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214679

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WASHINGTON DC 20036 1609
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FILED

SEP - 9 2005

SURFACE
TRANSPORTATION BOARD

September 9, 2005



BY HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

FEE RECEIVED

SEP - 9 2005

SURFACE
TRANSPORTATION BOARD

Re: Finance Docket No. 34757, North American Industrial Railway, Inc. – Acquisition and Operation Exemption – Corn Products International, Inc. and Chicago, Peoria & Western Railway, Inc.

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding is an original and 10 copies of the verified notice of exemption of North American Industrial Railway, Inc., pursuant to 49 C.F.R. § 1150.31. Also enclosed is a check in the amount of \$1,500 to cover the filing fee for this proceeding.

Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Sincerely,

Rose-Michele Nardi

Enclosures

ENTERED
Office of Proceedings

SEP 12 2005

Part of
Public Record

214679



**NORTH AMERICAN INDUSTRIAL RAILWAY, INC.
-- ACQUISITION AND OPERATION EXEMPTION --
CORN PRODUCTS INTERNATIONAL, INC.
AND CHICAGO, PEORIA & WESTERN RAILWAY, INC.**

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SEP - 9 2005
SURFACE
TRANSPORTATION BOARD

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

STB FINANCE DOCKET NO. 34757

FILED

SEP - 9 2005

**SURFACE
TRANSPORTATION BOARD**

Applicant's name and current mailing address:

North American Industrial Railway, Inc.
1020 Washington Avenue
Chicago Heights, IL 60411

Applicant's representative to receive correspondence:

Rose-Michele Nardi, Esq.
Weiner Brodsky Sidman Kider PC
1300 19th Street, NW
Fifth Floor
Washington, D.C. 20036-1609
(202) 628-2000

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Office of Proceedings

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Public Record

Information concerning the agreement:

North American Industrial Railway, Inc. ("NAIR"), a non-carrier, Corn Products International, Inc. ("CPI") and CPI's affiliate, Chicago, Peoria & Western Railway Company ("CPW"), are close to reaching an agreement whereby CPI and CPW will grant to NAIR the exclusive right to conduct rail freight operations over approximately 17 miles of railroad right-of-way and trackage owned by CPI and CPW.¹ NAIR will operate over the rail property pursuant to an operating agreement with CPI and CPW.

Operator of the property:

NAIR will be the operator of the rail property that is the subject of this notice of exemption.

¹ CPW owns 3,000 feet of the subject trackage, which provides access to the connection with the Belt Railway of Chicago. The balance of the trackage is owned by CPI.

Brief summary of the proposed transaction:

NAIR's mailing address is 1020 Washington Avenue, Chicago, Illinois 60411. NAIR, CPI and CPW expect to consummate the transaction described in this notice of exemption on or after September 18, 2005. NAIR will acquire the exclusive right to conduct rail operations on approximately 17 miles of trackage (including sidings, interchange tracks and the like) that serves the Argo Facility that is owned by CPI in Bedford Park, Illinois (County of Cook). The subject trackage currently serves the CPI Argo plant and another shipper located at that facility. The trackage is not designated by milepost markers. A map of the rail property is attached hereto as Exhibit A.

Environmental Issues:

Environmental documentation normally need not be prepared for an action that does not "cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) An average of 50 rail carloads per mile per year for any part of the affected line" (49 C.F.R. § 1105.7(e)(4)), on the one hand, or that does not "result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment" (49 C.F.R. § 1105.7(e)(5)), on the other hand. *See* 49 C.F.R. § 1105.6(c)(2).

The subject transaction will not result in changes in carrier operations that exceed the above-listed thresholds. Therefore, no environmental documentation is required for this notice of exemption.

Transactions involving "[a] sale, lease or transfer of a rail line for the purpose of continued rail operations" are exempt from the historic report requirements of 49 C.F.R. § 1105.8(a) if termination of such operations requires further approval by the Surface Transportation Board (the "Board") and "there are no plans to dispose of or alter properties subject to [the Board's] jurisdiction that are 50 years old or older." *See* 49 C.F.R. § 1105.8(b)(1).

