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THOMAS F. MCFARLAND

April 16, 2008

By e-filing

Anne K. Quinlan, Esq
Acting Secretary
Surface Transportation Board
395 E Street, S.W., Suite 1149
Washington, DC 20024

Re. Finance Docket No. 35133, *Milwaukee Industrial Trade Center, LLC,
d.b.a. Milwaukee Terminal Railway -- Acquisition and Operation Exemption --
Private Trackage at Milwaukee, WI*

Dear Ms. Quinlan:

Hereby transmitted for filing in the above docket is a Corrected Verified Notice of Exemption, as captioned above. The Corrected Notice adds a request for exemption of acquisition of the rail line, in addition to its operation, inasmuch as the rail line is being acquired the first time as common carrier property.

Very truly yours,

Tom McFarland

Thomas F. McFarland
Attorney for Applicant

TMcF kl enc wp8 0\1294:cjSTB1

BEFORE THE
SURFACE TRANSPORTATION BOARD

MILWAUKEE INDUSTRIAL TRADE)
CENTER, LLC, d.b a. MILWAUKEE) FINANCE DOCKET
TERMINAL RAILWAY -- ACQUISITION) NO. 35133
AND OPERATION-EXEMPTION -- .)
PRIVATE TRACKAGE AT MILWAUKEE,)
WI

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

MILWAUKEE INDUSTRIAL TRADE CENTER, LLC
d.b.a. MILWAUKEE TERMINAL RAILWAY
4777 West Lincoln Ave.
West Milwaukee, WI 53219

Applicant

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street
Suite 1890
Chicago, IL 60604-1112
(312) 236-0204
(312) 201-9695 [fax]
mcfarland@aol.com

Attorney for Applicant

DATE FILED April 16, 2008

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

MILWAUKEE INDUSTRIAL TRADE	)	
CENTER, LLC, d.b a. MILWAUKEE	)	FINANCE DOCKET
TERMINAL RAILWAY -- ACQUISITION	)	NO. 35133
AND OPERATION EXEMPTION --	)	
PRIVATE TRACKAGE AT MILWAUKEE,	)	
WI		

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

Pursuant to 49 C.F.R. § 10502(a) and 49 C.F.R. § 1150.31, *et seq*, MILWAUKEE INDUSTRIAL TRADE CENTER, LLC, d b a MILWAUKEE TERMINAL RAILWAY ("MITC"), a noncarrier, hereby provides corrected verified notice of its exemption from 49 U.S.C. § 10901 for its acquisition and operation as a common carrier of approximately two miles of trackage that is located within an 84-acre plant site at 2725 North Hopkins Street, Milwaukee, WI 53216, formerly owned and operated by A.O. Smith Corp and later by Tower Automotive, Inc. (the rail line) The Corrected Notice adds a request for exemption of acquisition of the trackage in addition to its operation, inasmuch as the trackage is being acquired for the first time as common carrier property.

The rail line to be acquired and operated is shaded in yellow on a Site Base Plan that is attached to this Notice as Appendix 1. Shaded in pink on that Plan is a rail line owned by Canadian Pacific Railway Company (CP), which is operated by Wisconsin & Southern Railroad Co (WSOR), and which is connected to the rail line proposed to be acquired and operated by MITC as a common carrier. Not shown on the Plan is Burma Road, which separates the

CP-WSOR rail line from the rail line within the MITC plant site. The Plan shows the numerous buildings within the 84-acre plant site, all of which are located east of Burma Road.

Heretofore, the rail line proposed to be acquired and operated by MITC has been privately-owned track, owned first by A.O. Smith, then by Tower, and now by MITC. MITC now proposes to acquire and operate that trackage as a common carrier. Raw materials would be received by rail by tenants of the buildings at the plant site for processing and/or manufacturing and for transloading onto trucks for distribution in the local area. The tenants would also load processed raw materials and finished goods onto railcars at the plant site for rail transportation to destination. In addition, locomotives and railcars would be transported by rail to the plant site for repair, cleaning, storage and other rail-related uses for independent companies operating at buildings in the plant site.

Under the principle of the *Effingham* and *Bulkmatic* cases,^{1/} the rail line to be acquired and operated by MITC constitutes a line of railroad for which an exemption from the Board is required because it is MITC's initial rail acquisition and operation, notwithstanding that it might otherwise be considered to be spur, industrial and/or switching track exempt from the Board's acquisition and operation authority by virtue of 49 U.S.C. § 10906.

