

# CLARK HILL

---

Eric M. Hocky  
T 215.640.8523  
F 215.640.8501  
Email: ehocky@clarkhill.com

248464

Clark Hill PLC  
Two Commerce Square  
2001 Market Street  
Suite 2620  
Philadelphia, PA 19103  
T 215.640.8500  
F 215.640.8501

clarkhill.com

ENTERED  
Office of Proceedings  
September 11, 2019  
Part of  
Public Record  
September 11, 2019

## VIA E-FILING

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

Re: STB Docket No. 36348  
Motive Rail, Inc. d/b/a Illinois Terminal Belt - Lease and Operation Exemption -  
Illinois Central Railroad Company

Dear Ms. Brown:

Enclosed for e-filing in the above-referenced docket is a Verified Notice of Exemption being filed under 49 C.F.R. § 1150.41. The filing fee of \$2,100 was paid using Pay.gov.

Please let me know if you have any questions regarding this filing.

Respectfully,

CLARK HILL PLC



Eric M. Hocky  
Counsel for Motive Rail, Inc. d/b/a Illinois  
Terminal Belt

FEE RECEIVED  
September 11, 2019  
SURFACE  
TRANSPORTATION BOARD

EMH/e  
Enclosure

FILED  
September 11, 2019  
SURFACE  
TRANSPORTATION BOARD

222251632

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**STB DOCKET NO. FD 36348**

---

**MOTIVE RAIL, INC.  
d/b/a ILLINOIS TERMINAL BELT  
-- LEASE AND OPERATION EXEMPTION--  
ILLINOIS CENTRAL RAILROAD COMPANY**

---

**VERIFIED NOTICE OF EXEMPTION  
Pursuant to 49 U.S.C. § 10902 and 49 C.F.R. § 1150.41**

---

*(includes color image)*

Eric M. Hocky  
Clark Hill PLC  
Two Commerce Square  
2001 Market St.  
Suite 2620  
Philadelphia, PA 19103  
(215) 640-8500  
ehocky@clarkhill.com

Justin J. Marks  
Clark Hill PLC  
1001 Pennsylvania Ave. N.W.  
Suite 1300 South  
Washington, DC 20004  
(202) 772-0916  
jmarks@clarkhill.com

*Counsel for Motive Rail, Inc. d/b/a Illinois  
Terminal Belt*

Dated: September 11, 2019

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**STB DOCKET NO. FD 36348**

---

**MOTIVE RAIL, INC.  
d/b/a ILLINOIS TERMINAL BELT  
-- LEASE AND OPERATION EXEMPTION--  
ILLINOIS CENTRAL RAILROAD COMPANY**

---

**VERIFIED NOTICE OF EXEMPTION  
Pursuant to 49 U.S.C. § 10902 and 49 C.F.R. § 1150.41**

---

Motive Rail, Inc., an existing Class III railroad, files this Notice of Exemption to 49 C.F.R. Part 1150, Subpart D - Exempt Transactions, under its d/b/a Illinois Terminal Belt ("ITB") to permit it to operate, pursuant to a track lease with the Illinois Central Railroad Company (referred to as "CN"), 10.7 miles of rail line from approximately MP 784.2, in Heyworth, IL to MP 773.5, in Clinton, IL ("the Line"). The Line is shown on the map attached as Exhibit A.

**Notice**

In accordance with the requirements of 49 C.F.R. § 1150.43, ITB hereby provides the following information:

(a) Full name and address of Applicant:

Motive Rail, Inc. d/b/a Illinois Terminal Belt  
99 S. Louisiana Ave.  
Cape Girardeau, MO 63701

(b) Applicant's Representatives:

Eric M. Hocky  
Clark Hill PLC  
Two Commerce Square  
2001 Market St.  
Suite 2620  
Philadelphia, PA 19103  
(215) 640-8500

Justin J. Marks  
Clark Hill PLC  
1001 Pennsylvania Ave. N.W.  
Suite 1300 South  
Washington, DC 20004  
(202) 772-0916

(c) Statement of Agreement:

ITB entered into a track lease dated September 6, 2019 with CN to provide common carrier rail service over the Line.

(d) The operator of the property:

CN is the current operator of the Line. Motive Rail, Inc. d/b/a as the Illinois Terminal Belt will operate the Line after the transaction.

(e) Summary of proposed transaction:

Motive Rail, Inc. is an existing Class III common carrier railroad that holds authority from the Board to operate in Missouri and Illinois under the d/b/a Missouri North Central Railroad.<sup>1</sup> Motive Rail d/b/a ITB entered into the track lease with CN to handle the movement of local products including grain and grain products.

