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SEC

SERVICE DATE – OCTOBER 2, 2006

SURFACE TRANSPORTATION BOARD

NOTICE

STB Finance Docket No. 34824

TRI-STATE BRICK AND STONE OF NEW YORK, INC. AND TRI-STATE
TRANSPORTATION, INC.—PETITION FOR DECLARATORY ORDER

The following court action was instituted, on or about September 22, 2006, in the United States Court of Appeals for the District of Columbia Circuit, seeking judicial review of the Board's decision in the above-titled proceeding:

No. 06-1334

Tri-State Brick and Stone of New York, Inc.
and Tri-State Transportation, Inc.

v.

Surface Transportation Board and United States of America

Vernon A. Williams
Secretary