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

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

^{1/} *Effingham RR Co. - Pet. for Declaratory Order*, 2 S.T.B. 606 (1997), *aff'd sub nom., United Transp Union v. STB*, 183 F.3d 606 (7th Cir. 1999), and *Bulkmatic R Corp -- Acq & Oper Exempt -- Bulkmatic Transport Co.*, 2002 STB LEXIS 691 (Finance Docket No. 34145, served Nov. 19, 2002), recons. denied, 2003 STB-LEXIS 256 (served May 15, 2003)

The full name and address of the applicant is Milwaukee Industrial Trade Center, LLC,
d.b.a. Milwaukee Terminal Railway, 4777 West Lincoln Avenue, West Milwaukee, WI 53219.

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

MITC's representative is Thomas F. McFarland, Thomas F. McFarland, P.C , 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204, (312) 201-9695 fax, mcfarland@aol.com

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

No agreement with a third party is required for the proposed operation because the acquirer and operator, MITC, owns the trackage as private track.

(d) The operator of the property,

MITC will be the operator of the property.

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

(1) The name and address of the railroad transferring the subject property.

The rail property is currently private track. It is being acquired and will be operated for the first time as common carrier track

(2) The proposed time schedule for consummation of the transaction,

The operation is proposed to be consummated no earlier than 30 days after the filing of this corrected notice of exemption.

(3) The mile-posts of the subject property, including any branch lines, and

The rail line is not described by milepost numbers. The rail line consists of approximately two miles of trackage at the plant site of MITC. The rail line connects with CP-WSOR.

(4) The total route miles being acquired:

A total of approximately two miles of trackage is to be acquired and operated.

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

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 carrier.

The required certificate is attached to this Notice as Appendix 2.

CAPTION SUMMARY

A caption summary required by 49 C.F.R. § 1150.34 is attached to this Notice as Appendix 3.

ENVIRONMENTAL AND HISTORIC REPORT

The proposed acquisition and operation does not require environmental and historic reporting. See 49 C.F.R. § 1105.6(c)(2)(i) and 49 C.F.R. § 1105.8(b)(1).

LABOR PROTECTION

Pursuant to 49 U.S.C. § 10901(c), labor protection requirements do not apply to this transaction

VERIFICATION

The verification of Thomas F. McFarland in behalf of MITC is attached to this Notice as Appendix 4.

PROJECTED ANNUAL REVENUES

The verification of Thomas F. McFarland in behalf of MITC is attached to this Notice as Appendix 5 certifying that the projected annual revenues of MITC will not exceed \$5 Million.

CONCLUSION AND REQUESTED RELIEF

WHEREFORE, the Director of the Board's Office of Proceedings should publish notice in the *Federal Register* of the filing of this corrected notice of exemption. See 49 C.F.R. § 1150.32(b), as amended.

Respectfully submitted,

MILWAUKEE INDUSTRIAL TRADE CENTER, LLC
d.b.a. MILWAUKEE TERMINAL RAILWAY
4777 West Lincoln Ave.
West Milwaukee, WI 53219