(1) The name and address of the railroad transferring the Line:

---

<sup>1</sup> *Motive Rail, Inc. d/b/a Missouri North Central Railroad – Lease and Operation Exemption – Illinois Central Railroad Company*, STB Finance Docket 35969 (STB served Nov. 20, 2015); *Motive Rail, Inc. d/b/a Missouri North Central Railroad – Lease and Operation Exemption – Rail Line of Sault Ste. Marie Bridge Company*, STB Finance Docket 35894 (STB served Jan. 23, 2015); *Motive Rail, Inc. d/b/a Missouri North Central Railroad – Lease and Operation Exemption – The City of Chillicothe, MO*, STB Finance Docket 34500 (STB served May 13, 2004)(a portion of the line has subsequently been discontinued, STB Docket AB 993X (STB served Feb. 23, 2007) and modified by the Board Jan. 15, 2008.).

Illinois Central Railroad Company (CN)  
17641 South Ashland Avenue  
Homewood, IL 60430-1345

- (2) ITB and CN entered into the track lease dated September 6, 2019.
- (3) The mileposts of the Line being acquired are between milepost 784.2 and  
milepost 773.5
- (4) The total route miles to be acquired and operated are approximately 10.7 miles.

(f) Map:

A map of the Line is attached as Appendix A.

(g) Certification of Projected Revenue:

Motive Rail, Inc. d/b/a ITB certifies that its projected revenues as a result of the transaction (including its Missouri North Central Railroad operations) will not result in the creation of a Class II or Class I rail carrier.

(h) Interchange Commitment:

ITB certifies that the track lease does not impose or include an interchange commitment.

#### **Labor Notice Certification**

In addition to the information set forth above, Motive Rail, Inc. d/b/a ITB certifies that its total annual freight revenues after the transaction (including its Missouri North Central Railroad operations) will not exceed \$5,000,000. Accordingly, no advance notice to employees of CN is required under 49 C.F.R. §1150.42(e).

#### **Labor Protection**

ITB is a Class III carrier, and pursuant to 49 U.S.C. §10902(d), exemption of this transaction may not be subjected to labor protection conditions.

### **Environmental and Historic Reports**

This is a transaction for continued rail operations that will not result in changes in carrier operations that will exceed the thresholds established in 49 C.F.R. §1105.7(e)(4) or (5). Further Board approval is required for ITB to discontinue (or CN to abandon) service, or for ITB or CN to dispose of or alter properties subject to the Board's jurisdiction that are 50 years old or older. Accordingly, no environmental or historic documentation is required. *See* 49 C.F.R. §1105.6(c)(1); 49 C.F.R. §1105.8(b)(1).

### **Caption Summary**

Attached hereto as Exhibit B is the caption summary required by 49 C.F.R. §1150.44.

### Conclusion

Accordingly, ITR requests that the Board issue a notice permitting the track lease to take effect at any time after 30 days from the filing of this Notice of Exemption.

Respectfully submitted,



Eric M. Hocky  
Clark Hill PLC  
Two Commerce Square  
2001 Market St.  
Suite 2620  
Philadelphia, PA 19103  
(215) 640-8500  
ehocky@clarkhill.com

Justin J. Marks  
Clark Hill PLC  
1001 Pennsylvania Ave. N.W.  
Suite 1300 South  
Washington, DC 20004  
(202) 772-0916  
jmarks@clarkhill.com

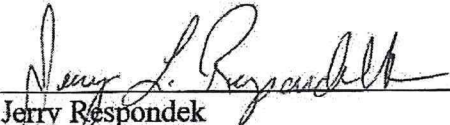
*Counsel for Motive Rail, Inc. d/b/a Illinois  
Terminal Belt*

Dated: September 11, 2019

## VERIFICATION

I hereby verify on behalf of Motive Rail, Inc. d/b/a Illinois Terminal Belt., under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

