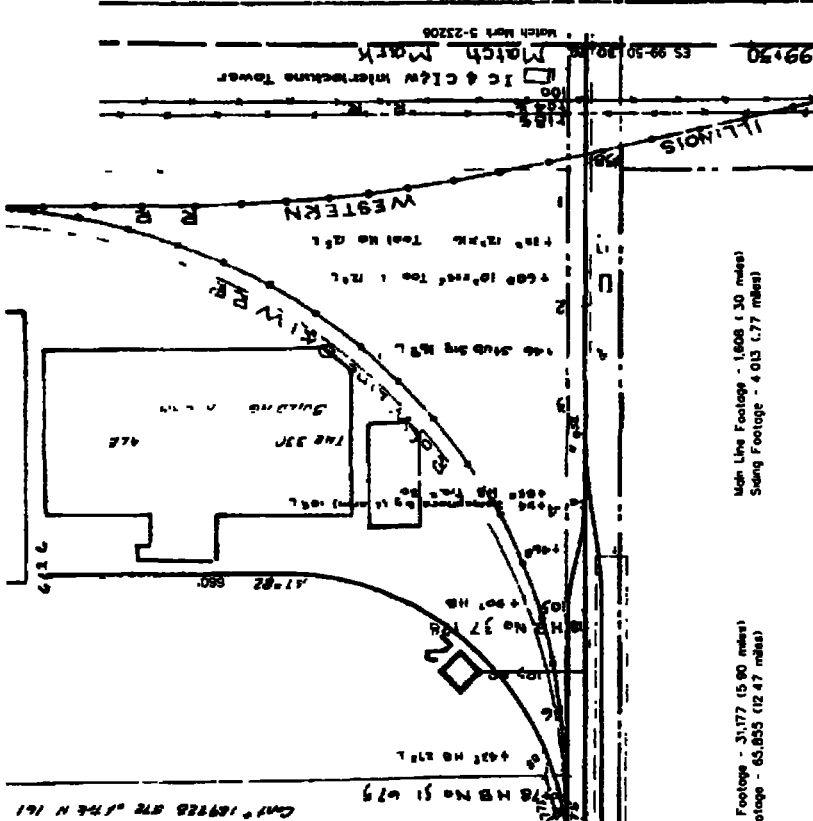
NO 30 INVERT
AT 450' H.B. SCALE
35000 TO CAP
FABRICATION TRACK SCALE
12 X 20 SCALE PIT
8 X 12 SCALE NO
450' H.B. SCALE NO

IRON WORKS

35

DR 22 (IN CH)

PARCEL No 6
PARCEL No 1



Main Line Footage - 1808 (1.30 miles)
Siding Footage - 4.013 (.77 miles)

Total Main Line Footage - 31.177 (5.90 miles)
Total Siding Footage - 65.855 (12.47 miles)