Further Board approval will be necessary to terminate common carrier operations over the subject trackage. NAIR does not plan on altering or disposing properties that are 50 or more years old over which the Board has jurisdiction. Therefore, a historic report is not required for this filing. *See* 49 C.F.R. § 1105.8(a), (b).

Certificate of projected revenue:

In accordance with 49 C.F.R. § 1150.33(g), a certificate concerning NAIR's projected revenue is attached as Exhibit B.

Labor Notice:

The projected annual revenue will not exceed 5 million dollars. Accordingly the requirements of 49 C.F.R. § 1150.32(e) do not apply to this transaction.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rose-Michele Nardi".

Rose-Michele Nardi
Weiner Brodsky Sidman Kider PC
1300 19th Street, NW
Fifth Floor
Washington, DC 20036-1609

Attorneys for:

North American Industrial Railway, Inc.

Dated: September 9, 2005

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

STB Finance Docket No. 34757

**NORTH AMERICAN INDUSTRIAL RAILWAY INC.
-- ACQUISITION AND OPERATION EXEMPTION --
CORN PRODUCTS INTERNATIONAL, INC.
AND CHICAGO, PEORIA & WESTERN RAILWAY, INC.**

EXHIBIT A

MAP OF RAIL PROPERTY

EXHIBIT A-1

LENGTH OF TRACK OF ARGO FACILITY TRACK

Total Track: 89,760 feet = 17 miles

Solid Bold Lines Indicate Argo Facility Trackage

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EXHIBIT B

CERTIFICATE OF REVENUE

CERTIFICATE OF REVENUE

The undersigned hereby certifies that the projected annual revenues of North American Industrial Railway, Inc. do not exceed those that would qualify it as a class III carrier.



Larry McCloud
President
North American Industrial Railway, Inc.

Dated: Sept. 9, 2005

SURFACE TRANSPORTATION BOARD

VERIFIED NOTICE OF EXEMPTION

STB FINANCE DOCKET NO. 34757

**NORTH AMERICAN INDUSTRIAL RAILWAY, INC.
-- ACQUISITION AND OPERATION EXEMPTION --
CORN PRODUCTS INTERNATIONAL, INC.
AND CHICAGO, PEORIA & WESTERN RAILWAY, INC.**

North American Industrial Railway Inc. (“NAIR”), a noncarrier, has filed a notice of exemption under 49 C.F.R. § 1150.31 to acquire exclusive operating rights over approximately 17 miles of trackage (including sidings, interchange track and the like) owned by Corn Products International, Inc. (“CPI”) and its affiliate, Chicago, Peoria & Western Railway Company, Inc. (“CPW”).¹ The rail property, which is not designated by milepost markers, is located in Bedford Park, Illinois (County of Cook). This trackage serves the Argo Facility, owned by CPI, which currently includes the CPI Argo plant and another shipper located there. NAIR will operate over the rail property pursuant to an operating agreement with CPI and CPW.

Comments must be filed with the Surface Transportation Board, Office of the Secretary, 1925 K Street, N.W., Washington, D.C. 20423 and served on Rose-Michele Nardi, Esq., Weiner Brodsky Sidman Kider PC, 1300 19th Street, NW, Fifth Floor, Washington, DC 20036-1609.

This notice is filed under 49 C.F.R. § 1150.31. 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.

¹ CPW owns 3,000 feet of the subject trackage, which provides access to the connection with the Belt Railway of Chicago. The balance of the trackage is owned by CPI.

VERIFICATION

I, Larry McCloud, certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Further, I certify that I am qualified and authorized to cause this Verified Notice of Exemption to be filed.



Larry McCloud
President
North American Industrial Railway, Inc.

Dated: Sept. 9, 2005