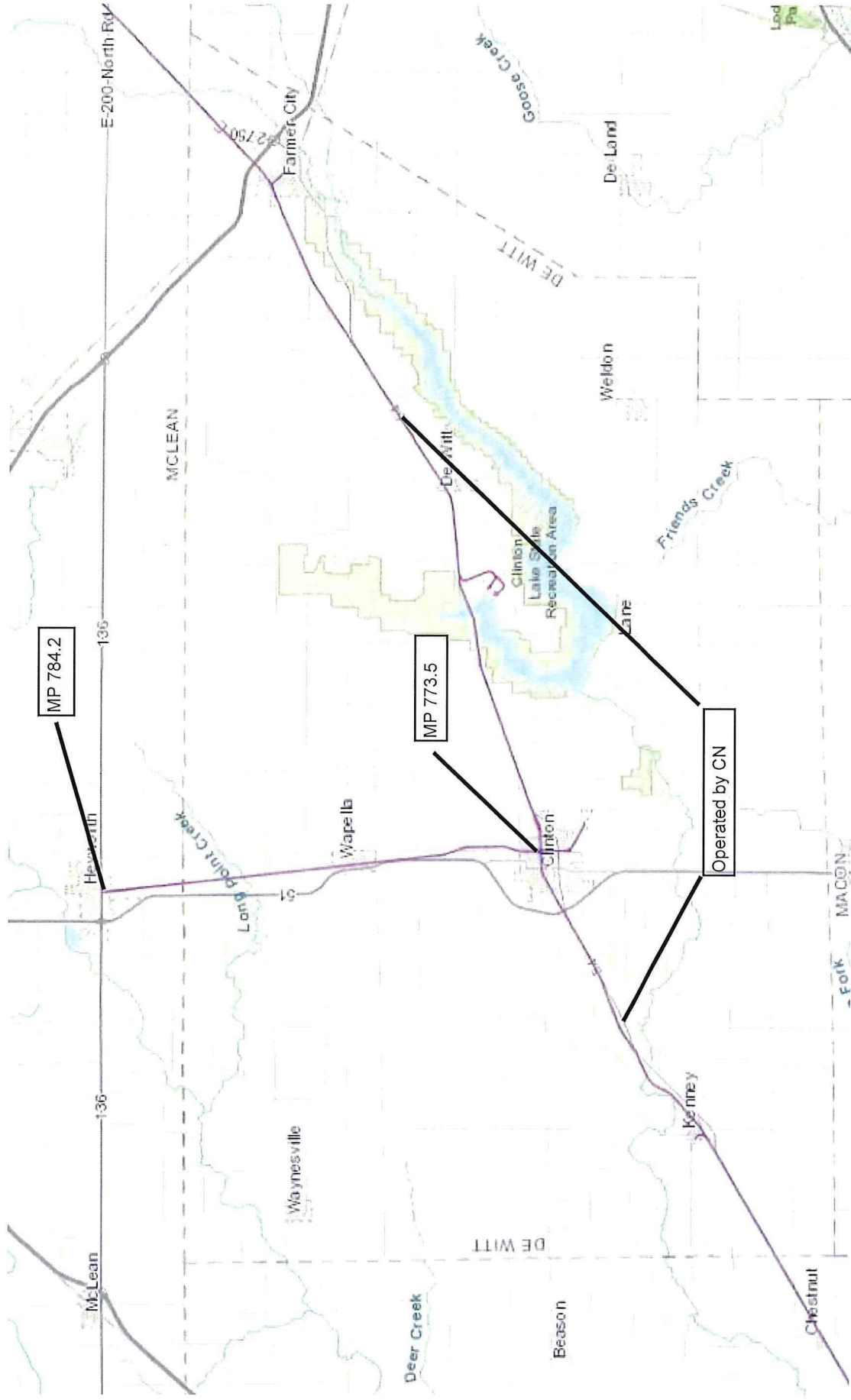
Executed on September, 11, 2019.

  
\_\_\_\_\_  
Jerry Respondek  
President/CEO, Motive Rail, Inc. d/b/a  
Illinois Terminal Belt

## **EXHIBIT A**

### **MAP**

# Exhibit A



## **EXHIBIT B**

### **CAPTION SUMMARY**

**SURFACE TRANSPORTATION BOARD**

STB DOCKET NO. FD 36348

**MOTIVE RAIL, INC.  
d/b/a ILLINOIS TERMINAL BELT  
-- LEASE AND OPERATION EXEMPTION--  
ILLINOIS CENTRAL RAILROAD COMPANY**

Motive Rail, Inc. d/b/a Illinois Terminal Belt ("ITB"), a existing Class III railroad, has filed a Notice of Exemption to lease and operate 10.7 miles of rail line from approximately MP 784.2 to MP 773.5. The rail line is located in Clinton and Heyworth Counties, Illinois. The owner of the rail line is the Illinois Central Railroad Company (referred to as "CN").

The transaction may be consummated on or after October 11, 2019, the effective date of the exemption.

ITB certifies that its projected annual revenues as a result of this transaction will not exceed \$5 million annually and will not result in ITB becoming a Class I or Class II carrier.

Comments must be filed with the Board and served on ITB's representatives, Eric M. Hocky, Esquire, Clark Hill PLC, Two Commerce Square, 2001 Market Street, Suite 2620, Philadelphia, PA 19103; (215) 640-8500; and Justin J. Marks, Esquire, Clark Hill PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, D.C. 20004.

The Notice is filed under 49 C.F.R. §1150.41. If the Notice contains false or misleading information, the exemption is void *ab initio*. The filing of a petition to revoke will not automatically stay the transaction.

Decided: \_\_\_\_\_, 2019

By the Board, \_\_\_\_\_, Acting Director, Office of Proceedings