At Chicago
County of Cook

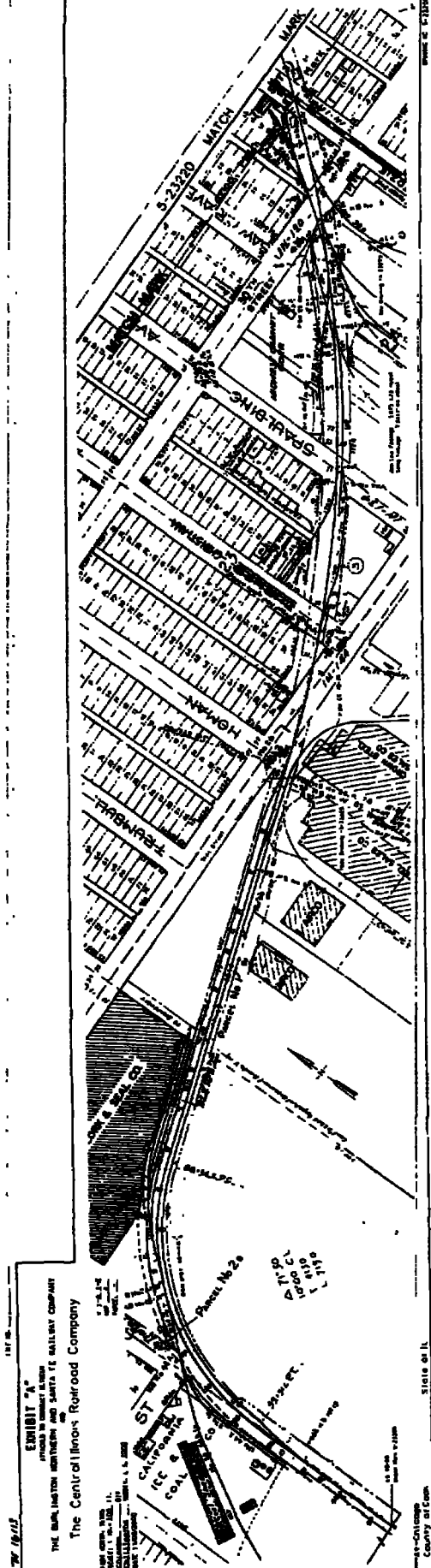
State of IL

DRAWING NO. 5-23205

Jeh

MAP REF. 504041

7/19/15
 EXHIBIT "A"
 PROPOSED TO BE SUBMITTED
 TO THE BOARD OF SUPERVISORS OF THE COUNTY OF CHICAGO
 FOR THE PURPOSE OF OBTAINING AN ORDER OF CONDEMNATION
 OF THE CENTRAL ILLINOIS RAILROAD COMPANY



State of Ill.
 County of Cook
 City of Chicago

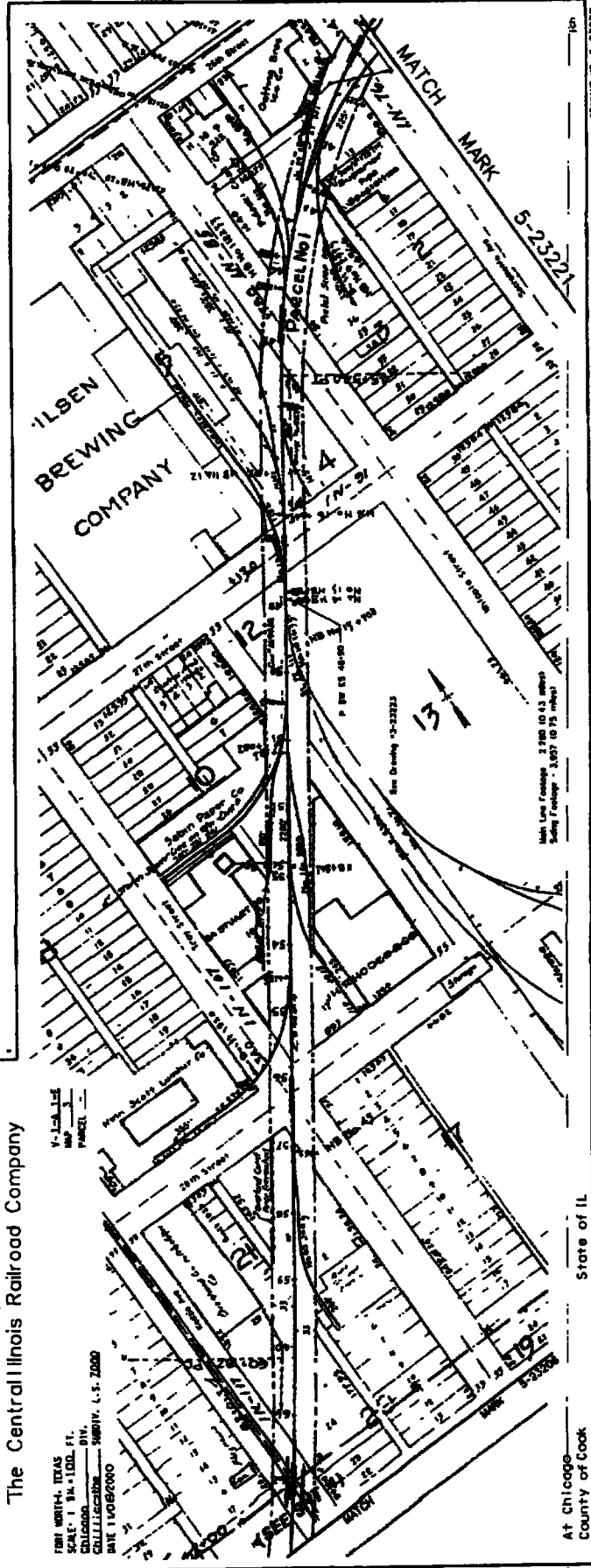
BF 16.142

111 F. M.

EXHIBIT "A"
ATTACHED TO CONTRACT BETWEEN
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
AND
The Central Illinois Railroad Company

