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MAR 9 2012

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**FINANCE DOCKET NO. 35602**

**ENTERED  
Office of Proceedings**

**MAR 9 - 2012**

**Part of  
Public Record**

**INDIANA SOUTHERN RAILROAD, LLC  
-TEMPORARY TRACKAGE RIGHTS EXEMPTION -  
NORFOLK SOUTHERN RAILWAY COMPANY**

**PETITION FOR WAIVER  
EXPEDITED HANDLING REQUESTED**

**FILED**

**MAR 9 2012**

**SURFACE  
TRANSPORTATION BOARD**

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**FEE RECEIVED**

**MAR 9 - 2012**

**SURFACE  
TRANSPORTATION BOARD**  
Dated March 8, 2012

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**Finance Docket No. 35602**

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**INDIANA SOUTHERN RAILROAD, LLC  
--TEMPORARY TRACKAGE RIGHTS EXEMPTION--  
NORFOLK SOUTHERN RAILWAY COMPANY**

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**PETITION FOR WAIVER**

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Pursuant to 49 C.F.R. §1180.4(f) Indiana Southern Railroad, LLC ("ISRR") respectfully requests the Surface Transportation Board (the "Board") to expeditiously grant a waiver of the requirement that "[T]o qualify for an exemption under §1180.2(d), a railroad must file a verified notice of the transaction with the Board at least 30 days before the transaction is consummated indicating the proposed consummation date." 49 C.F.R. §1180.4(g)(1). ISRR requests this waiver so that, if conditions permit, it can consummate operations under the trackage rights no later than March 29, 2012.

Concurrently with this waiver, ISRR is filing a Notice of Exemption pursuant to the class exemption at 49 C.F.R. §1180.2(d)(8) for overhead temporary trackage rights over the rail line of Norfolk Southern Railway Company ("NSR") between the track connection between ISRR and NSR at NSR MP 0.8 EJ at or near Oakland City Junction, IN and MP 4.8 EJ at or near Enosville, IN a distance of approximately four (4) miles. The temporary trackage rights will bridge loaded and empty coal trains between trackage at Log Creek Mine at Enosville, IN and ISRR' to the Indiana Power and Light Company generating station at Petersburg, IN in lieu of the current service being used by Log Creek Mine.

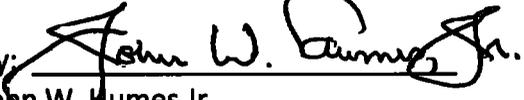
The owner of Log Creek Mine, Triad Mining Company, has asked ISRR to start operating under these temporary trackage rights as soon as possible.

In order to begin service as soon as possible, ISRR respectfully requests the Board expeditiously waive the 30 day advance notice requirement of 49 C.F.R.

§1180.4(g)(1), and permit ISRR to begin operations under the overhead temporary trackage rights with NSR no later than March 29, 2012.

Respectfully submitted,

**INDIANA SOUTHERN RAILROAD, LLC**

By:   
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Dated: March 8, 2012