Applicant

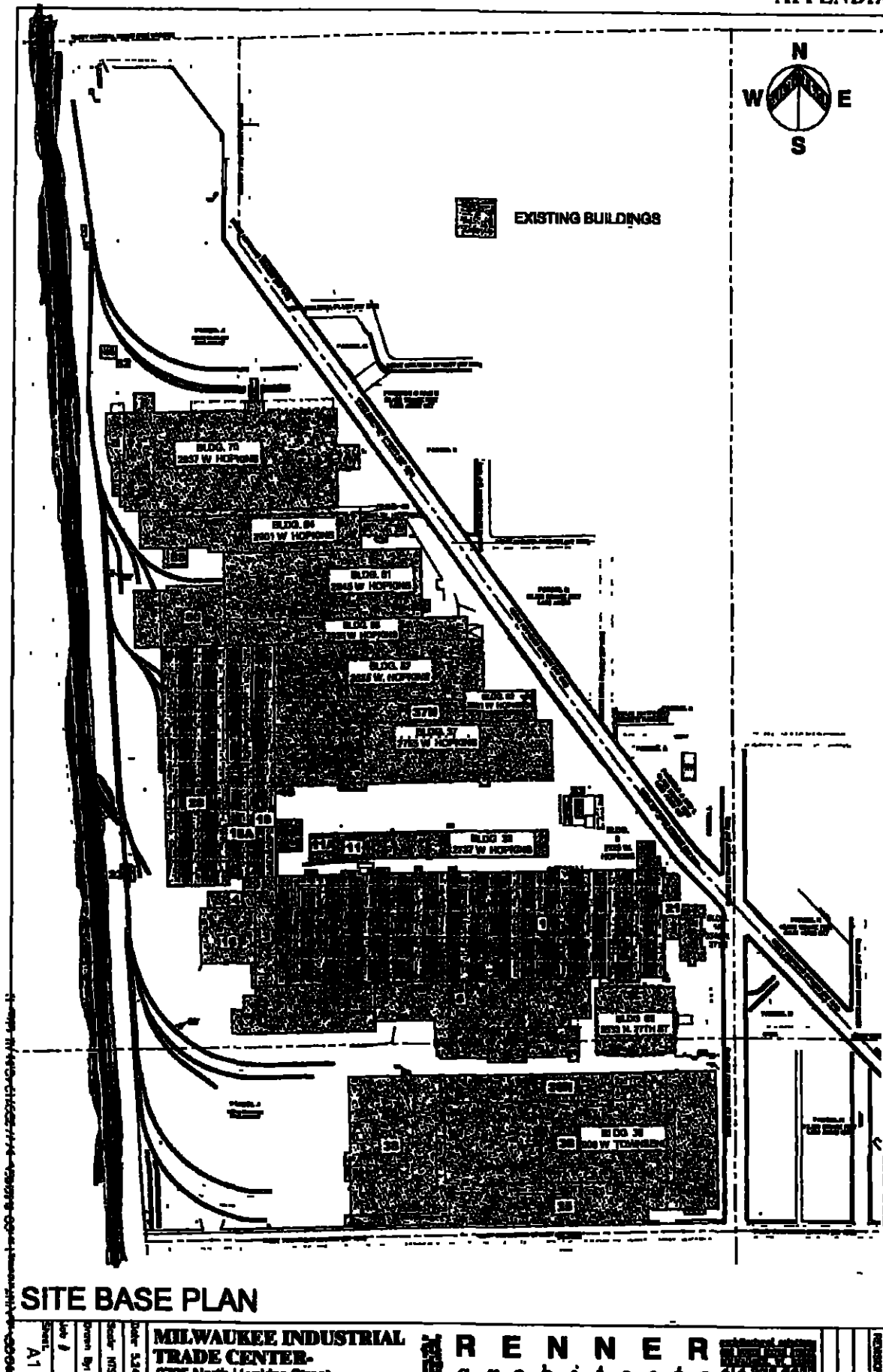
Thomas F. McFarland

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street
Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorney for Applicant

DATE FILED: April 16, 2008

APPENDIX 1



APPENDIX 2

CERTIFICATION UNDER 49 C.F.R. § 1150.33(g)

The undersigned, Thomas F. McFarland, hereby certifies under 49 C.F.R. § 1150.33(g), that the projected revenues of Milwaukee Industrial Trade Center, d.b.a Milwaukee Terminal Railway, do not exceed those that would qualify it as a Class III rail carrier.

Thomas F. McFarland

Thomas F. McFarland
*Authorized Representative of
Milwaukee Industrial Trade Center, LLC,
d.b.a. Milwaukee Terminal Railway*



SUBSCRIBED and SWORN to
before me this 16th day of
April, 2008.

Kathleen Lenihan

Notary Public

APPENDIX 3

CAPTION SUMMARY

SURFACE TRANSPORTATION BOARD

Notice of Exemption

FINANCE DOCKET NO. 35133,

***MILWAUKEE INDUSTRIAL TRADE CENTER, LLC,
d.b.a. MILWAUKEE TERMINAL RAILWAY
-- ACQUISITION AND OPERATION EXEMPTION --
PRIVATE TRACKAGE AT MILWAUKEE, WI***

Milwaukee Industrial Trade Center, LLC, d b.a. Milwaukee Terminal Railway (MITC), a noncarrier, has filed a Corrected Notice of Exemption to acquire and to operate as a common carrier, approximately two miles of rail line located within its own plant site at Milwaukee, Wisconsin. The rail line connects with a rail line owned by Canadian Pacific Railway Company and operated by Wisconsin & Southern Railroad. Comments must be filed with the Board and be served on MITC's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204, (312) 201-9695 fax, mcfarland@aol.com.

The Corrected Notice is filed under 49 C.F.R. §-1150.31.- If the Corrected 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

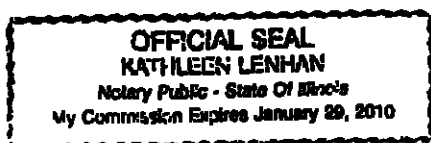
(SEAL)

Anne K. Quinlan, Acting Secretary

APPENDIX 5

CERTIFICATION

Pursuant to 49 C F R. § 1150 32(e), the undersigned, on oath, states that the projected revenues of Milwaukee Industrial Trade Center, LLC, d.b.a Milwaukee Terminal Railway, as a result of the acquisition and operation in this docket, will not exceed \$5 Million per year.



Thomas F. McFarland

Thomas F McFarland

SUBSCRIBED and SWORN
to before me this 16th day
of April, 2008

Kathleen Lenhan

Notary Public

My commission expires 1/29/2010