FOR WORTH, TEXAS
SCALE: 1 IN. = 1000 FT.
COLL. COORD. DIV.
COLL. COORD. DIV.
DATE 11/06/2000
SHEET 1 OF 2

1-1/2 IN. L.S.
MAP
PARCEL



At Chicago
County of Cook

State of IL

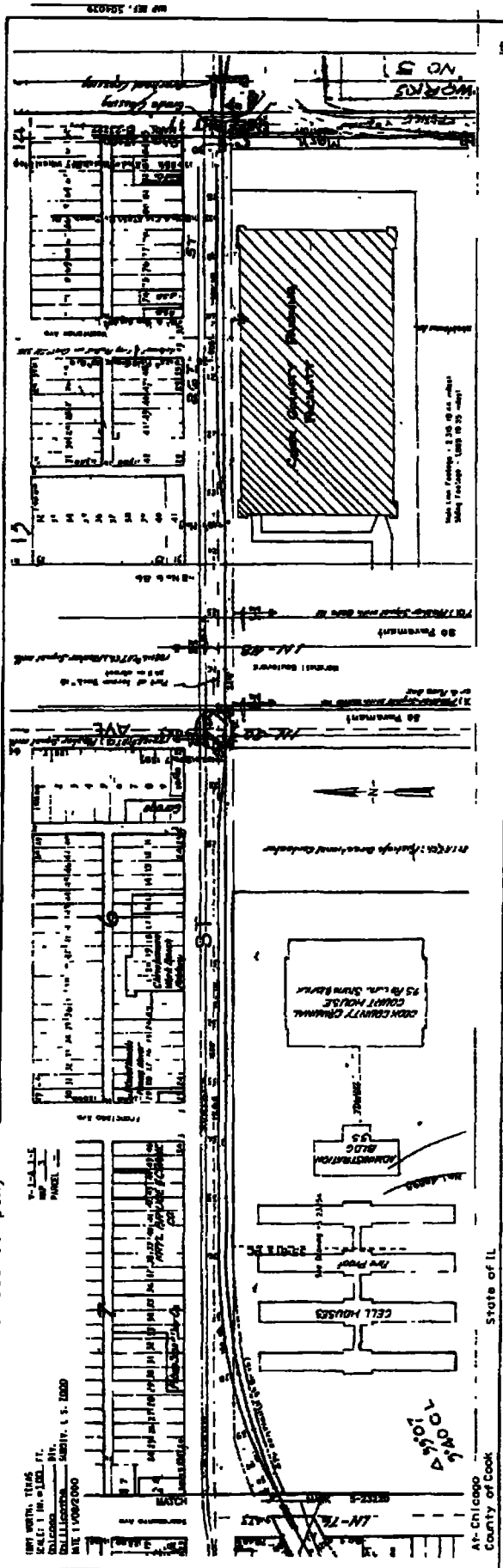
DRAWING NO. 5-23221

FILE NO. 12

EXHIBIT "A"
ATTACHED TO CONTRACT BETWEEN
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
AND
The Central Illinois Railroad Company

1000 WEST, TEXAS
SCALE 1 IN. = 100. FT.
ELEVATION - 811.
DATE 11/06/2000

1000 WEST, TEXAS
SCALE 1 IN. = 100. FT.
ELEVATION - 811.
DATE 11/06/2000



At Chicago
County of Cook
State of IL

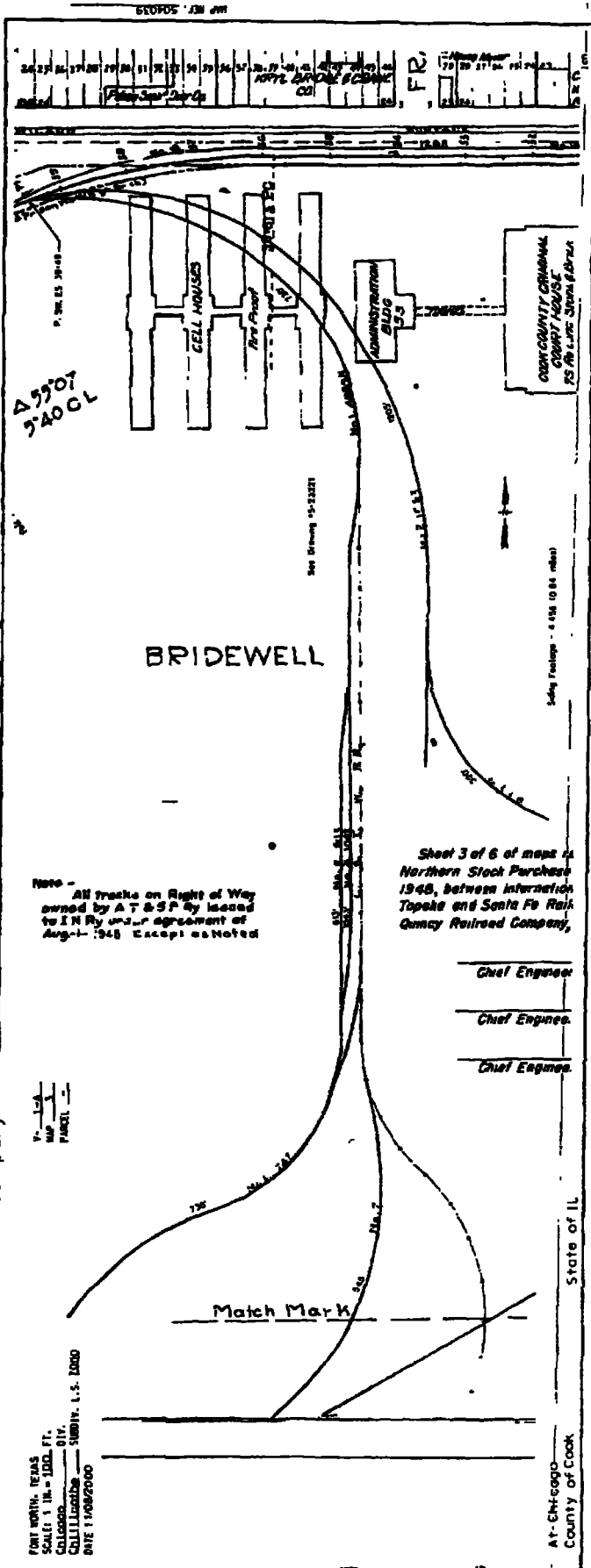
DE 16113

1613 70

EXHIBIT "A"
ATTACHED TO CONTRACT BETWEEN
THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
AND
The Central Illinois Railroad Company

PORT WORTH, TEXAS
SCALE: 1 in. = 1000 FT.
CONTRACT NO. 101
CULLUMBER, ILLINOIS
DATE 1/10/2000

1-1-1
MAP
PAGE 1



Note - All tracks on Right of Way owned by AT&SF by lease to IN Ry under agreement of Aug. 1, 1948. Except as noted.

Sheet 3 of 6 of maps of Northern Stock Purchase 1948, between Interoceanic, Topeka and Santa Fe Rail, Quincy Railroad Company,

Chief Engineer
Chief Engineer
Chief Engineer

At Chicago
County of Cook

State of IL

ENGINEERING NO. 5-23254

EXHIBIT B

SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-1066 (Sub-No. 2X)

**CENTRAL ILLINOIS RAILROAD COMPANY
--DISCONTINUANCE OF SERVICE EXEMPTION--
IN COOK COUNTY, IL**

On July 29, 2010, Central Illinois Railroad Company (CIRY) filed with the Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 for CIRY to discontinue service over approximately 5.9 miles of main line track and approximately 12.47 miles of sidetrack owned by BNSF Railway Company (BNSF) and referred to as the Lumber District and the Illinois Northern Line, in the vicinity of BNSF's Western Avenue Yard in Chicago, Cook County, IL. The lines traverse U.S. Postal Service Zip Codes 60608 and 60616, in Cook County, IL. There are no stations on the lines.

The lines do not contain federally granted rights-of-way. Any documentation in CIRY's possession regarding the lines will be made available promptly to those requesting it.

The interests of railroad employees will be protected by the conditions set forth in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by November __, 2010.

This proceeding is exempt from environmental reporting requirements under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Any offer of financial assistance for subsidy under 49 C.F.R. 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer

of financial assistance must be accompanied by the filing fee, which currently is set at \$1,500.

See 49 C.F.R. 1002.2(f)(25).

All filings in response to this notice must refer to STB Docket No. AB-1066 (Sub-No. 2X) and must be sent to: (1) Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001; and (2) Karl Morell, Of Counsel, Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238 or refer to the full discontinuance regulations at 49 C.F.R. part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis at (202) 245-0305 [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: _____ 2010.

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

CERTIFICATE OF SERVICE

I hereby certify that, on this 29th day of July, 2010, I had the foregoing Petition for Exemption served by first class mail, postage pre-paid on the following parties:

State Public Service Commission Illinois State Clearinghouse Office of the Governor 207 Statehouse Springfield, IL 62706 Commerce Commission 527 East Capitol Avenue Springfield IL 62701	National Park Service Chief of National Recreation and Trails U.S. Dept. of Interior - Nat'l. Park Service Recreation Resources Assistance Division 1849 C Street, NW Washington, DC 20240-0001 National Park Service National Park Service 601 Riverfront Drive Omaha, NE 68102-4226
Military Traffic Management Command MTMCTEA ATTN: SDTE-SE Railroads for National Defense 709 Ward Drive, Building 1990 Scott AFB, IL 62225-5357	U.S. Department of Agriculture U.S. Department of Agriculture Chief of the Forest Service 4th Floor N.W., Auditors' Building 14th St. and Independence Ave., S.W. Washington, DC 20250

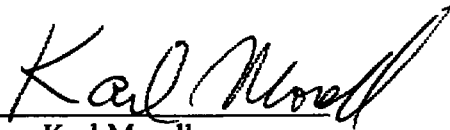


Karl Morell

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed discontinuance in STB Docket No. AB-1066 (Sub-No. 2X) was published on July 28, 2010, in the Daily Herald, a newspaper of general circulation in Cook County, Illinois as required by 49 C.F.R. § 1105.12.

Dated: July 29, 2010


Karl Morell